

CALIFORNIA COASTAL COMMISSION

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March 20, 1997

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 APRIL 1997

CONTENTS:

This report is divided into three sections: Section I provides summaries and the status of bills that directly affect the Coastal Commission, Section II provides summaries and the status of bills that staff has identified as priority legislation, and Section III provides summaries and status of coastal related legislation. Copies of selected bills are attached.

Note:

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

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

## **SECTION I. LEGISLATION DIRECTLY AFFECTING THE COASTAL COMMISSION**

### **AB 198 (Wayne) California Coastal Commission: Appointments**

AB 198 would revise Coastal Commissioner appointment procedures to clarify that, in regions composed of 3 counties, the board of supervisors and the city selection committee in each county within the region nominate one or more supervisors and one or more city council members. The bill would require all regional nominations to be made within 45 days from the date of receipt of a request for nominations by the appointing authority and would decrease to 45 days the time within which the names of additional nominees must be sent to the appointing authority following rejection of the original nominations.

Introduced	02/03/97
Last Amend	None
Status	Passed Assembly Natural Resources Committee (13-0) Passed Assembly Appropriations Committee (15-0)

### **AB 1022 (Lempert) Coastal Resources: Development Permits: Lobbyists**

AB 1022 would require any person who, for compensation, will be communicating with the commission or commission staff on an applicant's behalf or on the behalf of an applicant's business partners, in connection with an application to the commission for approval of a development permit, to register as a lobbyist pursuant to specified provisions of the Political Reform Act of 1974.

Introduced	02/27/97
Last Amend	None
Status	Introduced

### **AB 1084 (Bowen) Coastal Resources: Commissions: Membership**

AB 1084 would remove the 4 nonvoting members (ex officio members) from the California Coastal Commission and would prohibit a person from being eligible to serve on either 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 any provision of law that is subject to the jurisdiction of the commission.

Introduced	02/27/97
Last Amend	None
Status	Introduced

## **SECTION II. PRIORITY LEGISLATION**

### **AB 93 (Lempert) Highways: Tunnels**

AB 93 would require the California Department of Transportation to immediately initiate design and all other project development work for the construction of a tunnel in San Mateo County on State Highway Route 1 behind Devil's Slide through San Pedro Mountain.

Introduced	01/06/97
Last Amend	03/06/97
Status	Passed Assembly Transportation Committee (7-0) Passed Assembly Appropriations Committee (12-6)

### **AB 241 (Lempert) Wetlands**

AB 241 would declare that is the goal of the state to increase total wetlands acreage and habitat values along the California coast.

Introduced	02/077
Last Amend	None
Status	Introduced

AB 374 (Kuehl) Marine Life Refuges

AB 374 would designate specified ocean waters south of the City of Malibu as the Malibu Marine Life Refuge and specified ocean waters south of Point Dume as the Point Dume Marine Life Refuge.

Introduced	02/19/97
Last Amend	None
Status	Introduced

AB 402 (Keeley) Marine Ecosystems

AB 402 would enact the Marine Ecosystem Conservation Act of 1997, and would make certain declarations concerning the policy of the state concerning marine ecosystems and habitats.

Introduced	02/20/97
Last Amend	None
Status	Introduced

AB 667 (Lempert) Oil Spills: State Waters

AB 667 would make the discharge or spill of oil into the waters of the state subject to criminal and civil penalties.

Introduced	02/26/97
Last Amend	None
Status	Introduced

AB 799 (Bowler) Oil Spill Contingency Plans: Grants

AB 799 would authorize any local government with jurisdiction over, or directly adjacent to, marine waters to apply for a grant to complete, update, or revise an oil spill contingency plan element.

Introduced	02/26/97
Last Amend	None
Status	Introduced

AB 1000 (Keeley) Clean Coastal Waters and Rivers: Bond Act

AB 1000 would enact the Clean Coastal Waters and Rivers Bond Act of 1998 which would authorize, for the purpose of financing a program for the planning, acquisition, development, restoration, enhancement, and protection of real property and related facilities, and for the implementation of programs, for the restoration, enhancement, and protection of coastal and riparian resources, and for the prevention of pollution to coastal waters and rivers the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of \$663,000,000. The bill would provide for the submission of the bond act to the voters at the general election to be held November 3, 1998.

Introduced	02/27/97
Last Amend	None
Status	Introduced

AB 1169 (Shelley) Environmental and Resources Agencies: Posting of Electronic Data

AB 1169 would require the Resources Agency and the California Environmental Protection Agency, and every state agency within those agencies to post, on an appropriate information page on the internet, specified information including information concerning meetings. The bill would require those agencies, in addition to providing information that is accessible by personal computer, to continue to make printed copies of all information and documents pertaining to matters within the agency's jurisdiction available to the public at a reasonable cost.

Introduced	02/28/97
Last Amend	None
Status	Introduced

AB 1188 (Lempert) Coastal Access Easements

AB 1188 would make legislative findings and declarations pertaining to the importance of preserving and protecting public access to beaches and other recreational areas in the coastal zone and providing funding for those purposes.

Introduced	02/28/97
Last Amend	None
Status	Introduced

AB 1228 (Ducheny) Public Beach Enhancement

AB 1228 would establish the California Public Beach Enhancement Program, to be administered by the Department of Boating and Waterways, for specified public beach enhancement purposes. The bill would require the department, not later than January 1, 1999, to establish the California Public Beach Enhancement Program Technical Advisory Committee, and would prescribe the membership and functions of the committee. The bill would appropriate \$15,000,000 from the General Fund to the department to establish and fund the program.

Introduced	02/28/97
Last Amend	None
Status	Introduced

AB 1293 (Bowen) Geographic Information Systems

AB 1293 would enact the Strategic Geographic Information Investment Act of 1997. It would require the Department of Information Technology to create an advisory board, with a described membership, and with specified duties. It would require the department, in consultation with the board, to administer grants under the Geographic Information Grant Program for the development of new, 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 provide that moneys in the fund shall be subject to appropriation in the annual Budget Act.

Introduced	02/28/97
Last Amend	None
Status	Introduced

AJR 1 (Lempert) State Highway Route 1

AJR 1 would memorialize the President and the Congress to support the efforts of Congressman Lantos to reallocate \$52,000,000 in federal emergency highway repair funds and any other funds available for construction of a tunnel on State Highway Route 1 behind Devil's Slide through San Pedro Mountain in northern San Mateo County.

Introduced	01/06/97
Last Amend	None
Status	Introduced

AJR 12 (Mazzoni) Bolinas Lagoon

AJR 12 would memorialize the President and the Congress to appropriate federal funds to be used to preserve and protect the Bolinas Lagoon.

Introduced	02/28/97
Last Amend	None
Status	Introduced

**SB 2 (Thompson) Parks and Resources Improvement: Bond Act**

SB 2 would enact the Parks and Resources Improvement Bond Act of 1998 which, if adopted, would authorize, for the purpose of financing a program for the acquisition, development, improvement, rehabilitation, restoration, enhancement, and protection of park, recreational, cultural, historical, fish and wildlife, lake, riparian, reservoir, delta, river, and coastal resources, as specified, the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of \$495,000,000.

Introduced	12/09/96
Last Amend	03/012/97
Status	Passed Senate Natural Resources and Wildlife Committee (7-0)

**SB 72 (McPherson) Coastal Development Permit Fees: Coastal Access Grants**

SB 72 would require that coastal development permit fees collected by the Commission be deposited in a 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. This bill would result in approximately \$600,000 being appropriated to public access grants in fiscal year 97-98.

Introduced	12/11/96
Last Amend	None
Commission Position	<b>SUPPORT</b>
Status	Passed Senate Natural Resources and Wildlife Committee (7-0) Senate Appropriations Committee - Sent to Suspense Calendar

**SB 499 (Alpert) Coastal Zone: Polluted Runoff**

SB 499 would make a statement of legislative intent to amend the Porter-Cologne Water Quality Act and the California Coastal Act of 1976 to incorporate specific polluted runoff control measures recommended by the United States Environmental Protection Agency.

Introduced	02/20/97
Last Amend	None
Status	Introduced

**SB 673 (Karnette) Water Quality: Contaminated Sediment**

SB 673 would require the Coastal Commission, in cooperation with the State Water Resources Control Board, to establish a contaminated sediments program and to prepare a long-term management plan for the dredging and disposal of contaminated sediments in coastal waters, and would appropriate, from the General Fund, \$100,000 to the Commission and \$100,000 to the state board, for each of 5 fiscal years, commencing with 1997-98 fiscal year, for the preparation of the plan.

Introduced	02/25/97
Last Amend	None
Status	Introduced

**SB 676 (Peace) Coastal Resources: Coastal Development Permits: Mitigation**

SB 676 would make legislative findings and declarations that the California Coastal Commission should not require any applicant who applies for a coastal development permit for a project that is proposed to be located in the coastal zone to perform any mitigation measures as a condition of obtaining the permit if mitigation measures would apply to an area outside of the county in which the project is proposed to be located.

Introduced	02/25/97
Last Amend	None
Status	Introduced

**SB 1006 (Hayden) Marine Life Refuges**

SB 1006 would designate specified ocean waters south of the City of Malibu as the Malibu Marine Life Refuge and specified ocean waters south of Point Dume as the Point Dume Marine Life Refuge.

Introduced	02/27/97
Last Amend	None
Status	Introduced

**SB 1119 (Hayden) Coastal Resources: Certified Local Coastal programs**

SB 1119 would make legislative findings and declarations that the California Coastal Commission should make every effort possible to assist local governments in the preparation of certified local coastal programs, including providing financial assistance through a grant program.

Introduced	02/28/97
Last Amend	None
Status	Introduced

**SB 1122 (Craven) Public Beach Enhancement**

SB 1122 would establish the California Public Beach Enhancement Program, to be administered by the Department of Boating and Waterways, for specified public beach enhancement purposes. The bill would require the department, not later than January 1, 1999, to establish the California Public Beach Enhancement Program Technical Advisory Committee, and would prescribe the membership and functions of the committee. The bill would appropriate \$15,000,000 from the General Fund to the department to be used to establish and fund the program.

Introduced	02/28/97
Last Amend	None
Status	Introduced

### SECTION III. COASTAL RELATED LEGISLATION

#### AB 411 (Wayne) Beach Sanitation: Posting

AB 411 would require the State Department of Health Services to adopt regulations requiring the testing of all beaches for total coliform, fecal coliform, enterococci, and streptococci bacteria, establish protective minimum standards for the location of monitoring sites and monitoring frequency, to require posting in clearly visible points along affected beaches whenever state standards are violated, and to require that beaches be tested for total coliform, fecal coliform, enterococci, and streptococci bacteria and chemical pollutants including, but not limited to, PCBs, PAHs, and mercury on a weekly basis from April 1 to October 31, inclusive, of each year if certain conditions are met. AB 411 would require the local health officer to notify the Director of Parks and Recreation within 24 hours of any beach posting, closure, or restriction, and would require the Director of Parks and Recreation to establish a telephone hotline and update it daily to inform the public of beach postings, closures, and restrictions.

