

CALIFORNIA COASTAL COMMISSION

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August 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 SEPTEMBER 1996

CONTENTS:

This report is divided into three 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. **Section III** provides copies of AB 1332, AB 2291, AB 2445, AB 2683, and SB 39.

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 any person who as of January 1, 1997, is a member of the California Coastal Commission or the San Francisco Bay Conservation and Development Commission, or any future appointee of those commissions from serving on those commissions 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 commission member, and the enforcement action resulted in certain court imposed actions.

Introduced	02/23/95
Last Amend	07/02/96
Status	Passed Senate Natural Resources and Wildlife Committee (7-4) Passed Senate Rules Committee (3-1) On Senate Floor

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) Senate Appropriations Committee - Referred to Suspense File

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) Passed Senate Appropriations Committee (12-0) Senate Floor (Proposed Consent)

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) Senate Appropriations Committee - Referred to Suspense File

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 (39-0)

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	Ordered returned from Governor. Action rescinded whereby the Assembly concurred in Senate amendments and whereby the bill was enrolled. Ordered returned to Senate.

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	8/21/96
Status	Passed Assembly Passed Senate Governmental Organization Committee (10-1) Passed Senate Natural Resources and Wildlife Committee (7-2) Senate Floor

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	07/03/96
Status	Passed Assembly (71-0) Passed Senate Governmental Organization Committee (6-0) Passed Senate Natural Resources and Wildlife Committee (10-0) Senate Appropriations Committee - Referred to Suspense File

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 Committee - 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 08/05/96
Status Passed Assembly Water, Parks and Wildlife Committee (13-0)
 Passed Assembly Appropriations Committee (18-0)
 Assembly Floor

SECTION II. COASTAL RELATED LEGISLATION

AB 771 (Aguilar) 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 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 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 Inactive File

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	Failed to pass Assembly

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	Enrolled, to Governor

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	08/20/96
Status	Passed Senate (37-0) Passed Assembly Governmental Organization Committee (9-0) Passed Assembly Appropriations Committee (14-5) Assembly Third Reading

BILL NUMBER: AB 2445
BILL TEXT

AMENDED 05/13/96

AMENDED IN ASSEMBLY MAY 13, 1996
AMENDED IN ASSEMBLY MAY 6, 1996
AMENDED IN ASSEMBLY APRIL 22, 1996

INTRODUCED BY Assembly Members McPherson and Mazzoni (Coauthors: Assembly Members Alpert, Bowen, Cunneen, and Davis) (Coauthor: Senator Watson)

FEBRUARY 20, 1996

An act to amend Section 30620 of, and to add Section 31400.1.5 to, the Public Resources Code, and to add Section 13177.1 to the Water Code, relating to coastal resources, and making an appropriation therefor, *the Public Resources Code, relating to coastal resources.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2445, as amended, McPherson. Coastal resources: coastal access: California State Mussel Watch Program: *funding-development permit fees: coastal access grants.*

(1) Existing law, the California Coastal Act of 1976, authorizes the California Coastal Commission to require a reasonable filing fee and the reimbursement of expenses for the processing by the commission of any application for a coastal development permit, as specified.

Existing law vests authority in the State Coastal Conservancy to provide for coastal access.

This bill would require that coastal development permit fees collected by the commission be deposited in the Coastal Access Account, which the bill would create in the State Coastal Conservancy Fund. The money in the account would be available, upon appropriation by the Legislature in the annual Budget Act, to the State Coastal Conservancy for grants to public agencies and private nonprofit entities or organizations for the development, maintenance, and operation of new and existing facilities that provide public access to the shoreline of the sea, as defined. The bill would require any grant funds not expended for those purposes to revert to the account.

(2) Under existing law, the Porter-Cologne Water Quality Control Act, the State Water Resources Control Board is responsible for the coordination and control of water quality, including coastal waters. Pursuant to that responsibility, the state board has established a long-term coastal monitoring program known as the California State Mussel Watch Program. AB 2130 would describe the program and provide for implementation of the program by the state board in conjunction with the Department of Fish and Game.

