

CALIFORNIA COASTAL COMMISSION

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April 24, 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 May 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 certain 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
 Referred to Senate Natural Resources Committee

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

AB 1022 would prohibit any interested person who communicates with a member of the commission for the purpose of supporting, opposing, or otherwise influencing the commission member with respect to any matter that is pending before the commission from making any gift of a value of \$5 or more, including gifts of food or beverages, to any member of the commission, unless the interested person, immediately upon making the gift, discloses and reports the gift by submitting a written report of the gift to the executive director, who shall immediately place the report in the commission's official record. This bill would also place the same reporting requirements on Coastal Commissioners.

Introduced 02/27/97
Last Amend 04/17/97
Status Passed Assembly Natural Resources Committee (7-3)

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 Passed Assembly Natural Resources Committee (9-2)
 Passed Assembly Appropriations Committee (11-9)
 Assembly Third Reading File

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. (Urgency)

Introduced 01/06/97
Last Amend 04/07/97
Commission Position **SUPPORT**
Status Passed Assembly
 Referred to Senate Transportation Committee

AB 241 (Lempert) Wetlands

AB 241 would require the State Coastal Conservancy, in cooperation with responsible federal, state, and local agencies, to adopt regulations that establish standards and criteria for a wetlands mitigation bank site qualification process in the coastal zone, the evaluation of wetlands acreage and habitat functions created at bank sites, and the operation of bank sites. The bill would, until January 1, 2010, permit any person who desires to establish a bank site, as described, to apply to the conservancy and any other appropriate state agency for a determination that the proposed bank site and the proposed operator qualify under the standards and criteria established by the conservancy. The bill would prescribe procedures and requirements for the approval of a bank site. The conservancy would be required on or before February 1, 1999, and annually thereafter, to report to the Legislature a description and evaluation of each bank site approved by the conservancy, including specified information and recommendations.

Introduced 02/07/97
Last Amend 04/15/97
Status Passed Assembly Natural Resources Committee (9-1)

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 04/22/97
Status Passed Assembly Water, Parks, and Wildlife Committee (8-3)

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 expand the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act to include all waters of the state, making the discharge or spill of oil into the waters of the state subject to criminal and civil penalties.

Introduced 02/26/97
Last Amend 04/21/97
Status Passed Assembly Natural Resources Committee (10-4)

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 04/17/97
Status Passed Assembly Natural Resources Committee (12-0)

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 04/21/97
Commission Position **SUPPORT**
Status Passed Assembly Natural Resources Committee (9-3)

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 04/23/97
Commission Position **OPPOSE UNLESS AMENDED**
Status Passed Assembly Governmental Organization Committee (12-3)

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 04/14/97
Status Passed Assembly Natural Resources Committee (7-3)

AB 1228 (Duchenev) 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 04/21/97
Commission Position **SUPPORT**
Status Passed Assembly Natural Resources Committee (12-0)

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 04/15/97
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 04/03/97
Status Passed Senate Natural Resources and Wildlife Committee (7-0)
Senate Appropriations Committee - Placed on Suspense File

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 **SUPPORT**
Status Passed Senate Natural Resources and Wildlife Committee (7-0)
Senate Appropriations Committee - Placed on Suspense File

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 04/02/97
Commission Position **SUPPORT**
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 04/15/97
Commission Position **SUPPORT**
Status Passed Senate Natural Resources and Wildlife Committee (6-0)

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
Commission Position **OPPOSE**
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 04/14/97
Status Passed Senate Natural Resources and Wildlife Committee (6-1)

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 04/09/97
Status Passed Assembly Local Government Committee (9-5)

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 03/31/97
Status Failed to Pass Assembly Environmental Safety and Toxic Materials Committee

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 04/09/97
Status Passed Assembly Environmental Safety and Toxic Materials Committee (8-0)

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 04/09/97
Status Passed Assembly Water, Parks, and Wildlife Committee (9-3)

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 Passed Senate Natural Resources and Wildlife Committee (9-0)
Senate Appropriations Committee - Suspense File

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 Passed Senate Health and Human Safety Committee (7-0)
Passed Senate Appropriations (9-0)

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 Passed Senate Revenue and Taxation Committee (6-2)

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 04/09/97
Status Passed Senate Natural Resources and Wildlife Committee (6-1)

AMENDED IN ASSEMBLY APRIL 15, 1997

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. ~~Chapter 10 (commencing with Section 31425) to Division 21 of the Public Resources Code, relating to coastal resources.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 241, as amended, Lempert. ~~Wetlands-Coastal resources: wetlands mitigation bank.~~

