

CALIFORNIA COASTAL COMMISSION

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March 25, 1999

TO: Coastal Commissioners and Interested Public

FROM: Peter M. Douglas, Executive Director
James W. Burns, Chief Deputy Director
Jeffrey Stump, Legislative Coordinator

SUBJECT: LEGISLATIVE REPORT FOR APRIL 1999

CONTENTS:

This report provides summaries and the status of bills that affect the Coastal Commission or that staff has identified as priority legislation. Copies of selected bills are attached.

Note:

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

Please contact Jeff Stump, Legislative Coordinator, at (415) 904-5266 with any questions on the material contained in this report.

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PRIORITY LEGISLATION

AB 18 (Keeley) Watershed, Wildlife, and Parks Improvement Bond Act of 2000

AB 18 would authorize the issuance of bonds in the amount of \$1,500,000,000 for the acquisition, development, improvement, rehabilitation, restoration, enhancement, and protection of park, recreational, cultural, historical, fish and wildlife, lake, riparian, reservoir, river, and coastal resources.

Introduced	12/07/98
Last Amend	03/23/99
Status	Re-referred to Assembly Water, Parks, and Wildlife Committee
Staff Involvement	None

AB 64 (Ducheny) Public Beach Restoration Act

AB 64 would establish the California Public Beach Restoration Program, to be administered by the Department of Boating and Waterways, for specified public beach enhancement, restoration, and nourishment purposes. The bill would create a Public Beach Restoration Fund to be funded by a transfer of \$35 million from the General Fund for three years.

Introduced	12/07/98
Last Amend	03/22/99
Status	Passed Assembly Natural Resources Committee; re-referred to Appropriations Committee
Staff Involvement	None
Comm. Position	SUPPORT

AB 75 (Strom-Martin) State Agency Recycling

AB 75 would require each state agency on or before January 1, 2001, to develop, in consultation with the California Integrated Waste Management Board, an integrated waste management program. It would also require each state agency and each large state facility to divert at least 25% of their solid waste generated from landfill or transformation facilities by January 1, 2002, and at least 50% by January 1, 2004.

Introduced	12/07/98
Last Amend	03/23/99
Status	Introduced
Staff Involvement	None

AB 399 (Wayne) Coastal Development Permits: Finding

AB 399 would require that every coastal development permit issued for any development within the coastal zone include findings pertaining to public access and public recreation policies.

Introduced	02/12/99
Last Amend	None
Status	Hearing in Assembly Natural Resources 4/5/99
Staff Involvement	Worked with author to draft legislation and amendments
Comm. Position	SUPPORT

AB 492 (Wayne) Coastal Resources: Public Access

AB 492 would prohibit the Commission, the Coastal Conservancy, or any other state agency from taking any action that would extinguish public access to, or along the sea, unless, after a public hearing, the Commission approves the action after finding that a clear, significant, and present risk to public safety exists that necessitates the proposed action.

Introduced	02/18/99
Last Amend	None
Status	Referred to Assembly Natural Resources
Staff Involvement	Worked with author to draft amendments
Comm. Position	SUPPORT

AB 511 (Wayne) Nonpoint Source Pollution

AB 511 clarifies the Commission's existing authority to address and minimize the adverse impacts of nonpoint source pollution when implementing Coastal Act policies related to coastal public access and recreation, the protection of biological productivity, coastal waters, and sensitive habitat, and new development.

The Commission would also be required, not later than January 1, 2001, to prepare and submit to the Governor and the Legislature an annual report on the progress made in implementing the *Polluted Runoff Strategy of the California Coastal Commission*.

Introduced	02/18/99
Last Amend	None
Status	Hearing in Assembly Natural Resources 4/5/99
Staff Involvement	Worked with author to draft legislation
Comm. Position	SUPPORT

AB 538 (Wayne) Coastal Storm Water Discharges

AB 538 would require the State Water Resources Control Board to develop and implement a program to determine the character, volume, and location of all storm water discharges within the coastal zone and to test the storm water for specified pollutants. The state board is also directed to regulate storm water discharges in the coastal zone by May 31, 2005.

Introduced	02/18/99
Last Amend	None
Status	Referred to Assembly Environmental Safety and Toxic Materials Committee
Staff Involvement	None

AB 604 (Jackson) Nonpoint Source Pollution

AB 604 would require the State Water Resources Control Board, on or before January 1, 2001, in consultation with the Commission and the State Department of Health Services, to establish measurable performance goals for the purpose of carrying out the state's nonpoint source pollution program in accordance with the CZARA Section 6217.