This bill would, contingent on enactment of AB 2130, as specified, beginning with the 1996-97 fiscal year, and until termination of the California State Mussel Watch Program, continuously appropriate \$300,000 each fiscal year from the fund to the state board to be used to fund program staff and costs, as specified. Any funds not expended or encumbered for purposes of administration and implementation of the program within the fiscal year for which those funds were appropriated would be required to be transferred to the conservancy for deposit in the account and would be continuously appropriated to the conservancy for the award of coastal access grants.

If AB 2130 is not enacted, or, as enacted, does not add specified provisions to provide for implementation of the program, the bill would instead continuously appropriate \$300,000 each fiscal year, beginning with the 1996-97 fiscal year, from the fund to the conservancy for the award of coastal access grants.

Vote: 2/3 majority. Appropriation: yes-no. Fiscal committee: yes. State-mandated local program: no.

SECTION 1. Section 30620 of the Public Resources Code is amended to read:

30620. (a) By January 30, 1977, the commission shall, consistent with this chapter, prepare interim procedures for the submission, review, and appeal of coastal development permit applications and of claims of exemption. These procedures shall include, but are not limited to, the following:

(1) Application and appeal forms.

(2) Reasonable provisions for notification to the commission and other interested persons of any action taken by a local government pursuant to this chapter, in sufficient detail to ensure that a preliminary review of that action for conformity with this chapter can be made.

(3) Interpretive guidelines designed to assist local governments, the commission, and persons subject to this chapter in determining how the policies of this division shall be applied in the coastal zone prior to the certification of local coastal programs. However, the guidelines shall not supersede, enlarge, or diminish the powers or authority of the commission or any other public agency.

(b) Not later than May 1, 1977, the commission shall, after public hearing, adopt permanent procedures that include the components specified in subdivision (a) and shall transmit a copy of those procedures to each local government within the coastal zone and make them readily available to the public. The commission may thereafter, from time to time, and, except in cases of emergency, after public hearing, modify or adopt additional procedures or guidelines that the commission determines to be necessary to better carry out this division.

(c) (1) The commission may require a reasonable filing fee and the reimbursement of expenses for the processing by the commission of any application for a coastal development permit under this division and, except for local coastal program submittals, for any other filing, including, but not limited to, a request for revocation, categorical exclusion, or boundary adjustment, submitted for review by the commission.

(2) Any coastal development permit fees collected by the commission under paragraph (1) shall be deposited in the Coastal Access Account, which is hereby created in the State Coastal Conservancy Fund. The money in the account shall be available, upon appropriation by the Legislature in the annual Budget Act, to the State Coastal Conservancy for grants to public agencies and private nonprofit entities or organizations for the development, maintenance, and operation of new and existing facilities that provide public access to the shoreline of the sea, as defined in Section 30115. Any grant funds that are not expended for those purposes shall revert to the account. Nothing in this paragraph authorizes an increase in fees or creates any new authority on the part of the commission.

(d) With respect to any appeal of an action taken by a local government pursuant to Section 30602 or 30603, the executive director shall, within five working days of receipt of an appeal from any person other than members of the commission or any public agency, determine whether the appeal is patently frivolous. If the executive director determines that an appeal is patently frivolous, the appeal shall not be filed unless a filing fee in the amount of three hundred dollars (\$300) is deposited with the commission within five working days of the receipt of the executive director's determination. If the commission subsequently finds that the appeal raises a substantial issue, the filing fee shall be refunded.