~~Existing law requires the State Coastal Conservancy to implement and administer various programs designed to conserve and protect lands in the coastal zone, as defined.~~

~~This bill would require the State Coastal Conservancy, in cooperation with responsible federal, state, and local agencies, to adopt regulations that, among other things, establish standards and criteria for a wetlands mitigation bank site qualification process, as prescribed, in the coastal zone, as defined, the evaluation of wetlands acreage and habitat functions created at bank sites and the operation of bank sites.~~

~~The bill would, until January 1, 2010, permit any person who desires to establish a bank site, as described, to apply to the conservancy and any other appropriate state agency for a determination that the proposed bank site and the proposed operator, as defined, qualify under the standards and criteria established by the conservancy. The bill would prescribe procedures and requirements for the approval of a bank site. The conservancy would be required on or before February 1, 1999, and annually thereafter, to report to the Legislature a description and evaluation of each bank site approved by the conservancy, including specified information and recommendations.~~

~~The bill would require the conservancy, on or before July 1, 1998, in cooperation with the San Diego State University's Pacific Estuarine Research Laboratory, to prepare and complete a study, as prescribed, to determine the amount of wetlands restoration potential that exists in the coastal zone. 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~~ yes. State-mandated local program: no.

~~SECTION 1. Chapter 9 (commencing with Section 1850) is added to the Fish and Game Code, to read:~~ SECTION 1. Chapter 10 (commencing with Section 31425) is added to the Public Resources Code, to read:

CHAPTER 10. WETLANDS MITIGATION BANKING AND RESTORATION

Article 1. General Provisions

31425. This chapter shall be known, and may be cited, as the California Coastal Wetlands Mitigation Banking and Restoration Act of 1997.

31426. (a) The Legislature hereby finds and declares all of the following:

(1) Wetlands are an important natural resource of the coastal zone because they provide significant habitat for migratory birds of the Pacific flyway, for endangered species, and for many other resident wildlife and fish populations. Coastal wetlands provide additional public benefits, including water quality improvements, flood protection, beach and dune stabilization, recreational uses, and scientific research opportunities.

(2) The preferred method and priority of wetlands mitigation pursuant to the federal Clean Water Act (33 U.S.C. Sec. 1344 et seq.), the California Environmental Quality Act (Division 13 (commencing with Section 21000)), and the California Coastal Act of 1976 (Division 20 (commencing with Section 30000)), is to avoid or minimize all significant impacts from projects and to conduct onsite mitigation for all unavoidable impacts to wetlands resources.

(3) The practice of mitigation banking in the coastal zone is a nonexclusive means of mitigation for the loss of wetlands pursuant to a fill permit issued under Section 404 of the federal Clean Water Act (33 U.S.C. Sec. 1344 et seq.) and shall not be regarded as a wetlands enhancement or restoration program.

(b) It is the policy of this state to do the following:

(1) Provide for the protection, preservation, restoration, enhancement, and expansion of coastal wetlands habitat.

(2) Promote the protection, preservation, restoration, enhancement, and expansion of coastal wetlands in concert with other federal, state, and local programs and interested parties.

(3) Improve cooperative efforts among private, nonprofit, and public entities for the management and protection of coastal wetlands.

(4) Ensure that no net loss of either coastal wetlands acreage or coastal wetlands habitat functions results from any activity conducted in the coastal zone that is otherwise in compliance with state and federal law.

(5) Encourage and maintain a predictable, efficient, and timely regulatory framework for environmentally acceptable development with regard to coastal wetlands.

31427. The Legislature further finds and declares that this chapter constitutes a nonexclusive alternative to other lawful methods of mitigating project impacts upon coastal wetlands and maintaining and increasing coastal wetlands acreage and habitat functions, and is not intended, and shall not be construed, to do any of the following:

(a) Condone or encourage the removal, loss, or degradation of wetlands.

(b) Condone or encourage the removal, loss, or degradation of wetlands habitat for any rare, threatened, or endangered species.

(c) Abrogate any other local, state, or federal law or policy pertaining to wetlands, or prohibit any city, county, or other local agency from prohibiting the removal, filling, or other destruction of particular wetlands.

(d) Establish maximum or minimum standards or any other requirements for wetlands fill or mitigation, except for mitigation banks established pursuant to this chapter.

