

## CALIFORNIA COASTAL COMMISSION

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May 23, 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 JUNE 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 bills which staff has identified as coastal related, or possibly affecting the Commission and the coastal program.

Note: This information may also be found at 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 2130 (McPherson) California State Mussel Watch Program

AB 2130 would require the State Water Resources Control Board, in conjunction with the Department of Fish and Game, to continue to implement a long-term coastal monitoring program known as the California State Mussel Watch Program.

Introduced 02/5/96  
Last Amend 05/13/96  
Status Passed Assembly Water Parks and Wildlife Committee (10-1)  
Passed Assembly Appropriations Committee

### AB 2291 (Knox) Real Property

AB 2291 would require the State Board of Control to allow a claim for reasonable attorney's fees incurred by an owner of any interest in real property or a public entity in a specified civil action in which the owner or public entity gives permission to the public to enter or use the property for purposes of recreational trail use, the owner or public entity was a defendant in this civil action, and the court has dismissed the civil action upon a demurrer or motion for summary judgment made by this owner or public entity or the owner or public entity prevails in the civil action.

Position **SUPPORT**  
Introduced 02/14/96  
Last Amend 03/28/96  
Status Passed Assembly Judiciary Committee (Consent 15-0)  
Passed Assembly Appropriations Committee (15-0)

### AB 2445 (McPherson) Coastal Development Permit Fees: Coastal Access Grants

AB 2445 would require that coastal development permit fees collected by the Commission be deposited in the coastal access account, which would be created in the State Coastal Conservancy Fund, for grants to public agencies and nonprofit entities or organizations for the development, maintenance and operation of new and existing facilities that provide public access to the sea. Any funds not expended for those purposes would revert to this account.

Position **SUPPORT**  
Introduced 02/20/96  
Last Amend 05/13/96  
Status Passed Assembly Natural Resources Committee (9-0)  
Passed Assembly Appropriations Committee

### AB 2659 (Kaloogian) State Coastal Conservancy: Mitigation Fees: City of Carlsbad

AB 2659 would authorize the State Coastal Conservancy to establish a special account in the State Coastal Conservancy Fund for the deposit of mitigation fees. The bill would specify that any interest accruing on the money in the special account is required to be expended in accordance with those specified purposes and priorities.

Introduced 02/21/96  
Last Amend None  
Status Passed Assembly Natural Resources Committee (14-0)  
Assembly Appropriations Committee - Referred to suspense file.

### AB 2683 (Kaloogian) Mitigation Fees: Local Coastal Program: City of Carlsbad

AB 2683 would specify that mitigation fees collected for development on nonprime agricultural lands in the coastal zone in the City of Carlsbad and deposited in the State Coastal Conservancy Fund may be used for the purposes of enhancing the use of natural resources within the Coastal Zone in the City of Carlsbad.

Introduced 02/22/96  
Last Amend 04/18/96  
Status Passed Assembly Natural Resources Committee (14-0)  
Assembly Appropriations Committee - Passed (21-0)

AB 2684 (Kaloogian) State Regulatory Agencies Created By Statute: Abolition and Review

AB 2684 would abolish all state regulatory agencies adopted by statute in existence on January 1, 1997, in accordance with the following schedule: all regulatory agencies within the Business, Transportation and Housing Agency, June 30, 1999; all regulatory agencies within the Resources Agency, June 30, 2000; all regulatory agencies within the Health and Welfare Agency, June 30, 2001; all regulatory agencies within the State and Consumer Services Agency, June 30, 2002; and all other regulatory agencies, June 30, 2003. This bill would authorize the Governor to submit to the Legislature a reorganization plan pursuant to specified procedures, providing for the orderly transfer of those functions, powers, and duties as determined by the Governor to be essential to the public health, safety, or welfare from an agency to a successor agency designated by the Governor.

Introduced 02/22/96  
Last Amend None  
Status Failed to pass Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee (Reconsideration granted)

AB 2963 (Firestone) Environmental Quality

AB 2963 would exempt specified highway projects from the California Environmental Quality Act (CEQA) and other environmental permitting requirements when the project pertains to performing emergency work, disaster repairs, and non-scenic highway maintenance. Specifically, the bill would exempt projects undertaken to maintain, repair, or restore an existing highway damaged by natural causes from the requirements of CEQA and from obtaining permit approvals from the Coastal Commission, the San Francisco Bay Conservation and Development Commission, the Department of Fish and Game, regional water quality control boards and from obtaining comments from the State Historic Preservation Officer.