Introduced	02/19/99
Last Amend	None
Status	Referred to Assembly Natural Resources Committee
Staff Involvement	None

AB 642 (Lempert) Coastal Resources: Wetlands Mitigation and Restoration.

AB 642 would establish the California Coastal Wetlands Mitigation Banking and Restoration Act of 1999, and would make various legislative findings and declarations, commencing with Section 31425 of the PRC, relating to the need to protect and restore coastal wetlands. Most importantly, the bill finds that no net loss of wetlands acreage or wetlands functions should occur in the coastal zone and it is the goal of this state to increase the total wetlands acreage and wetlands functions within the coastal zone.

Introduced	02/23/99
Last Amend	None
Status	Introduced
Staff Involvement	None

AB 703 (Lempert) Ballast Water Discharges

AB 703 would require the master of a vessel that enters the waters of the state, upon entering those waters, to submit to the board a fully completed ballast water report form. Between April 1, 2000, and December 31, 2002, a vessel would be prohibited from discharging ballast water that was initially loaded from coastal waters outside the Pacific Coast Region into the waters of the state without a permit issued by the board. The bill would prohibit, on and after January 1, 2003, a vessel from discharging ballast water that contains live exotic ballast water organisms into the waters of the state, except as authorized by a special permit.

Introduced	02/24/99
Last Amend	None
Status	Introduced
Staff Involvement	None

AB 809 (Strom-Martin) Special Environmental Design License Plates: Fund

AB 809 would require one-half of the fees that are currently deposited in the California Environmental License Plate Fund to instead be deposited in the License Plate Coastal Access Account, which the bill would create, in the State Coastal Conservancy Fund of 1984. The bill would require the money in this new account to be available, upon appropriation, to the State Coastal Conservancy for grants to public agencies and nonprofit entities or organizations for specified purposes.

Introduced	02/24/99
Last Amend	None
Status	Introduced
Staff Involvement	Worked with author to draft legislation
Comm. Position	SUPPORT

AB 848 (Kuehl) Coastal Development Permits: Temporary, Nonrecurring Movie and Television Sets

AB 848 would exempt a project to construct a temporary, nonrecurring set in connection with a motion picture, television, and commercial advertising operation that is located in the coastal zone from the Coastal Act provisions governing permit appeals to the Commission. The bill would also provide that if a project does not meet those conditions, any person may file an appeal with the Commission within 5 days from the date of the permit approval.

Introduced	02/24/99
Last Amend	None
Status	Introduced
Staff Involvement	Working with the author

AB 885 (Jackson) Coastal Onsite Sewage Treatment Systems

AB 885 would require the State Department of Health Services, on or before January 1, 2001, in consultation with the State Water Resources Control Board, the California Coastal Commission, and the California Conference of Directors of Environmental Health, to adopt, by regulation, statewide performance standards for all onsite sewage treatment systems within the coastal zone. The bill would require all affected onsite sewage treatment systems to comply with the standards no later than January 1, 2003, or 3 years from the date of the adoption of the standards, whichever is earlier.

Introduced	02/25/99
Last Amend	None
Status	Referred to Assembly Environmental Safety and Toxic Materials Committee
Staff Involvement	None

AB 989 (Lowenthal) Coastal Development: Notice of Violation

AB 989 would permit the executive director of the commission to file notice of a violation of the Coastal Act if the executive director has determined that real property has been developed in violation of the act. The bill would require a public hearing to be held if the owner submits a timely objection to the filing of the notice of violation, and would require the issuance of a clearance letter if the Commission finds that no violation has occurred. If the Commission determines that a violation has occurred, the bill would require the recordation of the notice of violation with the county recorder in which the real property is located.

Introduced	02/25/99
Last Amend	None
Status	Hearing in Assembly Natural Resources 4/5/99
Staff Involvement	Worked with author to draft legislation
Comm. Position	SUPPORT

AB 1280 (Jackson) Oil and Gas Development: Pipelines

AB 1280 would amend the Coastal Act requiring that all oil extracted from a source located in whole, or in part, under the sea be transported by pipeline to onshore processing and refining facilities, and that all pipelines used to transport this oil utilize the best available technology to ensure maximum protection of public health and safety and of the integrity and productivity of terrestrial and marine ecosystems. The bill would also require the Commission, in conjunction with the State Water Resources Control Board and the State Department of Health Services, to arrange for a statewide Geographical Information System (GIS) mapping of petroleum pipelines in the state.

