

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE AND TDD (415) 904-5200



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January 26, 1996

TO: Coastal Commissioners and Interested Public

FROM: Peter M. Douglas, Executive Director  
James W. Burns, Chief Deputy Director  
Jeffrey Stump, Legislative Coordinator

SUBJECT: LEGISLATIVE REPORT FOR FEBRUARY 1996

CONTENTS:

This report is divided into two sections. Section I provides summaries and the status of bills that staff has identified as priority issues for the 1996 Legislative session. Section II provides summaries of priority bills that are no longer active. A copy of AB 2080 is attached.

Note: New legislation must be introduced by February 23, 1996.

This information can be accessed through the Commission's World Wide Web Homepage at <http://ceres.ca.gov/coastalcomm/web/>

Please contact Jeff Stump, Legislative Coordinator, at (916) 445-6067 with any questions on the material contained in this report.

## SECTION I. PRIORITY LEGISLATION

### AB 165 (Richter) Environmental quality: action or proceeding

This bill would prohibit a responsible agency or specified agency from maintaining an action or proceeding for noncompliance with the provisions of CEQA governing the preparation of an environmental impact report unless the responsible agency specified to the lead agency, within 30 days of receiving notice of the preparation of the EIR, the content of the environmental information that is germane to the statutory responsibilities of the responsible agency or specified public agency.

Introduced	01/19/95
Last Amend	01/16/96
Status	Assembly Appropriations Committee

### AB 678 (Woods) Restoration of Land; Disasters: CEQA Exemption

AB 678 would create a new exemption from "any environmental review" for repairs and restoration to land and any appurtenant structures in need of repairs due to any natural or manmade disaster or an emergency. The bill would provide that the land and structures may be restored to the state that they were in immediately prior to the disaster or emergency.

Introduced	02/21/95
Last Amend	None
Votes	Assembly Natural Resources - Passed (8-5)
Status	Assembly Appropriations Committee

### AB 2080 (McPherson) Public Beaches: Contamination: Warning Signs

AB 2080 would require, when a public beach has failed to meet bacteriological standards, that warning signs be visible from all beach access points.

Introduced	01/18/96
Last Amend	None
Status	Introduced

## SECTION II. INACTIVE LEGISLATION

### AB 450 (Hauser) Pollution

AB 450 would authorize a person to retain and maintain, or to proceed with the installation of certain new or replacement, structures treated with creosote that are in whole or in part in contact with the waters of the state if the structure was in existence on January 1, 1996, and if the application of creosote and the installation is made in a manner consistent with best management practices and is in compliance with the Safe Drinking Water and Toxic Enforcement Act of 1986.

Introduced	02/16/95
Last Amend	05/18/95
Status	Senate Natural Resources Committee

### AB 1119 (Kuykendall) Vessels: Oil Spills

Would amend the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act to require any disabled vessel to report to the United States Coast Guard within one hour of becoming disabled. The bill would also make several changes with regard to pilotage, regulation and control of anchoring, mooring, towing and docking of all vessels by harbor districts.

Introduced	02/23/95
Last Amend	04/24/95
Status	Inactive

**AB 1319 (Olberg) Private Property Rights Protection**

AB 1319 would require state agencies to evaluate proposed regulatory actions for compliance with the most recent decisions of the United States Supreme Court, the California Supreme Court, and other relevant judicial authority in order to ensure the appropriate protection of private property rights. The bill would require each state agency to take appropriate measures to assure that its actions affecting private property are properly supported by the administrative record, existing statutory and other legal authority, and comply fully with judicial authority.

Introduced                    002/23/95  
Last Amend                  None  
Status                        Inactive

**AB 1320 (Olberg) Real Property: Takings**

AB 1320 would require a state agency to certify that it has completed a private property taking impact analysis before commencing any regulatory action that could result in a taking or diminution of use or value of private property. The bill would create a cause of action against the state if any regulatory action infringes upon a right to real property that would otherwise exist and this infringement would result in a discrete and non-negligible reduction in the fair market value of the affected portion of the real property, and provides that a prevailing plaintiff shall be awarded reasonable litigation costs and that any award or judgment for the plaintiff shall be paid out of the budget of the agency or agencies undertaking the regulatory action.