~~SEC. 2. Section 31400.1.5 is added to the Public Resources Code, to read:~~

~~31400.1.5. Notwithstanding Section 13340 of the Government Code, the sum of three hundred thousand dollars (\$300,000) is hereby continuously appropriated each fiscal year, beginning with the 1996-97 fiscal year, from the State Coastal Conservancy Fund to the conservancy for coastal access grants awarded pursuant to Section 31400.1.~~

~~SEC. 3. Section 13177.1 is added to the Water Code, to read:~~

~~13177.1. (a) Notwithstanding Section 13340 of the Government Code, the sum of three hundred thousand dollars (\$300,000) is hereby continuously appropriated each fiscal year, beginning with the 1996-97 fiscal year, and until termination of the California State Mussel Watch Program, from the State Coastal Conservancy Fund to the state board to fund the equivalent of four full-time staff persons who shall be responsible for administration of the California State Mussel Watch Program, and to cover costs associated with implementation of the program.~~

~~(b) The state board shall not expend any of the funds appropriated pursuant to subdivision (a) for administrative or overhead costs that are not related to implementation of the California State Mussel Watch Program.~~

~~(c) Any funds appropriated pursuant to subdivision (a), that are not expended or encumbered by the state board for purposes of administration and implementation of the California State Mussel Watch Program within the fiscal year for which those funds were appropriated, shall be transferred to the State Coastal~~

Conservancy for deposit in the Coastal Access Account in the State Coastal Conservancy Fund, and, notwithstanding Section 13340 of the Government Code, are continuously appropriated to the State Coastal Conservancy for coastal access grants awarded pursuant to Section 31400.1 of the Public Resources Code.

~~SEC. 4. Section 2 of this act shall become operative only if Assembly Bill 2130 is not enacted, or, as enacted, does not add Section 13177 to the Water Code to provide for implementation of the California State Mussel Water Program, in which case, Section 3 of this act shall not become operative.~~

BILL NUMBER: AB 2291
BILL TEXT

AMENDED 03/28/96

AMENDED IN ASSEMBLY MARCH 28, 1996

INTRODUCED BY Assembly Member Knox

FEBRUARY 14, 1996

An act to add Section 846.1 to the Civil Code, relating to real property.

LEGISLATIVE COUNSEL'S DIGEST

AB 2291, as amended, Knox. Real property.

Existing law provides that an owner or any estate or any other interest in real property owes no duty of care to keep the premises safe for entry or use by others for any recreational purpose, as defined, or to give any prescribed warning, except as specified.

Existing law provides that a public entity, as defined, is not liable to any person who participates in a hazardous recreational activity, as defined, for any damage or injury to property or persons arising out of that hazardous recreational activity.

This bill 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 if the owner ~~or public entity~~ gives permission to the public to enter or use the property ~~for recreational purposes pursuant to a specified agreement or if a public entity gives permission to the public to enter or use the property for recreational purposes~~, the owner or this 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

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

SECTION 1. Section 846.1 is added to the Civil Code, to read:

846.1. (a) An owner of any estate or interest in real property, whether possessory or nonpossessory, who gives permission to the public for entry on or use of the ~~real property for a recreational purpose, as defined in Section 846~~ **real property pursuant to an agreement with a public or nonprofit agency for purposes of recreational trail use**, and is a defendant in a civil action brought by, or on behalf of, a person who is allegedly injured or allegedly suffers damages on the real property, may present a claim to the State Board of Control for reasonable attorney's fees incurred in this civil action if the court has dismissed the civil action upon a demurrer or motion for summary judgment made by the owner or if the owner prevails in the civil action.

(b) A public entity, as defined in Section 831.5 of the Government Code, that gives permission to the public for entry on or use of real property for a recreational purpose, as defined in Section 846, and is a defendant in a civil action brought by, or on behalf of, a person who is allegedly injured or allegedly suffers damages on the real property, may present a claim to the State Board

of Control for reasonable attorney's fees incurred in this civil action if the court has dismissed the civil action upon a demurrer or motion for summary judgment made by this public entity or if the public entity prevails in the civil action.