Introduced	02/26/99
Last Amend	None
Status	Referred to Assembly Natural Resources Committee
Staff Involvement	None

AB 1293 (Mazzoni) Coastal Protection: Public Education Programs

AB 1293 would require that the Commission's public education program also include outreach to special groups such as the boating community, and incorporate information on the prevention and reduction of nonpoint source pollution. The bill would provide that, because the actions of people throughout a watershed impact the coast and the ocean, the geographic extent of the commission's education and outreach program shall not be limited to outreach conducted only in the coastal zone.

Introduced	2/26/99
Last Amend	None
Status	Referred to Assembly Natural Resources Committee
Staff Involvement	Worked with author to draft legislation
Comm. Position	SUPPORT

SJR 2 (Alpert) Offshore Oil Leases

This measure would memorialize President Clinton to extend the moratorium on federal offshore leases to certain leases awarded prior to the moratorium or to terminate those leases.

Introduced	01/07/99
Last Amend	03/17/99
Status	Referred to Senate Natural Resources and Wildlife Committee
Staff Involvement	None

SB 2 (Chesbro) Watershed, Wildlife, and Parks Improvement Bond Act of 2000

SB 2 would authorize the issuance of bonds in the amount of \$849,500,000 for the acquisition, development, improvement, rehabilitation, restoration, enhancement, and protection of park, recreational, cultural, historical, fish and wildlife, lake, riparian, reservoir, river, and coastal resources.

Introduced	12/07/98
Last Amend	03/22/99
Status	Passed Senate Natural Resources and Wildlife Committee; referred to Senate Appropriations
Staff Involvement	None

SB 48 (Sher) Public Records: Disclosure

SB 48 would allow any person who has been denied access by a state or local government to a public record to appeal that denial to the Attorney General within 15 days of the date of denial. The bill would require the Attorney General to issue a decision on the appeal within 15 days of the date of the request. If the Attorney General finds that an agency's decision to refuse disclosure was not justified under the California Public Records Act, this bill requires the Attorney General to impose a fine on the agency of not less than \$100 for each day that access to the public record was delayed.

Introduced	12/07/98
Last Amend	None
Status	Referred to Senate Judiciary Committee
Staff Involvement	Working with the author

SB 57 (Hayden) Parks, Natural Resources, and Clean Coastal Waters Bond Act of 2000

SB 57 would authorize the issuance of bonds in the amount of \$500,000,000 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, delta, river, and coastal resources.

Introduced	12/07/98
Last Amend	None
Status	Referred to Senate Natural Resources and Wildlife Committee
Staff Involvement	None

SB 74 (Murray, Sher) Parks, Wildlife, and Watershed Improvement Bond Act of 2000

SB 74 would authorize the issuance of bonds in the amount of \$1,084,500,000 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, delta, river, and coastal resources.

Introduced	12/07/98
Last Amend	01/19/99
Status	Referred to Senate Natural Resources and Wildlife Committee
Staff Involvement	None

SB 110 (Peace) Energy Conservation, Power Facility and Site Certification, Notice of Intention

SB 110 would eliminate the provisions in the Warren-Alquist State Energy Resources Conservation and Development Act requiring the submission of a Notice of Intention to file an Application for the Certification for a power facility to the California Energy Commission. This bill would also delete those provisions requiring the California Coastal Commission and San Francisco Bay Conservation and Development Commission to analyze each notice and report to the Energy Commission.

Introduced	12/15/98
Last Amend	None
Status	Referred to Senate Energy, Utilities, and Communications Committee
Staff Involvement	Working with the author on amendments

SB 153 (Haynes) Property Owner Rights Act of 1999

SB 153 would require public agencies to minimize the number of agency actions that may significantly impair the use of private property. Under this bill, every public agency is required to conduct a private property taking impact analysis prior to taking any agency action that may significantly impair the use of private property. Furthermore, this bill would require an exaction or mitigation measure, imposed by a public agency as a condition to a discretionary act, to have a direct relationship to the public burdens imposed by, and to be roughly proportional in nature and extent to the impact of, the proposed activity.