Introduced	02/20/97
Last Amend	None
Status	Introduced

#### AB 548 (Aroner) Water Quality: Coastal Bays

AB 548 would require the regional boards for the North Coast, San Francisco Bay, Central Coast, Los Angeles, and San Diego Regions to conduct unannounced inspections of waste discharges that require an NPDES permit and which could affect the quality of the waters of San Francisco Bay, Humboldt Bay, Tomales Bay, Monterey Bay, Santa Monica Bay, or San Diego Bay, at least 4 times annually for major dischargers and 2 times annually for other dischargers to determine compliance with applicable requirements, and would prescribe related duties of the regional boards. The bill would provide for these provisions to be incorporated in all NPDES permits issued on and after January 1, 1998, and to become effective upon the permit issuance. The bill would require the regional board to publish on a quarterly basis the names of persons discharging waste in violation of any requirement prescribed under Division 7 (commencing with Section 13000) of the Water Code.

Introduced	02/25/97
Last Amend	None
Status	Introduced

#### AB 982 (Aroner) Water Quality: Enclosed Bays and Estuaries

Existing law, until January 1, 1998, requires the State Water Resources Control Board to establish fees applicable to dischargers who discharge into enclosed bays, estuaries, or any adjacent waters in the contiguous zone or the ocean. This bill would delete the January 1, 1998 repeal date, thus continuing those provisions indefinitely.

Introduced	02/27/97
Last Amend	None
Status	Introduced

#### AB 1097 (Committee on Governmental Organization) Open Meetings

Existing law authorizes a state body to hold an open or closed meeting by teleconference as defined and repeals that authority on January 1, 1998. This bill would delete that repeal date.

Introduced	02/28/97
Last Amend	None
Status	Introduced

AB 1241 (Keeley) Marine Resources

AB 1241 would enact the Sea Life Recovery and Management Act of 1997. The bill would create the Marine Life Management Commission and would delegate to that commission the authority to determine and declare, by regulation, state policy on marine ecosystems, anadromous fisheries and their habitat, and ecosystems, marine mammals, birds, fish, invertebrates, and other wildlife and their habitats in the coastal zone and all marine and tidal waters of the state. The bill would require that commission to regulate the taking or possession of birds, mammals, fish, amphibia, and reptiles in the coastal zone and all marine and tidal waters of the state.

Introduced	02/28/97
Last Amend	None
Status	Introduced

AB 1429 (Shelley) Water Quality

AB 1429 would require the state board to do all of the following: (a) Continue to implement the California State Mussel Watch Program, as specified. (b) On or before January 1, 1999, to prepare and make available to the public a report with regard to all water quality monitoring activities undertaken within coastal watersheds by public and private entities. (c) On or before January 1, 2001, to prepare and implement a comprehensive program to monitor the quality of coastal watersheds and to prepare and make available to the public a related annual report, as prescribed. (d) To establish a uniform system for monitoring and reporting on the mass discharge of pollutants from storm water discharges and other point source discharges. (e) To monitor the discharge of pollutants into the Santa Monica Bay through storm drains, as specified. (f) On or before June 1, 1998, to establish a prescribed citizen volunteer coastal water quality monitoring program. (g) To provide assistance to appropriate agencies with regard to the Monterey Bay Water Quality Protection Program and undertake related activities. The bill would appropriate, from the General Fund to the state board, funds to implement these measures.

Introduced	02/03/97
Last Amend	None
Status	Introduced

AB 1464 (Strom-Martin) Water Quality

AB 1464 would require the State Water Resources Control Board and the California regional water quality control boards to prepare and publicize a list of high quality water bodies within coastal watersheds that may constitute outstanding national resources and to establish a program by which the public may nominate, and the state board may review, water bodies for possible inclusion in that list. This bill would also require the state board to establish three pilot wastewater treatment projects that use alternative municipal wastewater treatment methods in three coastal communities.

Introduced	02/28/97
Last Amend	None
Status	Introduced

SB 62 (McPherson) California State Mussel Watch Program

SB 62 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. SB 62 would appropriate \$700,000 from the General Fund to the state board to pay the costs of the program pursuant to the bill.

Introduced	12/09/96
Last Amend	03/04/97
Status	Introduced



SB 65 (McPherson) Public Beaches: Contamination: Warning Signs

SB 65 would require, when a public beach has failed to meet bacteriological standards, that warning signs be visible from all beach access points.

Introduced	12/10/96
Last Amend	None
Status	Introduced

SB 87 (O'Connell) Land and Water Conservation

SB 87 would enact the California Land and Water Conservation Act of 1997, pursuant to which the Secretary of the Resources Agency would implement a program under which qualified property, as defined, may be contributed to the state, any local government, as defined, or to any nonprofit organization designated by a local government, based on specified criteria in order to provide for the specified protection of wildlife habitat, open space, and agricultural lands. This bill would also authorize a credit, in an amount equal to the qualified percentage, as defined, of the fair market value of any qualified contribution, as defined, contributed during the taxable or income year.

Introduced	12/17/96
Last Amend	None
Status	Introduced

SB 1048 (Sher) Coastal Conservancy: San Francisco Bay Area Program

SB 1048 would establish the San Francisco Bay Area Program, administered by the conservancy, for the purpose of ensuring that a coordinated, comprehensive, and effective program is implemented to address the resource and recreational needs of the San Francisco Bay area, and to improve public access to and around the San Francisco Bay and coastal areas through completion of specified trails projects and related facilities. The bill would require the conservancy to cooperate with cities, counties, and districts, regional governmental bodies, and nonprofit land trusts in identifying and adopting long-term resources and outdoor recreational goals for the San Francisco Bay area. The bill would create the San Francisco Bay Area Account in the State Coastal Conservancy Fund, for the purpose of depositing and disbursing funds for the administration and implementation of the program. The program would become operative if and when the sum of \$1,000,000 is appropriated by the Legislature for deposit in the San Francisco Bay Area Program Account, and would prohibit any existing funds that are available to the conservancy for other purposes from being used to fund the program.

Introduced	02/27/97
Last Amend	None
Status	Introduced

SB 1228 (Hayden) Wildlife: Salmon and Steelhead

SB 1228 would declare that it is the policy of this state that salmon and steelhead fisheries, and the watershed features that affect these fisheries, are to be protected and restored. The bill would require the Department of Forestry and Fire Protection and every registered professional forester to ensure that the uses of watercourses are protected from impacts of timber harvesting, as specified, and that salmon and steelhead habitat be evaluated and mapped for every proposed project involving timber operations.

Introduced	02/28/97
Last Amend	None
Status	Introduced

INTRODUCED BY Assembly Member Lempert  
(Coauthor: Senator Sher)

JANUARY 6, 1997

An act to add Section 154.5 to the Streets and Highways Code, relating to highways, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 93, as introduced, Lempert. Highways: tunnels.

(1) Existing law requires the Department of Transportation to plan, design, construct, operate, and maintain those transportation systems that the Legislature has made, or may make, the responsibility of the department, except as specified.

This bill would require the department to immediately initiate design and all other project development work for the construction of a tunnel in San Mateo County on State Highway Route 1 behind Devil's Slide through San Pedro Mountain.

The bill would require the department to complete an estimate of project costs for the tunnel as soon as possible, but not later than a specified date, and report its findings to the County of San Mateo.

The bill would require the department to pursue all sources of federal funds available, including, but not limited to, those funds available for emergency relief and those secured by the Congress of the United States, so that the project may be commenced on or before a specified date.

(2) This bill would declare that it is to take effect immediately as an urgency statute.

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

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

(a) State Highway Route 1 through northern San Mateo County has experienced continued disruption due to storms and weather-related emergencies.

(b) In 1983, United States Congressman Tom Lantos secured nearly fifty-two million dollars (\$52,000,000) in federal funds to repair State Highway Route 1 behind Devil's Slide through San Pedro Mountain, and, to date, that money has remained unspent.

(c) In November 1996, the people of San Mateo County approved Ballot Measure T by a majority vote of nearly 74 percent, calling for the construction of a tunnel through San Pedro Mountain as an alternative to a highway bypass on this portion of State Highway Route 1.

(d) The Department of Transportation has publicly stated that it has within its disposal emergency funds to construct a bypass on this portion of State Highway Route 1. Therefore, there should be funds available to complete construction of the tunnel.

(e) It is, therefore, the intent of the Legislature that all parties and permitting agencies work together to expedite the environmental review and permitting process for the tunnel project without exempting the project from any review and comment.

SEC. 2. Section 154.5 is added to the Streets and Highways Code, to read:

154.5. (a) Notwithstanding any other provision of law, the department shall immediately initiate design and all other project development work for the construction of a tunnel in San Mateo County on State Highway Route 1 behind Devil's Slide through San Pedro Mountain.

(b) The department shall complete an estimate of project costs as soon as possible, but not later than July 1, 1997, and report its findings to the County of San Mateo.

(c) The department shall pursue all sources of federal funds available, including, but not limited to, those funds available for emergency relief and those secured by the Congress of the United States, so that the project may be commenced on or before January 1, 1998.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order for the Department of Transportation to immediately initiate project development work for the construction of a tunnel through San Pedro Mountain and provide an estimate of project costs not later than July 1, 1997, to San Mateo County, it is necessary that this act take effect immediately.

BILL NUMBER: AB 241  
BILL TEXT

INTRODUCED 02/07/97

INTRODUCED BY Assembly Member Lempert

FEBRUARY 7, 1997

An act to add Chapter 9 (commencing with Section 1850) to Division 2 of the Fish and Game Code, relating to wildlife habitat.

#### LEGISLATIVE COUNSEL'S DIGEST

AB 241, as introduced, Lempert. Wetlands.

Existing law provides for the creation of wetlands mitigation banks in the Sacramento-San Joaquin Valley for mitigation of development.

This bill would declare the goal of the state to increase the total wetlands acreage and habitat values along the California coast.

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

SECTION 1. Chapter 9 (commencing with Section 1850) is added to Division 2 of the Fish and Game Code, to read:

#### CHAPTER 9. WETLANDS HABITAT

1850. The purpose of this chapter is to ensure that no net loss of wetlands acreage or habitat values occurs along the California coast as a result of activities authorized by a fill permit issued pursuant to Section 404 of the federal Clean Water Act (33 U.S.C. Sec. 1344 et seq.).