Introduced 02/23/96  
Last Amend None  
Status Passed Assembly  
Referred to Senate Natural Resources and Wildlife and Governmental Organization Committees

AB 3044 (Olberg) Interagency Natural Resources Coordination Committee

AB 3044 would create the Interagency Natural Resources Committee consisting of the administrator for oil spill response, the Secretary for Environmental Protection, the Secretary of the Resources Agency, the Executive Director of the Coastal Commission, the Executive Director of the State Lands Commission, the Chair of the Water Resources Control Board, the State Fire Marshal and "state trustees" designated by the Governor. A responsible party, as defined by the bill, may request the committee to designate an administering agency to oversee and supervise implementation of a repair and maintenance project, or in conjunction with an oil spill, to supervise and coordinate any site investigation or restoration action. In the case of an oil spill, the administering agency would be the administrator for oil spill response.

Introduced 02/23/96  
Last Amend 04/23/96  
Status Passed Assembly Natural Resources Committee (10-4)  
In Assembly Appropriations Committee

AB 3081 (Olberg) Real Property: Takings

AB 3081 would establish the California Real Property Rights Act and would provide legislative intent to reaffirm the right of Californians to own property, as well as ensure that just compensation is paid to those property owners who have had their property taken by government action.

Introduced 02/23/96  
Last Amend None  
Status Referred to Assembly Local Government Committee

AB 3431 (Bowen) Geographic Information Systems

AB 3431 would establish a geographic information grant program within the Department of Information Technology for the development and maintenance of framework data bases for geographic information systems. It would establish the Geographic Information Grant Fund in the State Treasury for the purpose of funding the grant program, and specify that a portion of the excess moneys in the Energy Resources Surcharge Fund be deposited in this fund.

Introduced 02/23/96  
Last Amend 04/08/96  
Status Passed Assembly Committee on Consumer Protection, Governmental Efficiency and Economic Development Committee (5-2)  
Passed Assembly Committee on Revenue and Taxation (7-0)  
Passed Assembly Appropriations Committee

AB 3469 (Assembly Natural Resources Committee) California Coastal Commission : Review of Permit Regulations

AB 3469 would require the Commission, no later than July 1, 1997, to review its regulations and procedures and determine what revisions are necessary and appropriate to simplify and expedite the review of any matter that is before the Commission. This bill would require the Commission to implement any such revisions no later than August 29, 1997. On or after January 1, 1998, the Commission would be required to conduct such reviews and implement appropriate revisions biannually.

Introduced 02/29/96  
Last Amend None  
Status Not heard in Assembly Natural Resources Committee

SB 39 (Thompson) South Spit of Humboldt Bay: Acquisition

SB 39 would authorize the Wildlife Conservation Board and the State Coastal Conservancy to use funds available to them for the purposes of acquiring the South Spit of Humboldt Bay. The bill would also require the Conservancy to prepare a management plan for the South Spit area and to submit the plan to the Legislature on or before June 30, 1997.

Introduced 12/15/94  
Last Amend 04/08/96  
Status Referred to Senate Appropriations Committee

SB 1615 (Craven) Beach Replenishment

SB 1615 would appropriate \$3,300,000 from the Harbors and Watercraft Revolving Fund to the Department of Boating and Waterways for the 1996-97 fiscal year for a grant to the San Diego Association of Governments to pay for costs of beach replenishment associated with the United States Navy Aircraft Carrier Homeporting Project in San Diego Harbor.

Introduced 02/20/96  
Last Amend 04/09/96  
Status Referred to Senate Natural Resources and Wildlife Committee

SB 1637 (Johnson) Coastal Zone Boundary: City of Newport Beach

SB 1637 would revise the boundary of the coastal zone, as determined according to specified maps, to exclude coastal lands (approximately 945 acres in 22 parcels) within the City of Newport Beach.

Introduced 01/25/96  
Last Amend None  
Status Withdrawn from Senate Natural Resources and Wildlife Committee



AB 2099 (Miller) Environmental Impact Reports

AB 2099 would make several changes to the California Environmental Quality Act with regards to environmental impact reports (EIR). Specifically, the bill would: (1) require an EIR to set forth three alternatives to a proposed project; (2) authorize previously prepared documents to be used in cumulative impact analysis in an EIR; (3) prohibit the consideration of economic and social factors in an EIR; (4) require a public agency to only consider comments that are germane to the specific project; (5) require environmental documents to be prepared by a project applicant, or its agent; (6) prohibit a court from invalidating the certification of an environmental impact report by a public agency, and allow a court to order the voiding of only those portions of an EIR that do not conform to CEQA; (7) allow a public agency to correct those non-conforming portions of the EIR and to re-certify the report as corrected.