(e) Create any legal, administrative, regulatory or other precedent as to any noncoastal wetlands area or to any other lands or resources of this state or to any situation or circumstance not addressed in this chapter.

(f) Constitute the exclusive method of providing compensation by permittees for the loss of wetlands along the coast.

(g) Preclude or prohibit mitigation for loss of deepwater habitat through the acquisition, restoration, or enhancement of coastal wetlands.

31428. (a) The purpose of this chapter is to ensure that no net loss of wetlands acreage or wetlands functions occurs in the coastal zone as a result of fill permit activities undertaken pursuant to the federal Clean Water Act (33 U.S.C. Sec. 1344 et seq.) and to regulate mitigation banking undertaken pursuant to the Southern California Wetlands Clearinghouse, the San Francisco Bay Mitigation Bank, or any other similar program covering lands in the coastal zone.

(b) It is the goal of this state to increase the total wetlands acreage and wetlands functions within the coastal zone pursuant to the goals established for wetlands creation, enhancement, and restoration pursuant to Article 4.

Article 2. Definitions

31430. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

31431. "Bank site" means a publicly or privately owned and operated site in the coastal zone on which wetlands have been or will be created in accordance with this division to compensate for adverse

impacts caused by removal or fill permit activities authorized pursuant to the federal Clean Water Act (33 U.S.C. Sec. 1344 et seq.).

31432. "Coastal zone" has the same meaning as defined in Section 30103, except that, for purposes of this chapter, the coastal zone includes all of the area of jurisdiction of the San Francisco Bay Conservation and Development Commission established pursuant to Title 7.2 (commencing with Section 66600) of the Government Code, as well as any adjacent uplands, managed wetlands, marshes, and diked lands that significantly affect the environmental quality of the San Francisco Bay.

31432.5. "Conservancy" means the State Coastal Conservancy.

31433. "Credit" means a numerical value that represents the coastal zone wetlands acreage and wetlands habitat values of a bank site.

31434. "Operator" means a person who is approved by the conservancy to administer a bank site.

31435. "Permittee" means a person who meets all of the following conditions:

(a) Has received a permit pursuant to the federal Clean Water Act (33 U.S.C. Sec. 1344 et seq.) for the removal or filling of coastal zone wetlands, and any development permits that are required by the California Coastal Commission or the San Francisco Bay Conservation and Development Commission, subject to a condition that allows the permittee to compensate for the wetlands loss through participation in a bank site pursuant to this chapter.

(b) Proposes to compensate for the loss of coastal zone wetlands through the purchase of credits from a bank site pursuant to this chapter.

(c) Proposes the discharge at a site within the same watershed as, and not more than 20 miles from, a bank site with sufficient acreage of the same wetlands type, as defined in Section 31441, that will provide suitable replacement habitat for the habitat values that may be lost because of the conversion of existing coastal zone wetlands.

31436. "Person" has the same meaning as defined in Section 30111.

31437. "Wetlands creation" means the establishment of new coastal zone wetlands in an area where they do not now exist and have not existed in recent times.

31438. "Wetlands enhancement" means the improvement of conditions of existing degraded coastal zone wetlands so that the functions they provide are of a higher quality.

31439. "Wetlands functions" include, but are not limited to, flood conveyance, flood storage, groundwater discharge and recharge, barriers to waves and erosion, sediment control, pollution control, fish and shellfish nurseries, habitat for birds and other wildlife, and global biogeochemical cycles and atmospheric processes.

31440. "Wetlands restoration" means reestablishing coastal zone wetlands where they formerly existed before they were drained or otherwise converted.

31441. "Wetlands type" means the classifications of coastal zone wetlands specified in paragraphs (1) to (3), inclusive, of subdivision (b) of Section 31448 and any other types determined by the conservancy.

Article 3. Wetlands Mitigation Banks

31445. (a) The conservancy, in cooperation with responsible federal, state, and local agencies, shall adopt regulations that establish standards and criteria for the mitigation bank site qualification process, for the evaluation of wetlands acreage and habitat values created at bank sites, for the operation and evaluation of bank sites, and any other regulations that are necessary to implement this chapter.

(b) The standards and criteria shall require, at a minimum, that the newly created wetlands provide the hydrologic, vegetative, and wildlife characteristics, including the food web components, of a naturally occurring wetlands system. The bank site shall also include transition and upland habitat necessary to ensure the success of all wetlands functions dependent upon associated uplands and transition zones.

(c) The standards and criteria shall require the sale of credits at a ratio of not less than 4 to 1, which will ensure that there is an expansion of, or at least no net loss of, wetlands acreage and functions in the coastal zone.