Introduced	01/07/99
Last Amend	None
Status	Referred to Senate Judiciary Committee
Staff Involvement	None
Comm. Position	OPPOSE

SB 221 (Alpert) Oil Spill Prevention

Existing law, the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act, prohibits the operation of a nontank vessel of 300 gross registered tons or greater in the marine waters of the state unless the owner or operator prepares and submits an oil spill contingency plan to the administrator for oil spill response and the plan is approved. SB 221 would exempt certain public vessels from those requirements.

Introduced	01/25/99
Last Amend	None
Status	Referred to Senate Committees on Environmental Quality and Judiciary
Staff Involvement	None

SB 227 (Alpert) Water Quality: Nonpoint Source Pollution

SB 227 would require the Coastal Commission and the State Water Resources Control Board to cooperatively develop, implement, and enforce a nonpoint source pollution protection program on a watershed basis. The Commission is separately directed to develop a model urban nonpoint pollution program, consistent with the results of the City of Monterey's Model Urban Runoff Program, for certain local coastal governments. The bill would also make legislative findings and declarations concerning nonpoint source pollution.

Introduced	01/25/99
Last Amend	None
Status	Referred to Senate Committees on Natural Resources and Wildlife, and Environmental Quality
Staff Involvement	Worked with author to draft legislation
Comm. Position	SUPPORT

SB 241 (Alpert) California Endowment for Marine Preservation

SB 241 would establish the California Endowment for Marine Preservation, to be governed by a board of directors, in order to create a permanent source of funding for projects that will enhance the quality, use, and enjoyment of the open coastal marine resources of the state. The bill would also require each owner and operator of certain offshore oil platforms or production facilities, who receives government permits that allow the platform or facility to remain in place, to deposit an unspecified amount with the endowment.

Introduced	01/26/99
Last Amend	None
Status	Referred to Senate Committee on Natural Resources and Wildlife
Staff Involvement	Working with author

SB 243 (McPherson) Coastal Resources: Development Fees Appropriation

SB 243 would require funds, generated by the California Coastal Commission's development permit application fees and expended by the Coastal Conservancy for the development and maintenance of coastal public access, to be continuously appropriated, instead of annually, under the state Budget Act.

Introduced	01/26/99
Last Amend	None
Status	Referred to Senate Committee on Natural Resources and Wildlife
Staff Involvement	Working with author on amendments
Comm. Position	SUPPORT

SB 291 (Chesbro) State Lands: Access to Public Land

Existing law authorizes the State Lands Commission, if the commission has specified public lands to which there is no available access, to acquire by purchase, lease, gift, exchange, or, if all negotiations fail, by condemnation, a right-of-way or easement across privately owned land or other land that it deems necessary to provide access to that public land. This bill would make a technical, clarifying change in those provisions.

Introduced	02/02/99
Last Amend	None
Status	Referred to Senate Rules Committee
Staff Involvement	None

SB 300 (Poochigian) Governmental Liability: Permits

SB 300 would provide that a state agency is liable to a private property owner for a temporary taking of the owner's real property if the agency is responsible for a delay in the issuance of a development permit affecting the use of the real property, and the delay is the result of a final decision of the agency that is later determined by a court to be legally erroneous. The bill would also provide that a delay that occurs as a result of the normal development approval process or as a result of litigation challenging a final decision by a state agency constitutes a temporary taking under those provisions if the final decision of the state agency is later determined by a court to be legally erroneous.

This bill would also declare that it is intended to supersede the holding of the California Supreme Court in *Landgate, Inc. v. California Coastal Com.*, 17 Cal. 4th 1006, with regard to any claim arising on or after its effective date.

Introduced	02/03/99
Last Amend	None
Status	Referred to Senate Judiciary Committee; hearing cancelled at request of author
Staff Involvement	None
Comm. Position	OPPOSE

SB 551 (McPherson) Local Agencies: Building and Zoning Ordinances

SB 551 would add building and zoning ordinances incorporated in any local coastal plan to those ordinances that do not apply under existing law to the location or construction of facilities for the production, generation, storage, or transmission of water, wastewater, or electrical energy or to electrical substations in an electrical transmission system which receives electricity at less than 100,000 volts.

Introduced	02/19/99
Last Amend	None
Status	Introduced
Staff Involvement	None

SB 1244 (O'Connell) Coastal Resources: Oil and Gas Development

The California Coastal Act of 1976, requires that oil and gas development be permitted in accordance with specified requirements if specified conditions are met. SB 1244 would authorize oil and gas development to be permitted in accordance with specified requirements if the applicant for a permit for that development can demonstrate that the development can be performed safely and is consistent with the geologic conditions of the well site.