1851. It is the state's goal to increase the total wetlands acreage and habitat values along the California coast.

BILL NUMBER: AB 374  
BILL TEXT

INTRODUCED 02/19/97

INTRODUCED BY Assembly Member Kuehl

FEBRUARY 19, 1997

An act to add Sections 10915 and 10916 to the Fish and Game Code, relating to marine refuges, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 374, as introduced, Kuehl. Marine life refuges.

(1) Under existing law, specified fish, mollusks and crustaceans may be taken under the authority of a sportfishing license as authorized in the Fish and Game Code. In marine life refuges, it is unlawful to take or possess any invertebrate or specimen of marine plant life. Existing law authorizes the Fish and Game Commission to authorize the Department of Fish and Game to issue permits that authorize named persons to take birds, mammals, fish, and amphibia in any refuge, with specified exceptions.

This bill would designate specified ocean waters south of the City of Malibu as the Malibu Marine Life Refuge and specified ocean waters south of Point Dume as the Point Dume Marine Life Refuge. Because existing law would make certain acts in those refuges crimes, the bill would impose a state-mandated local program.

(2) 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.

This bill would provide that no reimbursement is required by this act for a specified reason.

(3) Existing law requires certain revenues to be deposited in the Fish and Game Preservation Fund and continuously appropriates the money in that fund to the department to pay specified refunds and to pay all necessary expenses incurred in carrying out the Fish and Game Code and any other laws for the protection and preservation of birds, mammals, reptiles, and fish and to the commission to pay for compensation and expenses of the commissioners and employees of the commission.

This bill would make an appropriation by imposing new duties on the department and the commission.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

SECTION 1. Section 10915 is added to the Fish and Game Code, to read:

10915. That portion of District 19 consisting of the land and ocean waters within the following boundaries constitutes a marine life refuge and shall be designated the Malibu Marine Life Refuge:

Beginning at the point of intersection of the southwesterly boundary of the City of Malibu prolonged and the line of highest tide of the Pacific Ocean; thence easterly along the line of highest tide for a distance of two and one-half miles, including the shore of Nicolas Canyon County Beach and El Matador State Park; thence due south true to a point in the Pacific Ocean that is one nautical mile from the mean lower low water line on the shore; thence westerly along a line that is one nautical mile from the mean lower low water line on the shore to a point that is due south true from the point of intersection of a line that extends due south true from the point of intersection of the southwesterly boundary of the City of Malibu prolonged and the line of highest tide of the Pacific Ocean; thence northerly along that line that extends

due south true from the point of intersection of the southwesterly boundary of the City of Malibu prolonged and the line of highest tide of the Pacific Ocean to the point of beginning.

SEC. 2. Section 10916 is added to the Fish and Game Code, to read:

10916. That portion of District 19 consisting of the land and ocean waters within the following boundaries constitutes a marine life refuge and shall be designated the Point Dume Marine Life Refuge:

Beginning at the point of intersection of the center of the main channel of Zuma Creek and the line of highest tide of the Pacific Ocean; thence easterly along the line of highest tide to the tip of Little Dume Point; thence 135 degrees southeast, true, to a point in the Pacific Ocean that is one nautical mile from the mean lower low water line on the shore; thence westerly along a line that is one nautical mile from the mean lower low water line on the shore to a point that is 225 degrees southwest, true, from a point of intersection of the center of the main channel of Zuma Creek and the line of highest tide of the Pacific Ocean; thence northeasterly along that line that extends 225 degrees southwest, true, from the point of intersection of the center of the main channel of Zuma Creek and the line of highest tide of the Pacific Ocean to the point of beginning.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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.

BILL NUMBER: AB 402  
BILL TEXT

INTRODUCED 02/20/97

INTRODUCED BY Assembly Member Keeley

FEBRUARY 20, 1997

An act to add Division 21.5 (commencing with Section 31500) to the Public Resources Code, relating to public resources.

#### LEGISLATIVE COUNSEL'S DIGEST

AB 402, as introduced, Keeley. Marine ecosystems.

Existing provisions of Proposition 132, an initiative constitutional amendment, which was adopted by the voters at the November 6, 1990, general election, declare that the marine resources of the state belong to all of the people of the state and should be conserved and managed for the benefit of all users and people concerned with their diversity and abundance for present and future generations' use, needs, and enjoyment.

This bill would enact the Marine Ecosystem Conservation Act of 1997, and would make certain declarations concerning the policy of the state concerning marine ecosystems and habitats.

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

SECTION 1. Division 21.5 (commencing with Section 31500) is added to the Public Resources Code, to read:

#### DIVISION 21.5. MARINE ECOSYSTEM CONSERVATION ACT OF 1997

31500. This division shall be known and may be cited as the Marine Ecosystem Conservation Act of 1997.

31501. It is hereby declared the policy of the state to encourage the protection, conservation, restoration, and where necessary, the wise management and utilization of marine ecosystems and habitats in tidal and ocean waters under the jurisdiction and influence of the state for the benefit of all residents of the state. This policy shall include the following objectives:

- (a) The protection of marine life habitats and the management of ecosystems to ensure optimum sustainable yield of commercially and recreationally taken species, and the maintenance of healthy populations of native aquatic species.
- (b) The prevention of marine habitat destruction and over-fishing, and the reduction or elimination of the bycatch and collateral damage to ecosystems and habitat caused by marine fisheries or other activities.
- (c) The recognition of the importance of the aesthetic, educational, scientific, and nonconsumptive recreational uses of living marine resources of the state's waterways and coastal ocean waters.

INTRODUCED BY Assembly Member Lempert

FEBRUARY 26, 1997

An act to amend Section 8670.64, 8670.66, and 8670.67 of the Government Code, relating to oil spills.

LEGISLATIVE COUNSEL'S DIGEST

AB 667, as introduced, Lempert. Oil spills: state waters.

(1) Under existing law, the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act, it is a crime to, among other things, knowingly engage in or cause the discharge or spill of oil into marine waters, and the intentional or negligent discharge or spill of oil into marine waters is subject to specified civil penalties, as prescribed.

This bill would also make the discharge or spill of oil into the waters of the state subject to these criminal and civil penalties. The bill would impose a state-mandated local program by creating a new crime.

(2) 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.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

SECTION 1. Section 8670.64 of the Government Code is amended to read:

8670.64. (a) Any person who commits any of the following acts, shall, upon conviction, be punished by imprisonment in the county jail for not more than one year or by imprisonment in the state prison:

(1) Except as provided in Section 8670.27, knowingly fails to follow the direction or orders of the administrator in connection with an oil spill.

(2) Knowingly fails to notify the Coast Guard that a vessel is disabled within one hour of the disability and the vessel, while disabled, causes a discharge of oil which enters marine waters. For the purposes of this paragraph, "vessel" means a vessel, as defined in Section 21 of the Harbors and Navigation Code, of 300 gross registered tons or more.

(3) Knowingly engages in or causes the discharge or spill of oil into marine waters, {+ or into waters of the state, +} or any person who reasonably should have known that he or she was engaging in or causing the discharge or spill of oil into marine waters, {+ or into waters of the state, +} unless the discharge is authorized by the United States, the state, or another agency with appropriate jurisdiction.

(4) Knowingly fails to begin cleanup, abatement, or removal of spilled oil as required in Section 8670.25.

(b) The court shall also impose upon a person convicted of violating subdivision (a), a fine of not less than five thousand dollars (\$5,000) or more than five hundred thousand dollars (\$500,000) for each violation. For purposes of this subdivision, each day or partial day that a violation occurs is a separate violation.



(c) (1) Any person who knowingly does any of the acts specified in paragraph (2) shall, upon conviction, be punished by a fine of not less than two thousand five hundred dollars (\$2,500) or more than two hundred fifty thousand dollars (\$250,000), or by imprisonment in the county jail for not more than one year, or by both the fine and imprisonment. Each day or partial day that a violation occurs is a separate violation. If the conviction is for a second or subsequent violation of this subdivision, the person shall be punished by imprisonment in the state prison or in the county jail for not more than one year, or by a fine of not less than five thousand dollars (\$5,000) or more than five hundred thousand dollars (\$500,000), or by both the fine and imprisonment:

(2) The acts subject to this subdivision are all of the following:

(A) Fails to notify the Office of Emergency Services in violation of Section 8670.25.

(B) Continues operations for which contingency plans are required without a contingency plan approved pursuant to Article 5 (commencing with Section 8670.28).

(C) Except as provided in Section 8670.27, knowingly fails to follow the material provisions of the applicable contingency plans.

SEC. 2. Section 8670.66 of the Government Code is amended to read:

8670.66. (a) Any person who intentionally or negligently does any of the following acts shall be subject to a civil penalty of not less than twenty-five thousand dollars (\$25,000) or more than five hundred thousand dollars (\$500,000) for each violation, and each day or partial day that a violation occurs is a separate violation:

(1) Except as provided in Section 8670.27, fails to follow the direction or orders of the administrator in connection with an oil spill.

(2) Fails to notify the Coast Guard that a vessel is disabled within one hour of the disability and the vessel, while disabled, causes a discharge of oil which enters marine waters. For the purposes of this paragraph, "vessel" means a vessel, as defined in Section 21 of the Harbors and Navigation Code, of 300 gross registered tons or more.

(3) Discharges or spills oil into marine waters, {+ or into waters of the state, +} unless the discharge is authorized by the United States, the state, or other agency with appropriate jurisdiction.

(4) Fails to begin cleanup, abatement, or removal of spilled oil as required in Section 8670.25.

(b) Except as provided in subdivision (a), any person who intentionally or negligently violates any provision of this chapter, or Division 7.8 (commencing with Section 8750) of the Public Resources Code, or any permit, rule, regulation, standard, or requirement issued or adopted pursuant to those provisions, shall be liable for a civil penalty not to exceed two hundred fifty thousand dollars (\$250,000) for each violation of a separate provision, or, for continuing violations, for each day that violation continues.

(c) No person shall be liable for a civil penalty imposed under this section and for a civil penalty imposed pursuant to Section 8670.67 for the same act or failure to act.

SEC. 3. Section 8670.67 of the Government Code is amended to read:

8670.67. (a) Any person who intentionally or negligently does any of the following acts shall be subject to an administrative civil penalty not to exceed one hundred thousand dollars (\$100,000) for each violation

as imposed by the administrator pursuant to Section 8670.68, and each day or partial day that a violation occurs is a separate violation:

(1) Except as provided in Section 8670.27, fails to follow the applicable contingency plans or the direction or orders of the administrator in connection with an oil spill.

(2) Fails to notify the Coast Guard that a vessel is disabled within one hour of the disability and the vessel, while disabled, causes a discharge of oil which enters marine waters. For the purposes of this paragraph, "vessel" means a vessel, as defined in Section 21 of the Harbors and Navigation Code, of 300 gross registered tons or more.