31446. The conservancy shall consider, at a minimum, all of the following criteria with respect to bank site standards and operator qualifications:

(a) A requirement that the bank site have a reliable, adequate, and available water supply necessary to provide wetlands habitat values.

(b) The relative ease or difficulty of converting uplands into wetlands at the bank site.

(c) *The anticipated maintenance necessary to sustain the wetlands at the bank site.*

(d) *The proximity of the bank site to other established preserves or natural features historically associated with abundant wildlife habitat values.*

(e) *The proximity of the bank site to populated areas that could reduce the bank site's long-term biological values.*

(f) *The demonstrated ability of the operator to create, administer, maintain, manage, and protect the bank site in perpetuity in its enhanced state, including financial, technical, and management ability.*

(g) *The relative abundance or scarcity of the wetlands type to be created at the bank site.*

31447. (a) *Any person who desires to establish a bank site shall apply to the conservancy and any other appropriate state agency that requires a permit for a determination that the bank site and the operator qualify under the standards and criteria established by the conservancy pursuant to this chapter. The determination that a bank site so qualifies under this chapter is a project for purposes of Section 21065.*

(b) *No bank site shall be approved by the conservancy or any other state or local agency on an existing wetlands site, for enhancement of existing wetlands, or for any restoration effort previously planned and financed with public funds.*

(c) *No bank site shall be approved by the conservancy or any other state or local agency if its creation would require the destruction of existing, environmentally sensitive nonwetlands habitat, including, but not limited to, those areas protected under Section 30240.*

(d) *The conservancy shall not approve the sale of mitigation credits until the site has been established and functioning for a period of at least five years.*

31448. (a) *Upon successful wetlands creation in a bank site of at least 10 acres in size, the operator may apply for a determination by the conservancy of the number of acres in the bank site, and the wetlands habitat functions of that acreage, that qualify for credit against prospective wetlands losses in the qualifying area. In determining the amount of credit, no credit shall be provided for wetlands acreage and habitat functions that were in existence at the site prior to the establishment of the bank site.*

(b) *Upon receipt of an application pursuant to subdivision (a), the conservancy shall determine the number of acres that are wetlands in the bank site based on the standards and criteria established pursuant to Section 31445, and the conservancy shall classify those wetlands in accordance with established biological criteria. The classifications shall include, but are not limited to, the following wetlands types:*

(1) *Tidal or estuarine wetlands.*

(2) *Perennial brackish marsh.*

(3) *Freshwater marsh.*

(4) *Seasonal wetlands.*

31449. (a) *The conservancy shall enter into a memorandum of understanding with an operator before any wetlands are created on a bank site that qualifies pursuant to Section 31447. The Environmental Protection Agency, the United States Army Corps of Engineers, the Fish and Wildlife Service of the Department of the Interior, the National Marine Fisheries Service, the California Coastal Commission, the regional water quality control board for the region, and the State Department of Health Services or its designee, or any of those entities, may enter into the memorandum of understanding by indicating to the conservancy their intent to participate, within 90 days of being notified by the conservancy of the intent of the conservancy to initiate the procedures established in this section. Any county that is located in whole or in part within the coastal zone may, by ordinance, require its entry into the memorandum of understanding before the bank site may be established within the county.*

(b) *The memorandum of understanding entered into pursuant to subdivision (a) shall include, but need not be limited to, all of the following:*

(1) *Identification of the bank site, including the legal property description, acreage, types, and location of existing wetlands within the boundaries of the bank site.*

(2) *An agreement, by each of the governmental agencies specified in subdivision (a), that all new, successfully created wetlands acreage shall qualify to be credited against the approved removal or fill of coastal zone wetlands located in the same watershed and within 20 miles of the bank site and is consistent with the procedures prescribed in this chapter.*

(3) An agreement by the operator to do both of the following:

(A) Maintain all wetlands habitat within the bank site in optimum condition in perpetuity, barring an unforeseen natural catastrophe that precludes the viability of the wetlands.

(B) Establish a trust or bond in favor of the conservancy that provides sufficient funds to ensure administration, protection, operation, and maintenance in perpetuity of the wetlands habitat acreage and habitat values at the bank site in the event that the operator defaults in performing the duties required pursuant to subparagraph (A).

(4) In the case of a privately owned bank site, identification of the circumstances that would constitute a major breach of the agreement and that would result in either the replacement of the operator, or the passing of title from the owner to the state, or both, including identification of procedures for adequate notice and opportunity for the operator to be heard and to correct any breach.