Introduced                    02/23/95  
Last Amend                  None  
Status                        Inactive

**SB 466 (Leonard) Eminent Domain: Inverse Condemnation**

SB 466 would enable a property owner to bring an action for inverse condemnation if a public entity adopts or enacts a statute, ordinance, resolution, or other measure, or institutes any other official decision, action, policy, or practice, which results directly in the reduction of the market value by 25% or more. This bill would also provide that in such an action, the property owner shall carry the burden of proving the extent of the reduction in market value of the real property by the testimony of at least 3 certified real estate appraisers.

Introduced                    02/17/95  
Last Amend                  03/28/95  
Status                        Inactive

**SB 635 (Haynes) Property and Homeowner Protection Act**

SB 635, the Property and Homeowner Protection Act, would enact numerous provisions expanding the right of a landowner to receive compensation from agencies whose regulations decrease their property value, limit the authority of a public agency to regulate land use and establishes complex procedural steps that public agencies must follow when formulating or implementing policies that have takings implications.

Introduced                    02/22/95  
Last Amend                  None  
Status                        Inactive - Bill was withdrawn from committee by author.

**SB 1084 (Beverly) Oil Spills: Financial Responsibility**

SB 1084 would require the administrator for oil spill response to establish, no later than January 31, 1996, a standing committee to be known as the Marine Facilities Oil Spill Protection Committee. This bill would prohibit the administrator for oil spill response from requiring the marine facility to demonstrate the ability to pay an amount greater than \$10,500 per barrel of oil that could be released during a reasonable worst case oil spill, as defined, and would authorize the administrator to issue a certificate of financial responsibility to a marine facility based on an amount less than \$10,500 per barrel, based on acceptable evidence submitted by the applicant.

Introduced                    02/24/95  
Last Amend                  None  
Status                        Inactive

BILL NUMBER: AB 2080  
BILL TEXT

INTRODUCED 01/18/96

INTRODUCED BY Assembly Member McPherson

JANUARY 18, 1996

An act to amend Section 115915 of the Health and Safety Code,  
relating to public beaches.

#### LEGISLATIVE COUNSEL'S DIGEST

AB 2080, as introduced, McPherson. Public beaches: contamination: warning signs.

Existing law requires a county public health officer, after determining that the failure of a public beach to meet bacteriological standards constitutes a public health hazard, to post the beach with conspicuous warning signs.

This bill would require the signs to be visible from all beach access points. The bill would impose a state-mandated local program by requiring the county public health officer to perform additional duties.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

#### SECTION 1. The Legislature finds and declares all of the following:

(a) Eighty-five times in 1994 beaches along the California coastline were closed due to contamination. This represents 1,605 days beaches were closed to the public.

(b) California beaches were posted with warnings of contaminated water 1,447 days in 1995.

(c) California is committed to ensuring that steps are taken to reduce the number of days beaches are closed to contamination.

(d) Until such time we can guarantee the cleanliness of our coastal waters, it is imperative that the public be fully and adequately informed of the possible risks of entering contaminated waters.

(e) There exist many points of access where adequate warnings in the past have not been posted to provide adequate warning to the public.

(f) To increase public awareness of the safety levels at California beaches and to ensure the fullest protection of the public from the dangers associated with contaminated coastal waters, it is essential that managers of beaches post signs that are visible from all access points.

SEC. 2. Section 115915 of the Health and Safety Code is amended to read:

115915. Whenever any beach fails to meet the bacteriological standards of Section 7958 of Title 17 of the California Code of Regulations, the health officer, after determining that the cause of the elevated bacteriological levels constitutes a public health hazard, shall, at a minimum, post the beach with conspicuous warning signs to inform the public of the nature of the problem and the possibility of risk to public health. *The signs shall be visible from all beach access points.*

SEC. 3. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.