(3) Discharges or spills oil into marine waters, {+ or into waters of the state, +} unless the discharge is authorized by the United States, the state, or other agency with appropriate jurisdiction.

(4) Fails to begin cleanup, abatement, or removal of spilled oil as required by Section 8670.25.

(b) Except as provided in subdivision (a), any person who intentionally or negligently violates any provision of this chapter, or Division 7.8 (commencing with Section 8750) of the Public Resources Code, or any permit, rule, regulation, standard, cease and desist order, or requirement issued or adopted pursuant to those provisions, shall be liable for an administrative civil penalty as imposed by the administrator pursuant to Section 8670.68, not to exceed one hundred thousand dollars (\$100,000) for each violation of a separate provision, or, for continuing violations, for each day that violation continues.

(c) No person shall be liable for a civil penalty imposed under this section and for a civil penalty imposed pursuant to Section 8670.66 for the same act or failure to act.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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.

BILL NUMBER: AB 1000  
BILL TEXT

INTRODUCED 02/27/97

INTRODUCED BY Assembly Member Keeley

FEBRUARY 27, 1997

An act to add Chapter 1.692 (commencing with Section 5096.300) to Division 5 of the Public Resources Code, relating to financing a program for the planning, acquisition, development, restoration, enhancement, and protection of real property and related facilities, and for the implementation of programs, for the restoration, enhancement, and protection of coastal and riparian resources, and for the prevention of pollution to coastal waters and rivers, by providing the funds necessary therefor through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of those funds, and declaring the urgency thereof, to take effect immediately.

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1000, as introduced, Keeley. Clean coastal waters and rivers: bond act.

Under existing law, programs have been established pursuant to bond acts for, among other things, the enhancement and protection of coastal resources.

This bill would enact the Clean Coastal Waters and Rivers Bond Act of 1998 which, if adopted, would authorize, for the purpose of financing a program for the planning, acquisition, development, restoration, enhancement, and protection of real property and related facilities, and for the implementation of programs, for the restoration, enhancement, and protection of coastal and riparian resources, and for the prevention of pollution to coastal waters and rivers, as specified, the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of \$663,000,000.

The bill would provide for the submission of the bond act to the voters at the general election to be held November 3, 1998, in accordance with specified law.

The bill would declare that it is to take effect immediately as an urgency statute.

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

SECTION 1. Chapter 1.692 (commencing with Section 5096.300) is added to Division 5 of the Public Resources Code, to read:

#### CHAPTER 1.692. CLEAN COASTAL WATERS AND RIVERS BOND ACT OF 1998

##### Article 1. General Provisions

5096.300. This chapter shall be known, and may be cited, as the Clean Coastal Waters and Rivers Bond Act of 1998.

5096.301. The Legislature hereby finds and declares as follows:

(a) The magnificent Pacific Coast and rivers that flow to it are the source of tremendous economic opportunity and contribute enormously to the quality of life of Californians. The coastal economy is estimated to exceed \$17 billion dollars and tourism and recreation activities are by far the largest sector of this economy. Continued economic success and enjoyment derived from coastal and river activities depends on maintaining clean water, healthy ecosystems, and expanding public access.

(b) The coast, as a highway to foreign lands and trade and as a place of reflection and recreation, is a symbol of California and a primary source of our success and of our confidence in the future.

(c) Over the past 30 years, through the enactment of the McAteer-Petris Act and the California Coastal Act of 1976, the creation of the State Coastal Conservancy, the continuing work of the Wildlife Conservation Board, the Department of Fish and Game, the Department of Parks and Recreation, the State Lands Commission, and the California regional water quality control boards, and through efforts by federal agencies and the cooperation and leadership of local and regional government, and a great majority of our citizens, much has been done to protect, restore, and enhance the coast.

(d) Notwithstanding those efforts, coastal, riparian, and watershed resources in coastal areas have been significantly damaged and continue to be degraded due to a wide range of activities.

(e) (1) Coastal area rivers, particularly rivers through major urban and suburban areas, can provide tremendous opportunities for recreation, tourism, education, esthetic enhancement, and fish and wildlife habitat protection.

(2) Urban and suburban rivers are neglected and underutilized and require public investments to gain the tremendous economic benefit that is derived from well planned recreational and wildlife habitat areas.

(f) Polluted runoff discharged into the ocean from sewers and storm drains reduces the economic potential of recreational and tourism development, damages marine ecosystems, and puts swimmers at risk. It is therefore a high priority of the state to prevent pollution and to treat polluted waters prior to discharge into rivers and coastal waters.

(g) Coastal stream habitats have been severely impacted by a range of activities, with many areas having only a small fraction of their original populations of anadromous fish, except for the Sacramento/San Joaquin Delta, and, to a lesser extent, some portions of its tributary streams and estuary. Funding is urgently needed for the restoration and enhancement of those areas, which can assist in increasing fish populations in both urban and rural settings with resultant benefits to the fishing industry, tourism, ecological balance, and a healthy environment.

(h) The accessibility of the California coast is a model for the nation and a key to our quality of life. However, with our ever increasing population, much more needs to be done to set aside public access areas to ensure that our residents and visitors can find uncrowded beaches and natural areas with well designed public facilities, such as trails, campgrounds, concessions, restrooms, interpretive centers, and parking areas, which will enhance the experience of visiting the coast with minimal impact to the coastal environment.

(i) Our parks, natural and scenic areas, waterfronts, and related facilities in coastal areas are the backbone of the state's tourist industry and must be protected and enhanced through acquisition of easements and fee interests in property and through the restoration and construction of various amenities such as piers, walkways, fishing and boating facilities, information centers, hostels, and lighthouses.

(j) The maritime and shipping industry is and will continue to be a driving force in the success of California's economy, and expanded port facilities for this economic sector must be encouraged and assisted by government through a program to minimize impacts to the coastal environment from those improvements.

(k) A range of coastal habitat lands, which are home to many species of plants and animals, have been compromised and continue to be threatened by development and other activities, and a systematic program to set aside, protect, and restore these habitats is needed to preserve a multitude of species and to direct development away from these areas. Among the habitat types in need of this systematic planning, protection, and restoration are wetlands, riparian zones, coastal scrub, grasslands, and forests.

(l) Due to the influence of the coastal climate, agricultural lands in coastal counties have unique productivity in a wide range of crops, and those lands provide both economic and social benefits, including development buffers, tax revenues with minimal use of public facilities, scenic protection, employment, and provision of wildlife habitat. Funding should be provided to preserve agriculture through the acquisition of conservation easements and other voluntary and cooperative means.

(m) There must be focused and extraordinary efforts to restore, enhance, protect, and prudently utilize coastal, riparian, and watershed resources in coastal areas now and in the future, for our current benefit and for posterity.

(n) The riparian resources of the Tahoe basin subject to the jurisdiction of the California Tahoe Conservancy must be enhanced and protected.

(o) All of those efforts will require large public investments, and funding needs to be broadly used to benefit all areas that affect, or are affected by, the ocean, including estuaries, bays, rivers and streams, agricultural lands, and natural areas.

5096.302. Every proposed activity to be funded pursuant to this chapter shall be in compliance with the California Environmental Quality Act (Division 13 (commencing with Section 21000)).

5096.303. As used in this chapter, the following terms have the following meaning:

(a) "Acquisition" means the acquisition of a fee interest or any other interest, including easements and development rights, in real property.

(b) "Board" means the Secretary of the Resources Agency designated in accordance with subdivision (b) of Section 5096.322.

(c) "Coastal area" means the coastal zone, as defined in Section 31006, and any other coastal related area, as determined by the Legislature in appropriating funds in implementation of this chapter, such as areas that have rivers that flow into the coastal zone or that have coastal forest resources, coastal wildlife habitat, or coastal agricultural resources.

(d) "Committee" means the Clean Coastal Waters and Rivers Program Finance Committee created pursuant to subdivision (a) of Section 5096.322.

(e) "Fund" means the Clean Coastal Waters and Rivers Bond Fund created pursuant subdivision (a) of Section 5096.310.

(f) "Program" means the Clean Coastal Waters and Rivers Program established pursuant to Article 2 (commencing with Section 5096.310).

(g) "Secretary" means the Secretary of the Resources Agency.

#### Article 2. Clean Coastal Waters and Rivers Program

5096.310. (a) The proceeds of bonds issued and sold pursuant to this chapter shall be deposited in the Clean Coastal Waters and Rivers Bond Fund, which is hereby created. The money in the fund shall be available, upon appropriation by the Legislature in the Budget Act, for the purposes of this chapter.

(b) There is hereby created in the fund the River Protection and Enhancement Account and the Pollution Prevention Account.

5096.311. (a) The sum of three hundred thirty-five million dollars (\$335,000,000) of money in the fund shall be available for appropriation to the State Coastal Conservancy for direct expenditure pursuant to Division 21 (commencing with Section 31000) or for grants to public agencies and nonprofit organizations for acquisition, development, restoration, enhancement, or protection of real property in coastal areas and for state administrative costs, when appropriated by the Legislature in the annual Budget Act, in accordance with the following schedule:

(1) The sum of twenty-five million dollars (\$25,000,000) for acquisition, restoration, or protection of native forests, including, but not limited to, redwoods and Douglas fir, and for programs to retrain and employ forestry workers in forest resources and watershed restoration and protection in the coastal counties of Del Norte, Humboldt, Mendocino, Sonoma, San Mateo, Santa Cruz, and Monterey Counties.

(2) The sum of forty-five million dollars (\$45,000,000) for acquisition, development, restoration, or enhancement of real property within coastal and river corridors for the restoration of riparian resources, including, but not limited to, habitat for anadromous fish and the establishment of river parkways. No single project shall be funded pursuant to this paragraph at a cost of more than ten million dollars (\$10,000,000).

(3) The sum of thirty-five million dollars (\$35,000,000) for planning, acquisition, development, restoration, or enhancement of real property in, and adjacent to, the Los Angeles River corridor and its tributaries.

(4) The sum of twenty million dollars (\$20,000,000) for acquisition, development, restoration, or enhancement of real property for the establishment of a continuous coastal trail, other than the trail project specified in paragraph (5).

(5) The sum of fifteen million dollars (\$15,000,000) for acquisition, development, restoration, or enhancement of real property for the establishment of a continuous coastal trail around San Francisco Bay.

(6) The sum of forty-five million dollars (\$45,000,000) for acquisition, development, restoration, or enhancement of real property in urban waterfront areas.

(7) The sum of seventy-five million dollars (\$75,000,000) for acquisition, development, restoration, or enhancement of real property that is highly scenic, unique, or appropriate for public access and recreation.