Introduced	02/26/99
Last Amend	None
Status	Introduced
Staff Involvement	None

SB 1065 (Bowen) Public records: Electronic Format

SB 1065 would require any agency that has information that constitutes an identifiable public record in an electronic format to make that information available in an electronic format, when requested by any person. The bill would require the agency to make the information available in any electronic format in which it holds the information.

Introduced	02/26/99
Last Amend	None
Status	Referred to Senate Judiciary Committee
Staff Involvement	None

COASTAL-RELATED LEGISLATION

AB 680 (Lempert) Oil Spill Prevention: Nonmarine Waters

Under the existing Lempert-Keene-Seastrand Oil Spill Prevention and Response Act, it is a crime to, among other things, knowingly engage in or cause the spill or discharge of at least one barrel of oil into marine waters, and the intentional or negligent spill or discharge of that quantity of oil into marine waters is also subject to specified civil penalties. AB 680 would make such a spill or discharge of oil into nonmarine waters of the state on or after January 1, 2000, subject to those criminal and civil penalties.

Introduced	02/23/99
Last Amend	None
Status	Referred to Assembly Natural Resources Committee
Staff Involvement	None

AB 730 (Dickerson) Watershed Protection

AB 730 would require the Secretary of the Resources Agency to carry out a watershed management and rehabilitation program to restore watersheds in the state. The bill would declare the intent of the Legislature to annually appropriate an unspecified amount of money to the Resources Agency to carry out the program.

Introduced	02/24/99
Last Amend	None
Status	Referred to Assembly Natural Resources Committee
Staff Involvement	None

AB 928 (Brewer) Upper Newport Bay Ecological Reserve Maintenance and Preservation Fund: Appropriation

Existing law establishes the Upper Newport Bay Ecological Reserve Maintenance and Preservation Fund in the State Treasury and appropriates \$200,000 annually from the General Fund to the fund for expenditure by the Department of Fish and Game for purposes relating to the maintenance and preservation of the Upper Newport Bay Ecological Reserve. AB 928 would increase the appropriation to \$400,000 annually and would provide that the money in the fund is continuously appropriated.

Introduced	02/25/99
Last Amend	03/25/99
Status	Referred to Assembly Water, Parks, and Wildlife Committee
Staff Involvement	None

AB 993 (Shelley) Marine Resources: Sea Life Conservation Act

AB 993 would require the Department of Fish and Game to prepare a study report and other relevant analyses and recommendations to guide the siting process and the development of the Sea Life Conservation Program. The bill would require the department, on or before June 1, 2001, to convene in each biogeographical region, siting workshops composed of representatives of stakeholder groups with an interest in marine managed areas (MMAs) that region, to develop options for siting sea life reserve networks.

Introduced	02/25/99
Last Amend	None
Status	Referred to Assembly Natural Resources and Water and Parks Committees
Staff Involvement	None

AB 1179 (Frusetta) Wetlands Protection: Legislative Findings and Declarations

AB 1179 would make legislative findings and declarations relating to the importance of protecting and restoring wetlands in the state.

Introduced	02/25/99
Last Amend	None
Status	Introduced
Staff Involvement	None

AB 1210 (Strom-Martin) Marine Resources: Commercial Fishing: Bodega Marine Life Refuge

AB 1210 would authorize the Director of Fish and Game to appoint the Director of the Bodega Marine Life Refuge. It would also specify the authority of the marine life refuge director. The bill would make it unlawful to enter the marine life refuge for specified purposes without authorization, or to anchor or moor a vessel in the refuge without authorization.

Introduced	02/26/99
Last Amend	None
Status	Referred to Assembly Water, Parks, and Wildlife Committee
Staff Involvement	None

AB 1219 (Kuehl) Land Use: Water Supply

AB 1219 would require that the water supply assessment process under the Planning and Zoning Law be linked to the land use planning to enhance coordination between public water systems and land use agencies as development projects proceed from planning to the construction process. It would also require the public water system to prepare a statement containing the most current water supply assessment, to be used by the city or county as a condition for approval of a subdivision map application. The bill would also require a city or county to disapprove a subdivision map application if the public water system concludes that water supplies are insufficient and that it is unreasonable to acquire additional water supplies, unless the city or county makes specified findings based on substantial evidence and imposes specified conditions.

