

CALIFORNIA COASTAL COMMISSION

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July 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 AUGUST 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/leginfo/legindex.html>

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 1332 (Knox and Sweeney) Environmental Quality: State Boards and Commissions: Eligibility

AB 1332 would prohibit a person from being able to serve on the California Coastal Commission, the Fish and Game Commission, the San Francisco Bay Conservation and Development Commission or the State Board of Forestry if that person has been the subject of an enforcement action for a violation of the provisions of law for which the person would be responsible as a board or commission member, and the enforcement action had specified results.

Introduced 02/23/95
Last Amend 07/02/96
Status Passed Senate Natural Resources and Wildlife Committee (7-4)
Referred to Senate Rules Committee

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. This bill would appropriate \$300,000 to the program from the Coastal Conservancy's Access Fund as created by AB 2445 (McPherson).

Introduced 02/5/96
Last Amend 07/01/96
Status Passed Assembly (73-0)
Passed Senate Natural Resources and Wildlife Committee (10-0)
Referred to Senate 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. AB 2291 was amended to limit individual claims to \$25,000 and total claims per year to \$100,000.

Position **SUPPORT**
Introduced 02/14/96
Last Amend 07/09/96
Status Passed Assembly (71-0)
Passed Senate Judiciary Committee (9-0)
Referred to Senate Appropriations Committee

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. This bill would result in approximately \$350,000 being appropriated to public access grants in fiscal year 96-97.

Position **SUPPORT**
Introduced 02/20/96
Last Amend 05/13/96
Status Passed Assembly (73-0)
Passed Senate Natural Resources and Wildlife Committee (9-0)
Referred to Senate Budget and Fiscal Review 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 would be retained for use on Conservancy projects.

Introduced 02/21/96
Last Amend None
Status Passed Assembly (57-8)
Passed Senate Natural Resources and Wildlife Committee (10-0)
Passed Senate Appropriations Committee (11-0)

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. The bill would also designate "open field cultivated agriculture" as an appropriate use of mitigation fees and requires that all mitigation fees collected for the Carlsbad Ranch project be expended for a Carlsbad Flower Fields Foundation program of field cultivated floriculture.

Introduced 02/22/96
Last Amend 06/18/96
Status Passed Assembly (73-0)
Passed Senate Natural Resources and Wildlife Committee (9-0)
Passed Senate (38-0)
In Assembly for concurrence with Senate amendments

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 and Regional Water Quality Control Boards.

Introduced 02/23/96
Last Amend None
Status Passed Assembly
Passed Senate Governmental Organization Committee (10-1)
Passed Senate Natural Resources and Wildlife Committee (7-2)

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. Any owner, lessee or operator of a commercial or industrial facility may request that the Committee designate a consolidated permit agency for the issuance of all permits required for a repair and maintenance project for such facilities. In the case of an oil spill, this bill would designate the administrator for oil spill response as an administering agency for purposes of supervising and coordinating any site investigation or restoration action.

Introduced 02/23/96
Last Amend 06/13/96
Status Passed Assembly (71-0)
Passed Senate Governmental Organization Committee (6-0)
Passed Senate Natural Resources and Wildlife Committee (10-0)

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 04/25/96
Status Assembly Appropriations - Referred to suspense file

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 allow the Conservancy, in consultation with the Department of Parks and Recreation, the Attorney General, the State Lands Commission and Humboldt County, 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 06/04/96
Status Passed Assembly Water, Parks and Wildlife Committee (13-0)

SECTION II. COASTAL RELATED LEGISLATION

AB 771 (Aguiar) Subdivisions: Tentative Maps: Extensions

AB 771 would extend for 24 months the expiration date for all tentative and vesting tentative maps that have not expired on the date the bill becomes effective. The bill would also extend for a similar period all approvals by local and state agencies that pertain to development projects included in such maps. (Urgency)

Introduced 02/22/95
Last Amend 03/07/96
Status Chapter 46, Statutes of 1996

AB 795 (Goldsmith) Environmental Quality: Natural Community Conservation Plan

AB 795 would provide that, if a local agency has adopted a natural community conservation plan, and the plan has been approved by the Department of Fish and Game, further analysis shall not be required for purposes of compliance with the California Environmental Quality Act, with regard to potential impacts of the proposed project on wildlife and their habitat.

Introduced 02/22/95
Last Amend 05/13/96
Status Referred to Senate Natural Resources and Wildlife 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 06/17/96
Status Passed Assembly (77-0)
Passed Senate Local Government Committee (9-0)
Senate Appropriations Committee - Referred to suspense file.

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 Failed to Pass Assembly (36-37)

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 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 Assembly Third Reading

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 meeting 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 (77-0)
Referred to Senate Natural Resources and Wildlife 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 numerous changes to the operations of the San Diego Unified Port District including allowing the modification of the port master plan with a majority vote of the governing body, instead of the 2/3 vote currently required.

Introduced 02/14/96
Last Amend 05/14/96
Status Passed Senate (37-0)
 Passed Assembly (76-0)

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 canceled by author.

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 Passed Senate (37-0)
 Passed Assembly Governmental Organization Committee (9-0)
 Referred to Assembly Appropriations Committee