(8) The sum of ten million dollars (\$10,000,000) for projects pertaining to maritime industry development in the ports of Long Beach, Los Angeles, Oakland, and San Diego to ensure environmentally sound expansion.

(9) The sum of twenty-five million dollars (\$25,000,000) for acquisition, development, restoration, or enhancement of real property that contain rare or sensitive wildlife habitat.

(10) The sum of twenty million dollars (\$20,000,000) for projects for the San Diego wetlands, including the Tijuana estuary, and for habitat for endangered species and natural community conservation.

(11) The sum of twenty million dollars (\$20,000,000) for acquisition or development of real property to preserve agricultural resources.

(b) (1) The sum of one hundred thirteen million dollars (\$113,000,000) of the money in the fund shall be available for appropriation to the Wildlife Conservation Board for acquisition, development, enhancement, restoration, or protection of real property in coastal areas benefiting fish and wildlife, ecosystems, and biodiversity, in accordance with the following schedule:

(A) The sum of fifty-three million dollars (\$53,000,000) for restoration, enhancement, or protection of wetlands and their associated adjacent uplands, including, but not limited to, projects in the following areas:

- (i) \_\_\_\_\_.
- (ii) \_\_\_\_\_.

(B) The sum or twenty-four million dollars (\$24,000,000) for restoration, enhancement, or protection of riparian habitat draining into the Pacific Ocean, including, but not limited to, projects in the following areas:

- (i) \_\_\_\_\_.
- (ii) \_\_\_\_\_.

(C) The sum of thirty-six million dollars (\$36,000,000) for construction, reconstruction, and improvement of fishing piers and shoreline fishing access, including, but not limited to, projects in the following areas:

- (i) \_\_\_\_\_.
- (ii) \_\_\_\_\_.

(2) Funds allocated pursuant to paragraph (1) shall be available for expenditure by the Wildlife Conservation Board pursuant to the Wildlife Conservation Law of 1947 (Chapter 4 (commencing with Section 1300) of Division 2 of the Fish and Game Code) and for administration costs thus incurred.

5096.312 (a) The sum of seventy-five million dollars (\$75,000,000) shall be transferred from the fund to the River Protection and Enhancement Account, to be available, upon appropriation by the Legislature in the annual Budget Act, for the acquisition and restoration of riparian habitat, riverine aquatic habitat, and other lands in close proximity to rivers and streams, and for river and stream trail projects, in coastal areas and in the Tahoe basin pursuant to the following:

(1) Chapter 4 (commencing with Section 1300) and Chapter 4.1 (commencing with Section 1385) of Division 2 of the Fish and Game Code.

(2) Title 7.42 (commencing with Section 66905) of the Government Code.

(3) Chapter 5 (commencing with Section 31200) and Chapter 6 (commencing with Section 31251) of Division 21 of this code.

(4) Division 22.5 (commencing with Section 32500) of this code.

(5) Urban river park acquisition and restoration projects pursuant to Division 23 (commencing with Section 33000) of this code.

(6) River parkway projects undertaken by a city, county, or joint powers agreement among two or more cities, counties, or state agencies.

(7) Section 7048 of the Water Code.

(b) The Legislature shall allocate not less than 50 percent of the funds in the River Protection and Enhancement Account to projects that are located in, or that are in close proximity to, major metropolitan areas.

5096.313. The sum of one hundred forty million dollars (\$140,000,000) shall be transferred from the fund to the Pollution Prevention Account to be available, upon appropriation by the Legislature in the annual Budget Act, as follows:

(a) The sum of twenty million dollars (\$20,000,000) to the California Environmental Protection Agency for pollution prevention projects in coastal areas that will reduce the discharge of hazardous or other polluting materials into sewers or storm drains, or projects that would otherwise reduce runoff of materials that may be damaging to ecosystems of coastal waters and rivers.

(b) The sum of eighty million dollars (\$80,000,000) to the State Water Resources Control Board for grants for construction or upgrading of facilities to contain, treat, filter, or otherwise clean storm water dry season flows prior to release into coastal waters and rivers.

(c) The sum of forty million dollars (\$40,000,000) to the State Water Resources Control Board for construction or upgrading of facilities to improve treatment of sewage, prior to release into coastal waters or rivers.

### Article 3. Fiscal Provisions

5096.320. Bonds in the total amount of six hundred sixty-three million dollars (\$663,000,000), not including the amount of any refunding bonds issued in accordance with Section 5096.329, or so much thereof as is necessary, may be issued and sold to provide a fund to be used for carrying out the purposes set forth in this chapter and to be used to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code. The bonds, when sold, shall be and constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of the principal of, and interest on, the bonds as the principal and interest become due and payable.

5096.321. The bonds authorized by this chapter shall be prepared, executed, issued, sold, paid, and redeemed as provided in the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), and all of the provisions of that law apply to the bonds and to this chapter and are hereby incorporated in this chapter as though set forth in full in this chapter.

5096.322. (a) Solely for the purpose of authorizing the issuance and sale, pursuant to the State General Obligation Bond Law, of the bonds authorized by this chapter, the Clean Coastal Waters and Rivers Program Finance Committee is hereby created. For purposes of this chapter, the Clean Coastal Waters and Rivers Program Finance Committee is "the committee" as that term is used in the State General Obligation Bond Law. The committee consists of the Governor, the Controller, the Director of Finance, the Treasurer, and the secretary, or their designated representatives. The Treasurer shall serve as chairperson of the committee. A majority of the committee may act for the committee.

(b) For purposes of the State General Obligation Bond Law, the secretary is designated the "board."

5096.323. The committee shall determine whether or not it is necessary or desirable to issue bonds authorized pursuant to this chapter to carry out this chapter and, if so, the amount of bonds to be issued and sold. Successive issues of bonds may be authorized and sold to carry out those actions progressively, and it is not necessary that all of the bonds authorized to be issued be sold at any one time.

5096.324. There shall be collected each year and in the same manner and at the same time as other state revenue is collected, in addition to the ordinary revenues of the state, a sum in an amount required to pay the principal of, and interest on, the bonds maturing each year. It is the duty of all officers charged by law with any duty in regard to the collection of the revenue to do and perform each and every act that is necessary to collect that additional sum.



5096.325. Notwithstanding Section 13340 of the Government Code, there is hereby appropriated from the General Fund in the State Treasury, for the purposes of this chapter, an amount that will equal the total of the following:

(a) The sum annually necessary to pay the principal of, and interest on, bonds issued and sold pursuant to this chapter, as the principal and interest become due and payable.

(b) The sum necessary to carry out Section 5096.326, appropriated without regard to fiscal years.

5096.326. For purposes of carrying out this chapter, the Director of Finance may authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds that have been authorized to be sold for the purpose of carrying out this chapter. Any amount withdrawn shall be deposited in the fund. Any money made available under this section shall be returned to the General Fund from proceeds received from the sale of bonds for the purpose of carrying out this chapter.

5096.327. The secretary may request the Pooled Money Investment Board to make a loan from the Pooled Money Investment Account, in accordance with Section 16312 of the Government Code, for purposes of carrying out this chapter. The amount of the request shall not exceed the amount of the unsold bonds that the committee, by resolution, has authorized to be sold for the purpose of carrying out this chapter. The secretary shall execute any documents required by the Pooled Money Investment Board to obtain and repay the loan. Any amounts loaned shall be deposited in the fund to be allocated by the board in accordance with this chapter.

5096.328. All money deposited in the fund that is derived from premium and accrued interest on bonds sold shall be reserved in the fund and shall be available for transfer to the General Fund as a credit to expenditures for bond interest.

5096.329. The bonds may be refunded in accordance with Article 6 (commencing with Section 16780) of Chapter 4 of Part 3 of Division 4 of Title 2 of the Government Code, which is a part of the State General Obligation Bond Law. Approval by the voters of the state of the issuance of the bonds described in this chapter includes the approval of the issuance of any bonds to refund any bonds originally issued under this chapter or any previously issued refunding bonds.

5096.330. Notwithstanding any provision of this chapter or the State General Obligation Bond Law, if the Treasurer sells bonds pursuant to this chapter that include a bond counsel opinion to the effect that the interest on the bonds is excluded from gross income for federal tax purposes, subject to designated conditions, the Treasurer may maintain separate accounts for the investment of bond proceeds and the investment earnings on those proceeds. The Treasurer may use or direct the use of those proceeds or earnings to pay any rebate, penalty, or other payment required under federal law or to take any other action with respect to the investment and use of bond proceeds required or desirable under federal law to maintain the tax-exempt status of those bonds and to obtain any other advantage under federal law on behalf of the funds of this state.

5096.331. The Legislature hereby finds and declares that, inasmuch as the proceeds from the sale of bonds authorized by this chapter are not "proceeds of taxes" as that term is used in Article XIII B of the California Constitution, the disbursement of these proceeds is not subject to the limitations imposed by that article.

SEC. 2. Section 1 of this act shall take effect upon adoption by the voters of the Clean Coastal Waters and Rivers Bond Act of 1998, as set forth in Section 1 of this act. SEC. 3. (a) Notwithstanding the requirements of Sections 9040, 9043, 9044, 9061, and 9082 of the Elections Code, or any other provision of law, the Secretary of State shall submit Section 1 of this act to the voters at the November 3, 1998, general election.

(b) The Secretary of State shall ensure the placement of Section 1 of this act on the November 3, 1998, statewide ballot, in accordance with provisions of the Government Code and the Elections Code governing the submission of statewide measures to the voters.

(c) The Secretary of State shall include, in the ballot pamphlet mailed pursuant to Section 9094 of the Elections Code, the information specified in Section 9084 of the Elections Code regarding the bond act set forth in Section 1 of this act.

SEC. 4. (a) Notwithstanding any other provision of law, with respect to the Clean Coastal Waters and Rivers Bond Act of 1998, all ballots of the election shall have printed thereon and in a square thereof, exclusively the words: "Clean Coastal Waters and Rivers Bond Act of 1998" and in the same square under those words, the following in 8-point type: "This act provides for a bond issue of six hundred sixty-three million dollars (\$663,000,000) to provide funds for a program for the planning, acquisition, development, restoration, enhancement, and protection of real property and related facilities, and for the implementation of programs, for the restoration, enhancement, and protection of coastal and riparian resources, and the prevention of pollution to coastal waters and rivers (At this point, the Attorney General shall include the financial impact summary prepared pursuant to Section 9087 of the Elections Code and Section 88003 of the Government Code)." Opposite the square, there shall be left spaces in which the voters may place a cross in the manner required by law to indicate whether they vote for or against the act.