Introduced	02/26/99
Last Amend	None
Status	Referred to Committee on Local Government
Staff Involvement	None

AB 1239 (Leonard) Safe Drinking Water, Clean Water, Flood Prevention, and Water Supply Act

AB 1239 would authorize, for purposes of financing a safe drinking water, flood protection, and water quality, and water supply program, the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of \$2,050,000,000. The bill would require the Secretary of State to submit the bond act to the voters at the March 7, 2000, statewide direct primary election.

Introduced	02/26/99
Last Amend	None
Status	Referred to Assembly Environmental Safety and Toxic Materials Committee
Staff Involvement	None

SB 394 (McPherson) Aquatic nuisance species

Existing law contains provisions designed to prevent the introduction and spread of aquatic nuisance species, as defined, into any river, estuary, bay, or coastal area through the exchange of ballast water of vessels prior to entering those waters. It also requires operators of all vessels that have the capacity to take on or discharge ballast water to complete a ballast water control report form as a condition of using the waters of this state. These provisions are to be repealed on January 1, 2000.

This bill would extend these provisions indefinitely by repealing the repeal date.

Introduced	02/12/99
Last Amend	None
Status	Referred to Senate Natural Resources; hearing cancelled at request of author
Staff Involvement	None

SB 413 (Burton) Water Resources Bond Act of 2000

SB 413 would authorize, for purposes of financing a safe drinking water, water quality, water supply, and flood protection program, the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of \$ _____. The bill would require the Secretary of State to submit the bond act to the voters at the _____ 2000 statewide election.

Introduced	02/12/99
Last Amend	None
Status	Referred to Senate Agriculture and Water Resources Committee
Staff Involvement	None

SB 680 (O'Connell) Land and Water Conservation

SB 680 would require the Secretary of the Resources Agency to implement a program under which qualified property may be contributed to the state, any local government, or to any nonprofit organization designated by a local government in order to provide for the protection of wildlife habitat, open space, and agricultural lands.

Introduced	02/24/99
Last Amend	None
Status	Referred to Senate Natural Resources and Revenue and Taxation Committees
Staff Involvement	None

SB 755 (Hayden) California Environmental Quality Act

SB 755 would make various amendments to the California Environmental Quality Act including, but not limited to, the following: require a lead agency to find that a project may have a significant impact on the environment as specified; when making a finding of overriding benefit, a potential increase in the public agency's revenues may not be considered a valid overriding benefit; if a master environmental impact report is prepared, the master environmental project shall be certified prior to a lead agency's approval of any phase of the project and; prohibit a city or county from approving a development agreement without prior or concurrent compliance with the act.

Introduced	02/24/99
Last Amend	None
Status	Referred to Senate Environmental Quality Committee
Staff Involvement	None

SB 1057 (Johannessen) Environmental Quality: Land Acquisitions

SB 1057 would prohibit the categorical exemption of a project, pursuant to CEQA, that includes the acquisition of land for the purpose of fish and wildlife conservation or habitat establishment, preservation, restoration, or enhancement.

Introduced	02/26/99
Last Amend	None
Status	Referred to Senate Environmental Quality Committee
Staff Involvement	None

SB 1088 (Poochigian) Watershed Management

SB 1088 would authorize state and local agencies to undertake a watershed management program. The bill would require the state agency or local agency undertaking the watershed management program to assemble a stakeholder planning team consisting of specified members. It would prescribe procedures for the adoption of the program and require the agency adopting the program to consider protests to the implementation of the program. Finally, SB 1088 would require state and local projects to be consistent with a watershed management program adopted pursuant to the act.

Introduced	02/26/99
Last Amend	None
Status	Set for hearing 4/6/99 in Senate Agriculture and Water Resources Committee
Staff Involvement	None

SB 1164 (Mountjoy) Public Lands Protection Act

This bill would enact the Public Lands Protection Act, which, until January 1, 2008, would prohibit undeveloped private property from being developed or used for any purpose other than agriculture, grazing, or low-density residential use, or from being rezoned to allow development at a higher level of residential density use, unless the proposed rezoning for alternative development or use is summarized in a proposal that is submitted to the voters in a local ballot measure, and approved by a majority of the voters. SB 1164 would prohibit the rezoning of any portion of undeveloped private property that is zoned for low-density residential use as of January 1, 2000, without voter approval. The act shall only apply in counties with a population of 1,000,000 or more, and shall not apply in cities, or in other districts with a population of more than 200,000 persons.