(c) The State Board of Control shall allow the claim if the requirements of this section are met. The claim shall be paid from an appropriation to be made for that purpose. Reasonable attorneys' fees, for purposes of this section, may not exceed an hourly rate greater than the rate charged by the Attorney General at the time the award is made, and may not exceed an aggregate amount of fifty thousand dollars (\$50,000). This subdivision shall not apply if a public entity has provided for the defense of this civil action pursuant to Section 995 of the Government Code.

BILL NUMBER: AB 1332
BILL TEXT

AMENDED 08/08/96

AMENDED IN SENATE AUGUST 8, 1996
AMENDED IN SENATE JULY 2, 1996
AMENDED IN SENATE JUNE 12, 1996
AMENDED IN SENATE JULY 17, 1995
AMENDED IN SENATE JUNE 28, 1995
AMENDED IN ASSEMBLY APRIL 25, 1995

INTRODUCED BY Assembly Members Knox and Sweeney
(Coauthors: Assembly Members Bowen and Kuehl) (Coauthor: Senator Hayden)

FEBRUARY 23, 1995

An act to add Section 20 to the Public Resources Code, relating to ~~environmental quality~~ *coastal resources*.

LEGISLATIVE COUNSEL'S DIGEST

AB 1332, as amended, Knox. ~~Environmental quality: state boards and commissions~~ *Coastal resources: commissions: membership*: eligibility.

Existing law provides that, in making appointments to state boards and commissions, the Governor and every other appointing authority shall be responsible for nominating a variety of persons of different backgrounds, abilities, interests, and opinions in compliance with the policy of the state that the composition of state boards and commissions be broadly reflective of the general public, *the California Coastal Act of 1976, establishes the California Coastal Commission and the so-called McAteer-Petris Act establishes the San Francisco Bay Conservation and Development Commission. The members of those commissions are appointed, as prescribed.*

This bill would prohibit a person from being eligible to serve on a state ~~board or regulatory~~ commission, defined as ~~meaning specified state boards and commissions~~ *the California Coastal Commission or the San Francisco Bay Conservation and Development Commission*, if that person has been the subject of an enforcement action, *as described*, for a violation of the provisions of law for which the person would be responsible as a ~~state board or commission member~~, and the enforcement action had specified results.

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

SECTION 1. Section 20 is added to the Public Resources Code, to read:

20. (a) As used in this section, "~~state board or regulatory~~ commission" means ~~any~~ *either* of the following:

- (1) The California Coastal Commission.
- ~~—(2) The Fish and Game Commission.~~
- ~~—(3)~~
- (2) The San Francisco Bay Conservation and Development Commission.
- ~~—(4) The State Board of Forestry.~~

(b) *This section shall apply to any person who, as of January 1, 1997, is a member of a state regulatory commission and to any future appointee to a state regulatory commission.*

(c) No person shall be eligible to serve on a state ~~board or regulatory~~ commission 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 ~~state board or regulatory~~ commission member, and the enforcement action resulted in any of the following:

- ~~—(1) A violation of a stop work order.~~
- ~~—(2) A temporary restraining order.~~
- ~~—(3) A preliminary injunction.~~
- ~~—(4) A permanent injunction.~~
- ~~—(5) A cease and desist order.~~
- ~~—(6) The payment of a fine.~~
- ~~—(7) The payment of exemplary damages.~~
- ~~—(8) A requirement that the person take remedial action to restore or replace an area that was the subject of a violation or otherwise mitigate the violation.~~
- ~~—(9) A final court order determining that the person had violated a provision of law for which the person would be responsible as a state board or commission member.~~

- (1) A temporary restraining order.*
- (2) A preliminary injunction.*
- (3) A permanent injunction.*
- (4) The payment of a court-imposed civil or criminal fine or penalty.*
- (5) A final judgment pursuant to stipulation in which the court found in favor of the state regulatory commission and against the person.*
- (6) A final court judgment determining that the person has violated a provision of law for which the person would be responsible as a state regulatory commission member.*
- (d) This section shall not apply to a person who was or is the subject of an enforcement action, as described in subdivision (b), if there is a subsequent finding by a court that the alleged violation was not established.*