(b) Where the voting in the election is done by means of voting machines used pursuant to law in a manner that carries out the intent of this section, the use of the voting machines and the expression of the voter's choice by means thereof are in compliance with this section.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order that the Clean Coastal Waters and Rivers Bond Act of 1998, set forth in Section 1 of this act, may be submitted for voter approval at the earliest feasible time, it is necessary that this act take effect immediately.

BILL NUMBER: AB 1022  
BILL TEXT

INTRODUCED 02/27/97

INTRODUCED BY Assembly Member Lempert

FEBRUARY 27, 1997

An act to amend Section 30319 of the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 1022, as introduced, Lempert. Coastal resources: development permits: lobbyists.

(1) Existing law, the California Coastal Act of 1976, requires any person who applies to the California Coastal Commission for approval of a development permit to provide the commission with the names and addresses of all persons who, for compensation, will be communicating with the commission or commission staff on the applicant's behalf or on the behalf of the applicant's business partners.

This bill would also require any person who, for compensation, will be communicating with the commission or commission staff on the applicant's behalf or on the behalf of the applicant's business partners, in connection with an application to the commission for approval of a development permit, to register as a lobbyist pursuant to specified provisions of the Political Reform Act of 1974. Since a violation of this provision would be a misdemeanor, thereby expanding the definition of an existing crime, the bill would impose a state-mandated local program.

(2) 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.

This bill would provide that no reimbursement is required by this act for a specified reason.

(3) The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes with a 2/3 vote of each house and compliance with specified procedural requirements.

This bill, which would declare that it furthers the purposes of the act, would therefore require a 2/3 vote. Vote: 2/3. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

SECTION 1. Section 30319 of the Public Resources Code is amended to read:

30319. (a) (1) Any person who applies to the commission for approval of a development permit shall provide the commission with the names and addresses of all persons who, for compensation, will be communicating with the commission or commission staff on the applicant's behalf or on behalf of the applicant's business partners. That disclosure shall be provided to the commission prior to any such communication.

*(2) Any person who, for compensation, will be communicating with the commission or commission staff on the applicant's behalf or on behalf of the applicant's business partners, in connection with an application to the commission for approval of a development permit, shall register as a lobbyist and comply with the requirements of Chapter 6 (commencing with Section 86100) of Article 1 of Title 9 of the Government Code.*

*(b) Failure to comply with ~~that the disclosure requirement~~ requirements of subdivision (a) is a misdemeanor and, upon conviction, the person shall be punished by a fine of five thousand dollars (\$5,000) or imprisonment in the county jail not exceeding six months, and, in addition, shall be subject to immediate denial of the permit.*

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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.

SEC. 3. The Legislature finds and declares that the provisions of this act further the purpose of the Political Reform Act of 1974 within the meaning of subdivision (d) of Section 81012 of the Government Code.

BILL NUMBER: AB 1084  
BILL TEXT

INTRODUCED 02/27/97

INTRODUCED BY Assembly Member Bowen

FEBRUARY 27, 1997

An act to add Section 66633.5 to the Government Code, and to amend Section 30301 of, to add Section 30321.5 to, and to repeal Section 30301.5 of, the Public Resources Code, relating to coastal resources.

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1084, as introduced, Bowen. Coastal resources: commissions: membership: communications.

Existing law, the California Coastal Act of 1976, establishes the California Coastal Commission and existing law, the so-called McAteer-Petris Act, establishes the San Francisco Bay Conservation and Development Commission, and requires the appointment of specified members to those commissions.

The California Coastal Commission consists of 4 nonvoting members, and 12 voting members, as prescribed.

This bill would remove the 4 nonvoting members from the California Coastal Commission and make a related change.

The bill would prohibit a person from being eligible to serve on either 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 any provision of law that is subject to the jurisdiction of the commission.

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

SECTION 1. Section 66633.5 is added to the Government Code, to read:

66633.5. (a) This section shall apply to any person who, as of January 1, 1998, is a member of the commission and to any future appointee to the commission.

(b) No person shall be eligible to serve on the commission if that person has been the subject of an enforcement action for a violation of any provision of law that is subject to the jurisdiction of the commission, and the enforcement action resulted in any of the following:

- (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 commission and against the person.
- (6) A final court judgment determining that the person has violated a provision of law that is subject to the jurisdiction of the commission.

(c) This section does 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.

SEC. 2. Section 30301 of the Public Resources Code is amended to read:

30301. The commission shall consist of the following ~~16~~ **12** members:

- (a) ~~The Secretary of the Resources Agency.~~
- ~~—(b) The Secretary of the Business and Transportation Agency.~~
- ~~—(c) The Secretary of Trade and Commerce.~~
- ~~—(d) The Chairperson of the State Lands Commission.~~
- ~~—(e) Six representatives of the public from the state at large. The Governor, the Senate Committee on Rules, and the Speaker of the Assembly shall each appoint two of these members.~~
- ~~—(f) (b) Six representatives selected from six coastal regions. The Governor shall select one member from the north coast region and one member from the south central coast region. The Speaker of the Assembly shall select one member from the central coast region and one member from the San Diego coast region. The Senate Committee on Rules shall select one member from the north central coast region and one member from the south coast region. For purposes of this division, these those regions are defined as follows:~~

- (1) The north coast region consists of the Counties of Del Norte, Humboldt, and Mendocino.
- (2) The north central coast region consists of the Counties of Sonoma and Marin and the City and County of San Francisco.
- (3) The central coast region consists of the Counties of San Mateo, Santa Cruz, and Monterey.
- (4) The south central coast region consists of the Counties of San Luis Obispo, Santa Barbara, and Ventura.
- (5) The south coast region consists of the Counties of Los Angeles and Orange.
- (6) The San Diego coast region consists of the County of San Diego.

SEC. 3. Section 30301.5 of the Public Resources Code is repealed.

~~30301.5. Members of the commission serving under subdivision (a), (b), (c), or (d) of Section 30301 shall be nonvoting members and may appoint a designee to serve at his or her pleasure who shall have all the powers and duties of the member pursuant to this division.~~

SEC. 4. Section 30321.5 is added to the Public Resources Code, to read:

30321.5. (a) This section shall apply to any person who, as of January 1, 1998, is a member of the commission and to any future appointee to the commission.

(b) No person shall be eligible to serve on the commission if that person has been the subject of an enforcement action for a violation of any provision of law that is subject to the jurisdiction of the commission, and the enforcement action resulted in any of the following:

- (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 commission and against the person.

(6) A final court judgment determining that the person has violated a provision of law that is subject to the jurisdiction of the commission.

(c) This section does 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 1169  
BILL TEXT

INTRODUCED 02/28/97

INTRODUCED BY Assembly Member Shelley

FEBRUARY 28, 1997

An act to add Chapter 4 (commencing with Section 71070) to Part 2 of Division 34 of the Public Resources Code, relating to environmental protection.

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1169, as introduced, Shelley. Environmental and resources agencies: posting of electronic data.

Existing law requires the Resources Agency and the California Environmental Protection Agency to administer and implement various environmental and resource protection programs, and to provide information to the public and proper notice of meetings on issues and matters within the respective agency's jurisdiction.

This bill would require those agencies and every state agency within those agencies to post, on an appropriate information page on the internet, specified information including information concerning meetings. The bill would require those agencies, in addition to providing information that is accessible by personal computer, to continue to make printed copies of all information and documents pertaining to matters within the agency's jurisdiction available to the public at a reasonable cost.

The bill would also make related legislative findings and declarations.

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

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

(a) The photocopying of agenda, information packets, staff memos, and comment letters consumes a large number of trees and resources, which are resources that environmental and resources agencies are charged with protecting.

(b) The postal distribution of information pertaining to meetings, memos, and comment letters is expensive and time consuming.

(c) The distribution of information relating to public meetings is often completed after a meeting has taken place as a result of the slow delivery of information.

(d) The goal of public meetings is to allow and encourage public participation and it is difficult for the public to participate in many agency activities due to failures in the delivery of information.

(e) The distribution of documents on the internet is a more cost-effective way to deliver information in a timely manner.

SEC. 2. Chapter 4 (commencing with Section 71070) is added to Part 2 of Division 34 of the Public Resources Code, to read:

#### CHAPTER 4. ELECTRONIC DATA REPORTING

71070. For purposes of this part, "agency" means the Resources Agency and the California Environmental Protection Agency and every state agency within those agencies.

71071. (a) The agency shall post, on an appropriate information page on the internet, an agenda and any information packet pertaining to a meeting over which the agency will preside at least 10 days prior to the scheduled meeting unless a longer time period for proper notice of the meeting is prescribed by Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code.

(b) The agency may require any person submitting information for insertion into an information packet to provide the information to the agency on a computer disk or by electronic mail.

(c) The agency shall post the following information on an appropriate information page on the internet:

(1) Information on regulatory changes, proposals, and any comments pertaining to those regulatory changes or proposals.

(2) Staff memoranda and letters from the agency that are not confidential and pertain to issues that the agency is considering.

(3) All minutes, proceedings, and transcripts of any meetings of the agency that are open to the public.

(4) All legislative analyses and comments on issues that relate to environmental matters within the agency's jurisdiction.

(c) Any information that is made available on the internet pursuant to subdivision (b) shall be presented in a concise manner so that it is easily accessible by the public by personal computer, and the addresses for any documents that are posted on the internet shall be made available on the agency's World Wide Web site or on any other relevant information home page that contains similar information on the agency.

(d) Any information that is not made available as required by this section may not be considered at any meeting of the agency until properly noticed, and may only be considered at a subsequent meeting.

(e) In addition to providing information by computer pursuant to this section, the agency shall also continue to make printed copies of all information and documents available to the public at a reasonable cost.

BILL NUMBER: AB 1188  
BILL TEXT

INTRODUCED 02/28/97

INTRODUCED BY Assembly Member Lempert

FEBRUARY 28, 1997

An act relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 1188, as introduced, Lempert. Coastal access easements.

Existing law requires the California Coastal Commission and the State Coastal Conservancy to implement and administer various programs related to coastal resources, including providing for coastal access.

This bill would make legislative findings and declarations pertaining to the importance of preserving and protecting public access to beaches and other recreational areas in the coastal zone and providing funding for those purposes.

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

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

(a) Public access to beach and recreational areas of the coast is of special importance to the people of this state, and the citizen's right to access public beaches and other recreational areas in the coastal zone should be preserved and protected.

(b) No state agency should dispose of any coastal access easements that belong to the state without first obtaining legislative approval of that transfer or sale.

(c) All current offers to dedicate land for coastal access easements that have not yet been accepted by the state should be expeditiously accepted by the State Coastal Conservancy.

(d) Funds in the amount of one million six hundred thousand dollars (\$1,600,000) need to be made available to establish an orderly process for determining a priority timetable to open and operate those coastal access easements, as follows:

(1) Two hundred thousand dollars (\$200,000) to the California Coastal Commission to develop a prioritized list for opening easements along the coast.