Introduced	02/26/99
Last Amend	None
Status	Set for hearing 5/6/99 in Senate Local Government Committee
Staff Involvement	None

SB 1281 (Chesbro) Dredging Projects: Funding

SB 1281 would appropriate an unspecified amount from the General Fund to the Department of Water Resources for specified dredging projects on a one-time basis.

Introduced	02/26/99
Last Amend	None
Status	Referred to Senate Agriculture and Water Resources Committee
Staff Involvement	None



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AB 604 Nonpoint source pollution.

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BILL NUMBER: AB 604 INTRODUCED 02/19/99

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INTRODUCED BY Assembly Member Jackson

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FEBRUARY 19, 1999

An act to add Section 13396.8 to the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 604, as introduced, Jackson. Nonpoint source pollution.

The Porter-Cologne Water Quality Control Act grants authority to the State Water Resources Control Board to regulate water quality in the state, including matters relating to nonpoint source pollution.

This bill would require the state board, on or before January 1, 2001, in consultation with the California Coastal Commission and the State Department of Health Services, to establish measurable performance goals, as specified, for the purpose of carrying out the state's nonpoint source pollution program in accordance with specified federal law.

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

SECTION 1. Section 13396.8 is added to the Water Code, to read:

13396.8. (a) For the purpose of carrying out the state's coastal nonpoint source pollution program in accordance with Section 6217 of the Coastal Zone Reauthorization Amendments of 1990, the state board, on or before January 1, 2001, in consultation with the California Coastal Commission and the State Department of Health Services, shall establish measurable performance goals for 5-year and 15-year implementation strategies established in connection with that program.

(b) For the purpose of this section, a measurable performance goal shall include, but not be limited to, a measurement used to describe the improvement of the quality of surface water, groundwater, or coastal or ocean waters of the state.

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AB 642 Coastal resources: wetlands mitigation and restor

BILL NUMBER: AB 642 INTRODUCED 02/23/99

INTRODUCED BY Assembly Member Lempert

FEBRUARY 23, 1999

An act to add Division 21.5 (commencing with Section 31425) to the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 642, as introduced, Lempert. Coastal resources: wetlands mitigation and restoration.

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

This bill would establish the California Coastal Wetlands Mitigation Banking and Restoration Act of 1999, and would make various legislative findings and declarations relating to the need to protect and restore coastal wetlands.

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

SECTION 1. Division 21.5 (commencing with Section 31425) is added to the Public Resources Code, to read:

DIVISION 21.5. COASTAL WETLANDS MITIGATION BANKING AND RESTORATION

CHAPTER 1. GENERAL PROVISIONS

31425. This division shall be known, and may be cited, as the California Coastal Wetlands Mitigation Banking and Restoration Act of 1999.

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. There has been a major loss of coastal wetlands over the past century. The remaining wetlands are a scarce resource that must be protected and restored. The pace of those restoration efforts has been slow to date.

(2) The federal Clean Water Act (33 U.S.C. Sec. 1251 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)) require project proponents to avoid or minimize, as provided in each statute, all significant adverse environmental impacts to coastal wetlands from projects and to conduct onsite mitigation where possible for all unavoidable project impacts.

(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) and shall not be regarded as a wetlands enhancement or restoration program.

31427. (a) It is the intent of the Legislature to ensure no net loss of existing wetlands and a long-term gain in the quality and quantity of wetlands acreage along California's coast.

(b) A significant component of wetlands loss in California may be attributed to the failure to provide adequate compensatory mitigation for small wetlands fill projects that are approved under applicable authority and to the failure of required compensatory mitigation to replace functions lost as a result of permitted wetlands alteration. Occasionally, some small wetlands alteration projects are approved without provision of any compensatory mitigation. Taken in their entirety, those wetlands alteration projects have a significant, adverse impact on the health and functioning of coastal wetlands in California.

31428. The Legislature further finds and declares:

(a) It is the purpose of this division 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. 1251 et seq.) and to regulate mitigation banking.

(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.