BILL NUMBER: AB 1332
BILL TEXT

AMENDED 08/08/96

AMENDED IN SENATE AUGUST 8, 1996
AMENDED IN SENATE JULY 2, 1996
AMENDED IN SENATE JUNE 12, 1996
AMENDED IN SENATE JULY 17, 1995
AMENDED IN SENATE JUNE 28, 1995
AMENDED IN ASSEMBLY APRIL 25, 1995

INTRODUCED BY Assembly Members Knox and Sweeney
(Coauthors: Assembly Members Bowen and Kuehl) (Coauthor: Senator Hayden)

FEBRUARY 23, 1995

An act to add Section 20 to the Public Resources Code, relating to ~~environmental quality-coastal~~
~~resources~~ .

LEGISLATIVE COUNSEL'S DIGEST

AB 1332, as amended, Knox. ~~Environmental quality-state boards and commissions-Coastal resources:~~
~~commissions: membership:~~ eligibility.

Existing law provides that, in making appointments to state boards and commissions, the Governor and every other appointing authority shall be responsible for nominating a variety of persons of different backgrounds, abilities, interests, and opinions in compliance with the policy of the state that the composition of state boards and commissions be broadly reflective of the general public, *the California Coastal Act of 1976, establishes the California Coastal Commission and the so-called McAteer-Petris Act establishes the San Francisco Bay Conservation and Development Commission. The members of those commissions are appointed, as prescribed.*

This bill would prohibit a person from being eligible to serve on a state board ~~or regulatory~~ commission, defined as ~~meaning specified state boards and commissions- the California Coastal Commission or the San Francisco Bay Conservation and Development Commission~~, if that person has been the subject of an enforcement action, *as described*, for a violation of the provisions of law for which the person would be responsible as a state board or commission member, ~~and the enforcement action had specified results.~~

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

SECTION 1. Section 20 is added to the Public Resources Code, to read:

20. (a) As used in this section, "state board ~~or regulatory~~ commission" means ~~any either~~ of the following:

- (1) The California Coastal Commission.
- ~~(2) The Fish and Game Commission.~~
- ~~(3)~~
- (2) The San Francisco Bay Conservation and Development Commission.
- ~~(4) The State Board of Forestry.~~

(b) *This section shall apply to any person who, as of January 1, 1997, is a member of a state regulatory commission and to any future appointee to a state regulatory commission.*

(c) No person shall be eligible to serve on a state board ~~or regulatory~~ commission 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 state board ~~or regulatory~~ commission member, and the enforcement action resulted in any of the following:

- ~~(1) A violation of a stop work order.~~
- ~~(2) A temporary restraining order.~~
- ~~(3) A preliminary injunction.~~
- ~~(4) A permanent injunction.~~
- ~~(5) A cease and desist order.~~
- ~~(6) The payment of a fine.~~
- ~~(7) The payment of exemplary damages.~~
- ~~(8) A requirement that the person take remedial action to restore or replace an area that was the subject of a violation or otherwise mitigate the violation.~~
- ~~(9) A final court order determining that the person had violated a provision of law for which the person would be responsible as a state board or commission member~~

(1) A temporary restraining order.

(2) A preliminary injunction.

(3) A permanent injunction.

(4) The payment of a court-imposed civil or criminal fine or penalty.

(5) A final judgment pursuant to stipulation in which the court found in favor of the state regulatory commission and against the person.

(6) A final court judgment determining that the person has violated a provision of law for which the person would be responsible as a state regulatory commission member.

(d) This section shall not apply to a person who was or is the subject of an enforcement action, as described in subdivision (b), if there is a subsequent finding by a court that the alleged violation was not established.