31450. (a) Before a permittee may purchase credits from an operator, the permittee shall demonstrate to appropriate federal, state, and local agencies that there has been a good faith effort to redesign the project so as to avoid all wetlands impacts. Additionally, the United States Army Corps of Engineers and any lead agency designated pursuant to the California Environmental Quality Act (Division 13 (commencing with Section 21000)) shall find that the permittee cannot avoid all significant impacts to wetlands resources, it is impossible to minimize all significant project impacts, and it is impossible to mitigate onsite for unavoidable, significant impacts.

(b) Credits may only be purchased for water-dependent projects that impact less than one acre of wetlands or for projects that impact deepwater habitat.

(c) If a bank site is established by a public agency for the mitigation of public projects that impact coastal zone wetlands, the public agency operator may not sell credits for the mitigation of private developments.

31451. In the interests of ensuring that the minimum price for credit is sufficient to ensure the financial integrity of the bank site, the conservancy may establish a minimum price for each bank site established pursuant to this chapter. The operator may set a higher price to the extent that price is consistent with the terms of the memorandum of understanding entered into pursuant to Section 31449. After the conservancy determines the number of wetlands acres in the bank site that qualify for credit against wetlands loss in a qualifying area, the operator shall provide to the conservancy, and the conservancy shall verify, an accounting of the average cost for each wetlands acre created, by wetland type, for the purpose of determining credits, using the following factors:

(a) Land costs, including the reasonable interest cost of holding the land.

(b) Wetlands creation costs.

(c) Wetlands administration, maintenance, and protection costs.

(d) Annual taxes, including all tax increases allowed under applicable state law, and in-lieu payments pursuant to Section 31636, if applicable.

(e) Costs incurred by the conservancy in establishing the bank site, and the direct cost of necessary ongoing monitoring and oversight that may be undertaken by an independent third party.

(f) Any other information relevant to a determination of the cost of preserving the wetlands in perpetuity.

31452. The conservancy shall be reimbursed for those expenses of the conservancy identified in Section 31451 in accordance with a schedule set forth in an agreement with the person establishing the bank site. The agreement shall be approved prior to the commencement of any planning activities.

31453. A permittee shall provide compensation pursuant to the federal Clean Water Act (33 U.S.C. Sec. 1344 et seq.), as described in subdivision (a) of Section 31435. The appropriate regulatory agency shall classify the wetlands that the permittee will remove according to wetland type, consistent with this chapter.

31454. Compensation pursuant to Section 31453 shall be subject to the condition that the operator establish the trust or bond required by subparagraph (B) of paragraph (3) of subdivision (b) of Section 31449 and, in addition, shall be subject to all of the following conditions:

(a) The full payment shall be used to purchase credits in the mitigation bank site.

(b) Except for impacts to deepwater habitat, the payment shall provide for the purchase of bank site wetlands acreage that has the same hydrologic, vegetative, and other characteristics as the site for which it will serve as mitigation.

(c) A permittee shall not participate in a bank site if a net loss of wetlands habitat acreage or functions would occur.

31555. After payment to the operator pursuant to this chapter, the permittee shall have no further obligation with respect to the operation of the bank site to which payment was made, unless the permittee has an equitable or legal interest in the bank site.

31556. (a) On and after January 1, 2010, no bank sites shall be established pursuant to this chapter.

(b) On or before February 1, 1999, and annually thereafter, the conservancy shall report to the Legislature a description and evaluation of each mitigation bank site approved pursuant to this chapter, including, but not limited to, the number of wetlands acres and habitat functions created, the number of credits issued, an assessment of the biological productivity of the created wetlands, a comparison of the wetlands acreage and habitat functions that were created at the bank site and those that were lost as a result of permitted projects for which credits were obtained, and any recommendations for improving the bank site program.

Article 4. Restoration of Coastal Wetlands

31560. On or before July 1, 1998, the conservancy shall, in cooperation with the San Diego State University's Pacific Estuarine Research Laboratory, prepare and complete a study to determine the amount of wetlands restoration potential that exists in the coastal zone. The purpose of the study shall be to focus on identifying ways of improving wetlands functions throughout the coastal zone, and sites that would be appropriate for wetlands restoration and enhancement. The study shall also prioritize the coastal wetlands restoration or protection programs undertaken by the conservancy or by other state agencies. 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.~~

AMENDED IN ASSEMBLY APRIL 22, 1997
AMENDED IN ASSEMBLY APRIL 9, 1997

INTRODUCED BY Assembly Member Kuehl

FEBRUARY 19, 1997

An act to add *and repeal* Sections 10915, 10916, and 10917 ~~to~~ of the Fish and Game Code, relating to marine refuges, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 374, as amended, 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.