Introduced 01/25/96  
Last Amend 04/10/96  
Status Passed Assembly Natural Resources Committee (9-3)  
Passed Assembly Appropriations Committee (12-9)

AB 2152 (Mazzoni) Shellfish

AB 2152 would require the Department of Health Services to adopt regulations necessary to carry out certain provisions relating to the sanitary control of shellfish and requires those regulations to prescribe standards that are at least as stringent as those that are adopted in connection with the National Shellfish Sanitation program.

Introduced 02/06/96  
Last Amend None  
Status Referred to Assembly Water Parks and Wildlife and Natural Resources Committees

AB 2485 (Firestone) Coastal Resources: City of Santa Barbara: Wilcox Property

AB 2485 would make legislative findings and declarations pertaining to the importance of protecting the coastal Wilcox property in the City of Santa Barbara due to its environmental values and would state the Legislature's intent that all appropriate public agencies cooperate with each other and provide assistance to each other with regard to efforts to protect the property.

Introduced 02/21/96  
Last Amend None  
Status Introduced

AB 2503 (Ackerman) State Civil Service: Career Executive Assignment

AB 2503 would remove the requirement that persons eligible to be appointed to career executive assignment positions have permanent status in civil service, and would permit the State Personnel Board, to authorize open examinations for career executive assignment positions.

Introduced 02/21/96  
Last Amend None  
Status Passed Assembly Public Employees, Retirement and Social Security Committee (4-1)  
Passed Assembly Appropriations Committee (12-8)

AB 2519 (Kaloogian) State Civil Service: Classification

AB 2519 would provide that allocation of a position to a civil service class shall be based on the principle that all positions meet the definition of a class shall be included in the same class. The bill would also authorize the State Personnel Board to establish "broadband" classes of employees for which the same general title may be used to designate each position allocated to the class and which may include more than one level or more than one specialty area within the same general field of work, and to determine the minimum qualifications for these classes.

Introduced 02/21/96  
Last Amend None  
Status Passed Assembly Public Employees, Retirement and Social Security Committee (4-1)  
Passed Assembly Appropriations Committee (12-6)

AB 2620 (Morrissey) Storm Water Discharges

AB 2620 would prohibit the State Water Resources Control Board and the Regional Water Quality Control Boards from prescribing or enforcing waste discharge requirements relating to storm water discharges that are more stringent than federal requirements under the Clean Water Act.

Introduced 02/21/96  
Last Amend 04/18/96  
Status Passed Assembly Water Parks and Wildlife (8-3)  
Referred to Assembly Appropriations Committee

AB 3428 (Katz) Tidelands and Submerged Lands: Costs of Services

AB 3428 would require the governing body of any agency responsible for the administration of tidelands and submerged lands subject to the public trust to determine, in good faith, the necessary direct and indirect costs of providing security and other services to the trust lands and permitted developments and activities on the trust lands and to seek full reimbursement of those costs from those persons who have benefited from the services.

Introduced 02/23/96  
Last Amend None  
Status Referred to Assembly Water Parks and Wildlife

SB 1542 (Peace) San Diego Unified Port District

SB 1542 would make technical, non-substantive changes in the law governing the San Diego Port District.

Introduced 02/14/96  
Last Amend 04/30/96  
Status Referred to Senate Local Government Committee

SB 1635 (Maddy) Water Quality: Storm Water Discharges: Retail Gas

SB 1635 would prescribe certain best management practices to be undertaken by retail gasoline establishments for the purpose of minimizing or eliminating the discharge of pollutants into storm water drains and would impose certain additional requirements on retail gasoline establishments that are, commencing on or after January 1, 1997, constructed or remodeled. The bill would exempt those establishments that comply with these requirements from any storm water or other discharge requirements that may be prescribed by local, regional or state entities.

Introduced 02/20/96  
Last Amend 04/08/96  
Status Referred to Senate Health and Human Services Committee  
Hearing cancelled by author.

SB 1748 (Committee on Housing and Land Use) Housing and Land Use Omnibus Act of 1996

SB 1748 would enact the Housing and Land Use Omnibus Act of 1996. The bill would state legislative intent to combine several minor statutory changes relating to housing, land use and related topics into a single measure, and would make related findings and declarations.

Introduced 02/22/96  
Last Amend 05/06/96  
Status Referred to Assembly Housing and Community Development Committee

SB 1803 (Ayala and Kopp) Open Meetings

SB 1803 would make various changes to the Bagley-Keene Open Meeting Act, which requires that the meetings of state bodies be conducted openly.

Introduced 02/22/96  
Last Amend 04/08/96  
Status Referred to Senate Governmental Organization