BILL NUMBER: AB 2683

ENROLLED 08/05/96

BILL TEXT

PASSED THE ASSEMBLY AUGUST 5, 1996

PASSED THE SENATE JULY 11, 1996

AMENDED IN SENATE JUNE 18, 1996

AMENDED IN ASSEMBLY APRIL 18, 1996

INTRODUCED BY Assembly Member Kaloogian

FEBRUARY 22, 1996

An act to amend Section 30171.5 of the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 2683, Kaloogian. Mitigation fees: local coastal program: City of Carlsbad.

Existing law, the California Coastal Act of 1976, requires mitigation fees for development on nonprime agricultural lands in the coastal zone in the City of Carlsbad that lie outside of specified areas to be deposited in the State Coastal Conservancy Fund. That money is appropriated from the fund to the State Coastal Conservancy for specified purposes in a specified order of priority, including, in the lowest rank, for the purpose of any project or activity benefiting natural resources in the coastal zone in the city that is provided for in the local coastal program of the city.

This bill would revise that purpose to specify that the project or activity may be for the purpose of enhancing the use of those natural resources. The bill would also include in that lowest priority rank open field cultivated floriculture and, in that regard, would require all mitigation fees collected for the Carlsbad Ranch project, as specified, to be expended for a Carlsbad Flower Fields Foundation program of field cultivated floriculture.

SECTION 1. Section 30171.5 of the Public Resources Code is amended to read:

30171.5. (a) The amount of the mitigation fee for development on nonprime agricultural lands in the coastal zone in the City of Carlsbad that lie outside of the areas described in subdivision (f) of Section 30170 and subdivision (b) of Section 30171 shall be determined in the applicable segment of the local coastal program of the City of Carlsbad, but shall not be less than five thousand dollars (\$5,000), nor more than ten thousand dollars (\$10,000), per acre. All mitigation fees collected under this section shall be deposited in the State Coastal Conservancy Fund.

(b) All mitigation fees collected pursuant to this section are hereby appropriated to, and shall be expended by, the State Coastal Conservancy for the following purposes in the following order of priority:

- (1) Restoration of natural resources and wildlife habitat in Batiquitos Lagoon.
- (2) Development of an interpretive center at Buena Vista Lagoon.
- (3) Provision of access to public beaches in the City of Carlsbad.
- (4) Any other project or activity benefiting or enhancing the use of natural resources or, as provided in paragraph (2) of subdivision (c), open field cultivated floriculture in the coastal zone in the City of Carlsbad that is provided for in the local coastal program of the City of Carlsbad.

(c) (1) Except as provided in paragraph (2), not less than 50 percent of collected and bonded mitigation fees shall be expended for the purpose specified in paragraph (1) of subdivision (b).

(2) All mitigation fees collected for the Carlsbad Ranch project, as specified in City of Carlsbad City Council Resolution 96-1, shall be expended for a Carlsbad Flower Fields Foundation program of field cultivated floriculture.

(d) Other than to mitigate the agricultural conversion impacts for which they are collected, none of the mitigation fees collected pursuant to this section shall be used for elements of a project which cause that project to be in compliance with this division or to mitigate a project which would otherwise be inconsistent with this division. When reviewing a potential project for consistency with this subdivision, the State Coastal Conservancy shall consult with the commission.

BILL NUMBER: SB 39
BILL TEXT

AMENDED 08/05/96

AMENDED IN ASSEMBLY AUGUST 5, 1996
AMENDED IN ASSEMBLY JUNE 4, 1996
AMENDED IN ASSEMBLY APRIL 8, 1996
AMENDED IN ASSEMBLY JULY 7, 1995
AMENDED IN ASSEMBLY JUNE 22, 1995
AMENDED IN ASSEMBLY JUNE 19, 1995

INTRODUCED BY Senator Thompson

DECEMBER 15, 1994

An act relating to fish and wildlife, *and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 39, as amended, M. Thompson. South Spit of Humboldt Bay: acquisition.