(2) One million four hundred thousand dollars (\$1,400,000) to the State Coastal Conservancy to operate those coastal access easements until they can be transferred to local jurisdiction or nonprofit organizations.



BILL NUMBER: AB 1228  
BILL TEXT

INTRODUCED 02/28/97

INTRODUCED BY Assembly Member Ducheny

FEBRUARY 28, 1997

An act to add Article 2.8 (commencing with Section 69.5) to Chapter 2 of Division 1 of the Harbors and Navigation Code, relating to coastal resources, and making an appropriation therefor.

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1228, as introduced, Ducheny. Public beach enhancement.

Under existing law, the Department of Boating and Waterways has powers and duties pertaining to beach erosion control, beach stabilization, and beach repair and restoration.

This bill would establish the California Public Beach Enhancement Program, to be administered by the department, for specified public beach enhancement purposes. The bill would require the department, not later than January 1, 1999, to establish the California Public Beach Enhancement Program Technical Advisory Committee, and would prescribe the membership and functions of the committee.

The bill would require the department, not later than January 1, 2000, to prepare and submit to the Legislature a report that discusses the need for public beach enhancement projects and the potential effectiveness of the program in addressing that need.

The bill would appropriate \$15,000,000 from the General Fund to the department to be used to establish and fund the program.

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

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

(a) Many of the state's beaches are seriously eroded, and beach erosion is projected to continue or worsen in the future.

(b) Upland land use and upstream flood control policies have limited the natural replenishment of sand to the beaches.

(c) The state's beaches are eroding and degrading due to the diminution of the natural supply of beach material and intervention by man.

(d) The state's beaches provide the best form of shoreline protection.

(e) The state's beaches are the most heavily used recreational area in the state and provide unparalleled recreational opportunities.

(f) The state's beaches provide a natural habitat for many species, some of which are on the threatened or endangered list, such as the least tern and the snowy plover.

(g) The state's beaches increase the quality of life for Californians by providing additional recreational areas.

(h) The state's beaches enhance and help drive the tourist economy in California, which is the third largest industry in the state.

SEC. 2. Article 2.8 (commencing with Section 69.5) is added to Chapter 2 of Division 1 of the Harbors and Navigation Code, to read:

Article 2.8. California Public Beach Enhancement Act

69.5. This chapter shall be known, and may be cited, as the California Public Beach Enhancement Act.

69.6. The California Public Beach Enhancement Program is hereby established, to be administered by the department for all of the following purposes:

(a) The enhancement, restoration, and nourishment of public beaches through the engineered placement of sand on the beach or in the nearshore environment.

(b) The stabilization of beaches by the use of structures, such as groins, offshore reefs, or breakwaters, and refraction structures, that would increase the cost-effectiveness of beach nourishment operations.

(c) The planning, design, and construction of beach enhancement, restoration, or nourishment works, as are determined to be necessary by the department, to preserve and maintain the beaches.

(d) The preparation of studies that are determined to be necessary by the department to adequately inventory, characterize, and assess the physical and biological resources of the ocean, nearshore, shoreline, inland processes, and resources required for the planning, design, and construction of needed beach enhancement works.

69.7. (a) The department shall, not later than January 1, 1999, establish and appoint members to the California Public Beach Enhancement Program Technical Advisory Committee, which shall provide advice and guidance to the department on the implementation of the program. The committee shall consist of members selected from interested citizens, regional and local coastal government officials, public interest groups, scholars from educational institutions, private companies, and professional organizations.

(b) The technical advisory committee shall do all of the following:

(1) Develop criteria for evaluating options and techniques for developing littoral cell and watershed-based approaches to beach enhancement, such as beach and nearshore nourishment, the construction of structures to facilitate beach nourishment, and the identification of methods of delivering riverine and estuarine sediment to the coast.

(2) Develop criteria to prioritize areas in need of nourishment, to evaluate areas of shoreline in the state, and to identify priority littoral cells.

(3) Develop outlines and timelines for all studies determined to be necessary by the department to adequately inventory, characterize, and assess the physical and biological resources of the ocean, nearshore, shoreline, and inland processes, and to estimate the resources that would be required for the planning, designing, and construction of needed beach enhancement works.

(4) Establish a program intended to develop state, regional, and local partnerships to facilitate beach enhancement projects, to identify potential funding sources for those projects, and to oversee the preparation of contracts, memoranda of agreement, forms, or other legal instruments that may be necessary to establish those partnerships.

SEC. 3. The Department of Boating and Waterways shall, not later than January 1, 2000, prepare and submit to the Legislature a report that evaluates the need for public beach enhancement projects and the potential effectiveness of the California Public Beach Enhancement Program in addressing that need.

SEC. 4. The sum of fifteen million dollars (\$15,000,000) is hereby appropriated from the General Fund to the Department of Boating and Waterways, from any money received by the state from the federal government pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. Section 1331 and following), or from any other available funding source, to be used to establish and fund the California Public Beach Enhancement Program pursuant to Article 2.8 (commencing with Section 69.5) of Chapter 2 of Division 1 of the Harbors and Navigation Code.

BILL NUMBER: AB 1293  
BILL TEXT

INTRODUCED 02/28/97

INTRODUCED BY Assembly Member Bowen

FEBRUARY 28, 1997

An act to add Chapter 4.5 (commencing with Section 8301) to Division 1 of Title 2 of the Government Code, relating to information systems.

LEGISLATIVE COUNSEL'S DIGEST

AB 1293, as introduced, Bowen. Geographic informationsystems.

Existing law requires or authorizes state and local agencies to compile, maintain, and disseminate data for various purposes, and to develop electronic information systems for those purposes.

Existing law sets forth the duties of the Department of Information Technology in the development and oversight of information technology policy in the state.

This bill would enact the Strategic Geographic Information Investment Act of 1997. It would require the Department of Information Technology to create an advisory board, with a described membership, and with specified duties. It would require the department, in consultation with the board, to administer grants under the Geographic Information Grant Program for the development of new, 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 provide that moneys in the fund shall be subject to appropriation in the annual Budget Act.

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

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

(a) Quality information is essential to maintain the health, safety, and welfare of the people of California and California's economy and environment, and it is the responsibility of state government to ensure that crucial information is available for effective operation of the public sector.

(b) The lack of quality information leads to poor decisions by public and private organizations. (c) Crime prevention, property management, energy resources planning and service delivery, land planning, risk assessment, economic development, emergency response, pollution control, education, delivery of human and social services, transportation management, natural resources management, and environmental decisionmaking are all functions of the public and private sectors that require large amounts of high quality and available information. This information can be indexed by its geographic location, and, through the use of geographic information systems, can be retrieved rapidly and effectively.

(d) Computers and electronic data bases proliferate throughout government, and automated mapping and geographic information systems are the fastest growing areas for information technology.

(e) Data are often collected and data bases designed for isolated reasons, and seldom with consideration for the needs and requirements of those outside the sponsoring organization. California cannot afford data fragmentation. A new direction must focus on coordinated actions and better allocation of existing financial resources at all levels of government.



(f) The capture of geographic information is expensive, and public and private organizations must be encouraged to work together to create shared geographic information data bases, thus avoiding redundancy and duplication.

(g) The update and maintenance of existing geographic information system data bases is an effort that is critical to the effective use and preservation of the resources invested in geographic information systems.

(h) Geographic information is heavily relied upon and critical to agencies, public utilities, educational institutions, and private organizations, and provides the foundation for assessment and planning of services and actions.

(i) The flow of information between public organizations and the citizenry must be unfettered in order for public organizations to respond rapidly and successfully to the health, safety, and welfare concerns of the people of California.

(j) Increased electronic access to the public's information systems will enhance the delivery of public services and the availability of information.

(k) California must implement a comprehensive strategy for the development, funding, and coordinated use of geographic information to successfully serve its citizens and to compete in the new international economic system.

(l) Automated mapping and geographic information systems offer great value to the public.

(m) Because of the high cost of creating and maintaining geographic information data bases, many public agencies are seeking greater authority to sell the data. Public agency policies for pricing the data range from covering the cost of data duplication, to recouping the costs from compilation and maintenance of the data bases. These policies impede and discourage the sharing of data among public agencies with overlapping geographic jurisdictions and interests. They also threaten to thwart the public's right to open and unfettered access to the government's decisionmaking information.

(n) It is the intent of the Legislature in enacting this act to redress these problems and take better advantage of opportunities described in this act. It is the further intent of the Legislature to provide an alternative source of funds for public agencies to create and maintain geographic information data bases without having to sell the public data. Finally, it is the intent of the Legislature that the Department of Information Technology coordinate open exchange of geographic information among public agencies by establishing compatible standards for framework information and serving as a clearinghouse for access to data.

SEC. 2. Chapter 4.5 (commencing with Section 8301) is added to Division 1 of Title 2 of the Government Code, to read:

#### CHAPTER 4.5. STRATEGIC GEOGRAPHIC INFORMATION INVESTMENT ACT OF 1997

8301. This chapter shall be known and may be cited as the Strategic Geographic Information Investment Act of 1997.

8302. For the purposes of this chapter, the following definitions shall apply:

(a) "Board" means the advisory board created pursuant to subdivision (b) of Section 8303.

(b) "Data base" means records or groups of records, stored electronically, that can be retrieved by a computer.

(c) "Department" means the Department of Information Technology.

(d) "Framework data base" means any categories of geographic information and their attributes that provide a foundation for collection and analysis of other data. A characteristic of framework data is that it serves multipurpose and multiple users with the same data.

(e) "Geographic information" means any physical, legal, economic, environmental, biological, or human information related by some indicator of geographic location. Geographic information includes, but is not limited to, information relating to topography, soil, geology, vegetation, land cover, land use, land use controls and restrictions, wildlife, land ownership, jurisdictional boundaries, administrative zones, tax assessment, land value, geodetic control, aerial photography, planimetric data, satellite imagery, historic and prehistoric sites, and economic projections.

(f) "Geographic information records" means maps, documents, computer files, data bases, and other information storage media in which geographic information is recorded.

(g) "Geographic information system" means an organized collection of computer hardware, software, geographic information, and personnel designed to efficiently capture, store, update, manipulate, analyze, and display all forms of geographically referenced information.

8303. (a) The Department of Information Technology shall implement this chapter.

(b) The department shall create an advisory board consisting of members, each with one vote, who shall advise the department on policies to carry out this chapter and make recommendations on the awarding of grants.

(1) The advisory board shall consist of the following members:

(A) One member who is experienced with geographic information used and developed by municipal government.

(B) One member who is experienced with geographic information used and developed by county government.