The bill would provide for oversight of monitoring and data collection in the refuges by a committee of experts, as prescribed.

The bill would repeal the above provisions as of January 1, 2008. (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.

This section shall remain in effect only until January 1, 2008, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2008, deletes or extends that date. 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.

This section shall remain in effect only until January 1, 2008, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2008, deletes or extends that date. SEC. 3.

Section 10917 is added to the Fish and Game Code, to read:

10917. Oversight of monitoring and data collection in the refuges established pursuant to Sections 10915 and 10916 may be performed by a committee of experts in marine biology and fisheries management, and other appropriate disciplines, convened by the University of California, Los Angeles, and composed of persons from colleges and universities in the Los Angeles area. If formed, the committee may recommend to the commission restrictions on uses within the refuges greater than those prescribed by existing law. If formed, the committee shall recommend to the commission whether boats may be permitted to anchor in the refuges, or if "catch-and-release" fishing should be allowed. No consumptive uses, other than collection of species of fish for scientific and educational use, shall be permitted in the reserves.

This section shall remain in effect only until January 1, 2008, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2008, deletes or extends that date. SEC. 4. It is the intent of the Legislature in creating the Malibu Marine Life Refuge to provide a controlled area, free from disturbance, in order to collect information vital to the health of the marine environment of the state. The refuge is to be managed so as to produce the maximum value to the scientific community. By providing an undisturbed underwater habitat, the refuge will also provide secondary aesthetic benefits to the residents of Malibu and to members of the general public who enjoy the marine environment.

This section shall remain in effect only until January 1, 2008, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2008, deletes or extends that date. SEC. 5. 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.

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. Searching keywords: (statusin) (authorLempert) (HooA)

AMENDED IN ASSEMBLY APRIL 7, 1997

INTRODUCED BY Assembly Member Lempert

FEBRUARY 27, 1997

An act to amend Section ~~30319~~ **30324** of the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 1022, as amended, 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, prohibits a member of the California Coastal Commission and any interested person, as defined, from conducting an ex parte communication unless the commission member fully discloses, as prescribed, and makes public, the ex parte communication by providing a full report of the communication to the executive director of the commission within 7 days after the communication or, if the communication occurs within 7 days of the next commission hearing, to the commission on the record of the proceeding at that hearing.~~

This bill would require any person who, for compensation, conducts, or will conduct, an ex parte communication on behalf of an interested person for the purpose of supporting or opposing any matter pending before the commission to register as a lobbyist pursuant to specified provisions of the Political Reform Act of 1974. Since a violation of this provision that requirement would be a misdemeanor, thereby expanding the definition of an existing crime with prescribed punishment. Thus, 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.

(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:~~ **SECTION 1. Section 30324 of the Public Resources Code is amended to read:** 30324. (a) No commission member, nor any interested person, shall conduct *an* ex parte communication unless the commission member fully discloses and makes public the ex parte communication by providing a full report of the communication to the executive director within seven days ~~after~~ *from the date of* the communication or, if the communication occurs within seven days of the next commission hearing, to the commission on the record of the proceeding at that hearing.

(b) (1) The commission shall adopt standard disclosure forms for reporting ex parte communications ~~which shall that~~ include, but *are* not be limited to, all of the following information:

(A) The date, time, and location of the communication.

(B) The identity of the person or persons initiating, and the person or persons receiving, the communication.

(C) A complete description of the content of the communication, including the complete text of any written material that was a part of the communication.

(2) The executive director shall place ~~in the public record~~ any report of an ex parte communication *in the public record*.

(c) Communications shall cease to be ex parte communications when fully disclosed and placed in the commission's official record.

(d) (1) Any person who, for compensation, conducts, or will conduct, an ex parte communication on behalf of an interested person for the purpose of supporting or opposing any matter pending before the commission shall, prior to conducting the ex parte communication, 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.

(2) A person who violates paragraph (1) is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than five thousand dollars (\$5,000) or imprisonment in the county jail for not more than six months, or by both that fine and imprisonment.

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 the 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.

AMENDED IN ASSEMBLY APRIL 23, 1997

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 amended, 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, *as prescribed*, 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.