Under existing law, the Wildlife Conservation Board is required to authorize the acquisition of land, rights in land, water, and water rights necessary to carry out that law and may authorize that acquisition by the Department of Fish and Game. Existing law provides that the State Coastal Conservancy is the repository of lands pursuant to the California Coastal Act of 1976 and authorizes the conservancy to acquire real property or interests in real property for purposes of that act.

This bill would authorize the board and the conservancy to ~~use funds available to them for the purpose of acquiring~~ *acquire* the South Spit of Humboldt Bay, as described in the bill, *after an illegal encampment, debris, and other environmental hazards are removed by the current property owners*. The bill would permit 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 that area and to submit the plan to the Legislature on or before June 30, 1997.

The bill would appropriate \$100,000 from the Public Resources Account in the Cigarette and Tobacco Products Surtax Fund to the conservancy for the acquisition of, and planning for, the South Spit of Humboldt Bay.

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

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

(a) The property known as the South Spit of Humboldt Bay, including five miles from Table Bluff County Park to the south jetty separating south Humboldt Bay from the Pacific Ocean, contains several species of rare or endangered plants and animals.

(b) Lack of proper management of the South Spit of Humboldt Bay has negatively affected the wetland and dune resources of Humboldt Bay, including essential habitat for migratory water birds and the brant and snowy plover, and has placed at risk valuable cultural resources of the Wiyot people.

(c) Current illegal camping on the South Spit *of Humboldt Bay* negatively affects natural or cultural activities, such as hiking, sportfishing, hunting, appropriate off-highway vehicle use, Native American gatherings and cultural protection.

(d) Public ownership of the South Spit of Humboldt Bay is desirable to ensure that it is properly managed and its natural and cultural resources can be restored and protected.

(e) Expansion of existing publicly owned wildlife habitat and refuge will enhance wildlife habitat protection, is desirable, and can be most effectively accomplished by engaging in cooperative management with various state and federal agencies.

SEC. 2. Due to the impact of unmanaged public use of the South Spit of Humboldt Bay on its natural and cultural resources, *after the removal of any illegal encampment, debris, and other environmental hazards*

by the current property owners, the State Coastal Conservancy and the Wildlife Conservation Board may use funds available to them for the purposes of Section 1 to acquire the South Spit acquire the south spit area. The State Coastal Conservancy, in consultation with the Department of Parks and Recreation, the Attorney General, the State Lands Commission, and Humboldt County, may prepare a management plan for the South Spit area-south spit area. It is the intent of the Legislature that the management plan be based on a site that has been cleared of illegal encampments, debris, and other environmental hazards. It is the intent of the Legislature that the management plan be completed and submitted to the Legislature on or before June 30, 1997, and that it include, but not be limited to, the following minimum standards:

- (a) The property shall have controlled access.*
- (b) Rare species of plants and animals shall be protected, and their habitats, including dunes and wetlands, shall be restored where appropriate and feasible.*
- (c) Access corridors shall be specified.*
- (d) Cultural resources shall be protected through a cooperative arrangement with the representative of the Wiyot people.*
- (e) Uses shall be strictly limited and controlled, consistent with habitat requirements, public safety, and maintenance of public facilities, including the public jetty.*
- (f) Off-highway vehicle use shall be limited to the waveslope on the west side of the South Jetty Road, bounded by Table Bluff County Park to the south and the South Jetty to the north.*
- (g) Vehicular access on the east side of South Jetty Road shall be limited by special permission only as required for access for hunting, gathering, wildlife management, or traditional uses of the Wiyot people.*
- (h) Vehicle turnouts and pedestrian access shall be allowed only at designated corridors.*
- (i) Identification of potential state, local, and federal funding sources necessary to implement the plan.*

SEC. 3. There is hereby appropriated from the Public Resources Account in the Cigarette and Tobacco Products Surtax Fund to the State Coastal Conservancy the sum of one hundred thousand dollars (\$100,000) for the acquisition of, and planning for, the South Spit of Humboldt Bay pursuant to Section 2 of this act.