(C) One member who is experienced with geographic information used and developed by state government.

(D) One member who is experienced with geographic information used and developed by regional government agencies as defined in Chapter 5 (commencing with Section 65000) of Division 7.

(E) One member who is experienced with geographic information used and developed by utilities.

(F) One member who represents an institution of higher learning and is experienced in geographic information.

(G) One member who is authorized to practice land surveying by the State of California Board of Professional Engineers and Land Surveyors.

(H) One member who is on the Federal Geographic Data Committee.

(I) Two members who represent the public and have expertise and experience with geographic information.

(2) The chairperson of the California Geographic Information Coordination Council is a member.

(c) The department may select and appoint advisory members to serve in a nonvoting capacity and assist the board in its deliberations. The advisory membership should consist of a representative of a regional planning agency, a county employee active in the management of geographic information systems, a municipal employee active in the management of geographic information systems, a representative of professional surveyors, a representative of professional engineers, representatives of elementary and higher education, representatives from state and federal agencies active in the management of geographic information systems, and other groups that the department believes will help foster its goals and objectives.

(d) Each member of the board shall represent the state at large and not any particular geographic region or special interest thereof.

(e) The terms of office of the appointed members of the board shall be for four years, except that the members first appointed to the board shall classify themselves by lot so that the term of two or three members, as the case may be, shall expire at the end of each of the four years following the initial appointments to the board.

(f) Any vacancy shall be filled by the Chief Information Officer within 30 days of the date on which a vacancy for the unexpired portion of the term occurs or for any new term of office. If the Chief Information Officer fails to make an appointment for any vacancy within that period, the board may, by a majority vote of all members, make the appointment to fill the vacancy for the unexpired portion of the term.

(g) Every two years, the board shall elect a chairperson and a vice-chairperson from the membership of the board. The term of office for the chairperson and vice-chairperson shall be two years. If a vacancy occurs in either office, the board shall fill the vacancy for the unexpired term.

(h) Members shall be entitled to reimbursement of travel expenses and per diem pursuant to rules set forth by the Department of Personnel Administration.

(i) A majority of the voting members of the board shall constitute a quorum for the transaction of business of the board. A majority vote of the voting members present shall be required to take action with respect to any matter unless otherwise specified in this chapter. The vote of each member shall be individually recorded.

(j) The board shall adopt its own rules and procedures necessary for its organization and operation. Any rule, procedure, plan, or other record of the board that constitutes a public record pursuant to subdivision (d) of Section 6252 shall be available for inspection and copying during regular office hours.

(k) The department, on behalf of the board, may apply for and accept federal grants or other federal funds and receive gifts, donations, rents, royalties, state funds derived from bond sales, the proceeds of taxes or funds from other state revenue sources or any other financial support available from public or private sources.

(l) The department, on behalf of the board, may expend no more than 10 percent of the moneys in the grant fund appropriated annually by the Legislature for the operations of the board.

8304. The board shall perform the following functions:

(a) Direct and supervise the geographic information grant program for the state.

(b) Collect, maintain, and disseminate information regarding the availability and development of geographic information and geographic information products and serve as the state clearinghouse for access to geographic information.

(c) Administer and monitor the Geographic Information Grant Program established pursuant to Section 8306. The board shall set eligibility requirements, competitive selection criteria, and performance monitoring criteria for grants.

(d) Define framework geographic data bases and the minimum level of attribution for the framework data bases that are eligible for grants from the geographic information grant program.

(e) Ensure and certify that data developed and maintained through the grant program conform to framework standards and integrates with other framework data. The board shall ensure that a consistent set of standards applies to all framework data bases developed and maintained through the grant program

8305. (a) There is in the State Treasury the Geographic Information Grant Fund. All moneys appropriated or transferred by the Legislature to, or received from any other source by, the department or the board, shall be deposited in the fund.

(b) Moneys in the fund shall be used for fostering programs and activities to create and improve geographic information, including, but not limited to, the Geographic Information Grant Program and the activities of the board.

(c) Moneys in the fund shall be subject to appropriation in the annual Budget Act.

8306. (a) The department shall establish the Geographic Information Grant Program, to administer, in consultation with the board, grants from the Geographic Information Grant Fund as follows:

(1) Development of new, and maintenance of, framework data bases for geographic information systems shall be the only purposes for which grants may be made.

(2) The board shall give preference to grant applications that do not duplicate existing framework data bases.

(3) The grant program shall be open to all public agencies and private organizations located in California.

(4) Grants shall be made to partnerships, to include at least one public agency. The partnership shall demonstrate in its application that each partner shares responsibility for development and maintenance of the geographic information and that each partner uses and participates materially in the geographic information developed or maintained.

(5) The maximum dollar amount for a grant shall be determined annually by the board.

(6) The board may require all grants to have a matching requirement. The board shall develop criteria for determining the levels of a matching requirement for any application. The board may permit a matching requirement be met through the provision of goods and services by an applicant.

(7) The board shall require that any recipient of a grant make data developed or maintained with grant funds available to disclosure under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7) and require that the electronic data shall be placed in the public domain free of any restriction on use or copy.

(b) In administering the grant program, the board shall promote, facilitate, and coordinate liaison among municipal, county, regional, state, and federal agencies as well as utilities and private companies involved with the creation and maintenance of geographic information.

(c) Notwithstanding Section 7550.5, the department shall report annually to the Legislature on the status of the grant program, the success of the program in achieving the development of framework data bases, and the status and success of each grant.

BILL NUMBER: SB 499  
BILL TEXT

INTRODUCED 02/20/97

INTRODUCED BY Senator Alpert

FEBRUARY 20, 1997

An act relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 499, as introduced, Alpert. Coastal zone: polluted runoff.

The Porter-Cologne Water Quality Act governs the coordination and control of water quality in this state, and includes provisions relating to nonpoint source pollution. The California Coastal Act of 1976 imposes certain restrictions on development in the coastal zone of the state. The California Coastal Commission, pursuant to the coastal act, has specified duties with regard to the federally approved California Coastal Management Program.

This bill would make a statement of legislative intent to amend those provisions to incorporate specific polluted runoff control measures recommended by the United States Environmental Protection Agency in a specified guidance manual and related technical advisory document.

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

SECTION 1. It is the intent of the Legislature to amend the Porter-Cologne Water Quality Act (Division 7 (commencing with Section 13000) of the Water Code), including any provisions relating to nonpoint source pollution, the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), and the California Coastal Management Program to incorporate specific polluted runoff control measures recommended by the United States Environmental Protection Agency in its guidance manual titled "Addressing Polluted Runoff in the Coastal Zone" and in the related technical advisory document.

BILL NUMBER: SB 673  
BILL TEXT

INTRODUCED 02/25/97

INTRODUCED BY Senator Karnette

FEBRUARY 25, 1997

An act to add Section 13396.9 to the Water Code, relating to water, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 673, as introduced, Karnette. Water quality: contaminated sediment.

Existing law prohibits the State Water Resources Control Board and the California regional water quality control boards from granting approval for a dredging project that involves the removal or disturbance of sediment that contains pollutants at or above certain sediment quality objectives unless certain requirements are met. Existing law establishes the California Coastal Commission and grants to that commission specified duties relating to coastal protection.

This bill would require the commission, in cooperation with the state board, to establish a contaminated sediments program and to prepare a long-term management plan for the dredging and disposal of contaminated sediments in coastal waters, as prescribed.

The bill would appropriate, from the General Fund, \$100,000 to the commission and \$100,000 to the state board, for each of 5 fiscal years, commencing with 1997-98 fiscal year, for the preparation of the plan.

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

SECTION 1. Section 13396.9 is added to the Water Code, to read:

13396.9. (a) The California Coastal Commission, in cooperation with the state board, shall establish a contaminated sediments program.

(b) On or before January 1, 2003, the California Coastal Commission, in cooperation with the state board, the United States Environmental Protection Agency, and the United States Army Corps of Engineers, shall prepare a long-term management plan for the dredging and disposal of contaminated sediments in California's coastal waters from 1998 to 2018, inclusive. The plan shall include identifiable goals and standards for the purpose of minimizing impacts to water quality, fish, and wildlife and recommendations with regard to alternatives to the dredging and disposal of contaminated sediments.

SEC. 2. (a) The sum of one hundred thousand dollars (\$100,000) is hereby appropriated from the General Fund to the California Coastal Commission, for the 1997-98 fiscal year, and one hundred thousand dollars (\$100,000) each year for the 1998-99, 1999-2000, 2000-01, and 2001-02 fiscal years, inclusive, for the preparation of a long-term management plan for the dredging and disposal of contaminated sediments in California's coastal waters in accordance with Section 13396.9 of the Water Code.

(b) The sum of one hundred thousand dollars (\$100,000) is hereby appropriated from the General Fund to the State Water Resources Control Board for the 1997-98 fiscal year, and one hundred thousand dollars (\$100,000) each year for each of the other fiscal years identified in subdivision (a) for the preparation of the plan described in that subdivision.

BILL NUMBER: SB 676  
BILL TEXT

INTRODUCED 02/25/97

INTRODUCED BY Senator Peace

FEBRUARY 25, 1997

An act relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 676, as introduced, Peace. Coastal resources: development permits: mitigation measures.

Existing law, the California Coastal Act of 1976, requires any person wishing to perform or undertake any development in the coastal zone, as defined, to obtain a coastal development permit, except as provided.

This bill would make legislative findings and declarations that the California Coastal Commission should not require any applicant who applies for a coastal development permit for a project that is proposed to be located in the coastal zone to perform any mitigation measures as a condition of obtaining the permit if mitigation measures would apply to an area outside of the county in which the project is proposed to be located.

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

SECTION 1. The Legislature hereby finds and declares that the California Coastal Commission should not require any applicant who applies for a coastal development permit for a project that is proposed to be located in the coastal zone, as defined in Section 30103 of the Public Resources Code, to perform any mitigation measures as a condition of obtaining the permit if the mitigation measures would apply to an area outside of the county in which the project is proposed to be located.



BILL NUMBER: SB 1119  
BILL TEXT

INTRODUCED 02/28/97

INTRODUCED BY Senator Hayden

FEBRUARY 28, 1997

An act relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 1119, as introduced, Hayden. Coastal resources: certified local coastal programs.

Existing law, the California Coastal Act of 1976, requires the preparation of local coastal programs that are submitted to the California Coastal Commission for certification.

This bill would make legislative findings and declarations that the commission should make every effort possible to assist local governments in the preparation of certified local coastal programs, including providing financial assistance through a grant program.

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

SECTION 1. The Legislature hereby finds and declares that the California Coastal Commission should make every effort possible to assist local governments in the preparation of certified local coastal programs, including providing financial assistance through a grant program.