(f)

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~~ **accept information that is submitted to the agency for insertion into an information packet** 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.

(e)

(d) (1) 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.~~

(2) Any information that is sent to the agency to be included in an information packet pursuant to subdivision (b) shall be received by the agency at least 10 days prior to the Internet posting deadline for that information. Any information that is received later than 10 days prior to the Internet posting deadline shall be posted on the Internet at the earliest possible time after any minutes, proceedings, or transcripts of any meetings of the agency are posted, or within 30 days after the meeting has taken place, whichever is less.

(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.

(f) Nothing in this section shall be construed to, in any way, lessen, or eliminate any other requirements governing the proper notice of public meetings, as prescribed by Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code or other law.

AMENDED IN ASSEMBLY APRIL 14, 1997

INTRODUCED BY Assembly Member Lempert

FEBRUARY 28, 1997

An act to add Sections 30333.3 and 31105.5 to the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 1188, as amended, 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 *prohibit the commission, the conservancy, and other state agencies from taking any action to transfer, sell, or otherwise extinguish, public access rights to a public easement or accessway that provides public access to the coast unless the commission, the conservancy, or other state agency submits a proposal to the Legislature describing the proposed action and the Legislature authorizes the proposed action by the enactment of appropriate legislation.*

The 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.

SEC. 2. Section 30333.3 is added to the Public Resources Code, to read:

30333.3. Notwithstanding any other provision of law, neither the commission nor any other state agency shall take any action to transfer, sell, or otherwise extinguish, public access rights to any public easement or accessway that provides public access to the coast unless the commission or other state agency submits a proposal to the Legislature describing the proposed action and the Legislature authorizes the proposed action by the enactment of appropriate legislation.

SEC. 3. Section 31105.5 is added to the Public Resources Code, to read:

31105.5. Notwithstanding any other provision of law, neither the conservancy nor any other state agency shall take any action to transfer, sell, or otherwise extinguish, public access rights to any public easement or accessway that provides public access to the coast unless the conservancy or other state agency submits a proposal to the Legislature describing the proposed action and the Legislature authorizes the proposed action by the enactment of appropriate legislation.

AMENDED IN ASSEMBLY APRIL 9, 1997

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 amended, 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 initiate 2 pilot projects in separate areas of the state and* 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~~ *create the Public Beach Enhancement Fund in the State Treasury to the department to be used to establish and fund the program. The bill would require specified revenues received by the state to be deposited in the fund to be available, upon appropriation, for purposes of the bill.*

Vote: ~~2/3 majority~~. Appropriation: ~~yes~~ *no*. 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~~

(b) The stabilization of nourished beaches by the use of sand retention devices that will increase the cost-effectiveness of beach nourishment operations.

(c) The planning, design, and construction of beach nourishment, restoration, or nourishment works, as are determined to be necessary by the department, to preserve and maintain the beaches. The cost of planning, designing, and obtaining permits for projects shall not exceed 15 percent of the total project cost.

(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, and inland processes. The cost of the studies shall not exceed 5 percent of the annual program funding.

(e) The funding of 100 percent of the construction cost for enhancement, restoration, and nourishment of coastal state parks and state beaches with placement of sand on the beach or in the nearshore.

(f) The funding of 85 percent of the project cost for enhancement, restoration, and nourishment of public beaches with placement of sand on the beach or in the nearshore, with a 15 percent match from the local sponsors, provided as funds or in-kind services.

(g) The establishment of 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.

69.7. (a) The department, not later than January 1, 1999, shall 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, professional organizations, and representatives from the California State Association of Counties, the League of California Cities, the California Coastal Commission, the State Coastal Conservancy, the Department of Fish and Game, the Department of Parks and Recreation, the California Trade Commission, the Division of Tourism, the Shore and Beach Preservation Association, and associations representing surfriders.

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

(1) Develop criteria for evaluation 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.

(c) The department, in conjunction with the advisory committee, shall do all of the following:

(1) 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.

(2) Undertake two pilot projects for public beach enhancement, for two different areas of the California coast, as a demonstration of the effectiveness and utility of the program for long-term continuation.

69.8. The department shall, not later than January 1, 2000, prepare and submit to the Legislature a report that details the status of the two pilot projects and evaluates the need for public beach enhancement projects and the potential effectiveness of the program in addressing that need.

69.9. The Public Beach Enhancement Fund is hereby created in the State Treasury. All moneys received by the state from the federal government pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. Sec. 1331 and following) shall be deposited in the fund and shall be available, upon appropriation, for purposes of the California Public Beach Enhancement Program established pursuant to Article 2.8 (commencing with Section 69.5) of Chapter 2 of Division 1 of the Harbors and Navigation Code. All money deposited in the fund shall be available, upon appropriation, for expenditure by the

department only for purposes of the program. 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.

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.

AMENDED IN ASSEMBLY APRIL 15, 1997

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 amended, Bowen. Geographic information systems.

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~~ **a Geographic Information Systems Panel**, with a described membership, and with specified duties. It would require the department, in consultation with the ~~board~~ **panel**, to administer grants under the Geographic Information Grant Program for the development of new, and maintenance of, framework data bases for geographic information systems, **and to maintain a registry of projects in which it participates under the program**. 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)~~

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

~~(c)~~

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

~~(d)~~

(c) "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)~~

(d) "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)~~

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

~~(g)~~

(f) "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~~ a *Geographic Information Systems Panel* 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~~ *panel* 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~~ *panel* 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~~ *panel* 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~~ *panel* shall be for four years, except that the members first appointed to the ~~board~~ *panel* 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~~ *panel*.

(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~~ *panel* 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~~ *panel* shall elect a chairperson and a vice-chairperson from the membership of the ~~board~~ *panel*. The term of office for the chairperson and vice-chairperson shall be two years. If a vacancy occurs in either office, the ~~board~~ *panel* 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~~ *panel* shall constitute a quorum for the transaction of business of the ~~board~~ *panel*. 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-panel~~ shall adopt its own rules and procedures necessary for its organization and operation. Any rule, procedure, plan, or other record of the ~~board-panel~~ 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-panel~~, 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-panel~~, 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-panel~~.

8304. The ~~board-panel~~ 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-panel~~ 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-panel~~ 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-panel~~, 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-panel~~.

(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-panel~~, 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-panel~~ 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-panel~~.

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

(7) The ~~board-panel~~ 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-panel~~ 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.

8307. The department shall create a geographic information systems registry listing all geographic information systems projects in which the department participates pursuant to this chapter.

BILL NUMBER: SB 673
BILL TEXT

AMENDED 04/15/97

AMENDED IN SENATE APRIL 15, 1997

INTRODUCED BY Senator Karmette

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 amended, Karmette. 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, *in cooperation with specified agencies*, for the dredging and disposal of contaminated sediments in coastal waters *adjacent to the County of Los Angeles*, 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~~ *the coastal waters adjacent to the County of Los Angeles* 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~~ *through the management of sediments. The plan shall include measures to identify environmentally preferable, practicable disposal alternatives, promote multiuse disposal facilities and beneficial reuse, and support efforts for watershed management to control contaminants at their source.*

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~~ *the coastal waters adjacent to the County of Los Angeles* 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 1006
BILL TEXT

AMENDED IN SENATE APRIL 14, 1997
AMENDED IN SENATE APRIL 9, 1997

INTRODUCED BY Senator Hayden
FEBRUARY 27, 1997

An act to add Sections 10915 , 10916, and 10917 to the Fish and Game Code, relating to marine refuges, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1006, as amended, Hayden. 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.

The bill would provide for oversight of monitoring and data collection in the refuges by a committee of experts, as prescribed.

(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 {+ , fish and game +} 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 {+ , fish and game +} 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. Section 10917 is added to the Fish and Game Code, to read:

10917. Oversight of monitoring and data collection in the refuges established pursuant to Sections 10915 and 10916 may be performed by a committee of experts in marine biology and fisheries management, and other appropriate disciplines, convened by the University of California, Los Angeles, and composed of persons from colleges and universities in the Los Angeles area. If formed, the committee may recommend to the commission restrictions on uses within the refuges greater than those prescribed by existing law. If formed, the committee shall recommend to the commission whether boats may be permitted to anchor in the refuges, or if "catch-and-release" fishing should be allowed. No consumptive uses, other than collection of species of fish for scientific and educational use, shall be permitted in the reserves.

SEC. 4. It is the intent of the Legislature in creating the Malibu Marine Life Refuge to provide a controlled area, free from disturbance, in order to collect information vital to the health of the marine environment of the state. The refuge is to be managed so as to produce the maximum value to the scientific community. By providing an undisturbed underwater habitat, the refuge will also provide secondary aesthetic benefits to the residents of Malibu and to members of the general public who enjoy the marine environment.

SEC. 5. 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.

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