(c) (1) It is the intent of the Legislature to ensure an effective means to provide compensatory mitigation for small projects that may otherwise be approved under applicable existing federal or state statutes or local ordinances. Applicable existing statutes include the federal Clean Water Act (33 U.S.C. Sec. 1251 et seq.), the California Environmental Quality Act (Division 13 (commencing with Section 21000)), the California Coastal Act of 1976 (Division 20 (commencing with Section 30000)), and the McAteer-Petris Act (Title 7.2 (commencing with Section 66600) of the Government Code). It is not the intent of the Legislature to in any way modify those existing regulatory programs or to allow projects that would otherwise not be permitted under those statutes.

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Bill Info

AB 848 Coastal development permits: temporary, nonrecurr

Past Sessions

BILL NUMBER: AB 848 INTRODUCED 02/24/99

Codes

INTRODUCED BY Assembly Member Kuehl

Statutes

FEBRUARY 24, 1999

Constitution

An act to add Section 30610.9 to the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 848, as introduced, Kuehl. Coastal development permits: temporary, nonrecurring movie and television sets.

The existing California Coastal Act of 1976 requires any person wishing to perform or undertake any development in the coastal zone, as defined, to obtain a coastal development permit, except as provided. The act requires the California Coastal Commission to hear appeals brought with respect to actions taken on a coastal development permit application, as prescribed.

This bill would exempt from the provisions governing permit appeals to the commission, a project to construct a temporary, nonrecurring set constructed in connection with a motion picture, television, and commercial advertising project that is located in the coastal zone, if specified conditions are met. The bill would provide that if a project does not meet those conditions, a person objecting to the issuance of a permit for the project may file an appeal with the commission within 5 days from the date of the permit approval, and would require the commission to hear the appeal at its next regularly scheduled meeting.

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

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

- (a) The motion picture and television industry is a vital segment of California's economy, and has contributed more than \$27.5 million to the state's economy by employing, either directly or indirectly, more than 500,000 people in the state.
- (b) Because many motion pictures and television shows are filmed on location, and require the temporary placement of sets, and other support facilities and equipment in outdoor locations, the set up of those film and television location sets should be permitted by the state without undue delays.
- (c) To expedite the processing of a coastal development permit for motion picture, television, and commercial production projects in the coastal zone, as defined in Section 30103 of the Public Resources Code, the construction of temporary, nonrecurring motion

picture and television sets should be exempt from coastal development permit appeal requirements under the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code).

SEC. 2. Section 30610.9 is added to the Public Resources Code, to read:

30610.9. (a) A project to construct a temporary, nonrecurring set for a motion picture, television, or commercial advertising project in the coastal zone shall be excluded from the coastal development permit appeal process provided for in this chapter, if all of the following conditions are met:

- (1) The property on which the set will be constructed is located within a jurisdiction that has a certified local coastal plan that has been implemented, and the local government in that jurisdiction has the authority to issue a coastal development permit for the property.
- (2) The motion picture, television, or production company constructing the set has obtained an approved coastal development permit from the appropriate local government with the authority to grant a permit for the property.
- (3) The production activity, including preparation, construction, filming, and set construction and removal at the site, will not exceed 190 days.
- (4) The set is not constructed or located on property that is owned or operated by the state.

(b) If a project to construct a temporary, nonrecurring set in the coastal zone does not meet the conditions set forth in subdivision (a), a person who objects to the issuance of a coastal development permit for the project may, within five days from the date of the permit approval, file an appeal with the commission, and the commission shall hear the appeal at its next regularly scheduled meeting.

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~Current Session Legislation~

AB 885 Coastal onsite sewage treatment systems.

BILL NUMBER: AB 885 INTRODUCED 02/25/99

INTRODUCED BY Assembly Member Jackson

FEBRUARY 25, 1999

An act to add Article 2.5 (commencing with Section 117502) to Chapter 4 of Part 13 of Division 104 of the Health and Safety Code, relating to sewage, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 885, as introduced, Jackson. Coastal onsite sewage treatment systems.

Existing law authorizes a California regional water quality control board to prohibit, under specified circumstances, the discharge of waste from individual disposal systems or community collection and disposal systems that use subsurface disposal.

This bill would require the State Department of Health Services, on or before January 1, 2001, in consultation with the State Water Resources Control Board, the California Coastal Commission, and the California Conference of Directors of Environmental Health, to adopt, by regulation, statewide performance standards for all onsite sewage treatment systems within the coastal zone, as defined. The bill would require all affected onsite sewage treatment systems to comply with the standards not later than January 1, 2003, or 3 years from the date of the adoption of the standards, whichever is earlier. The bill would appropriate \$50,000 from the General Fund to the department to carry out these provisions.

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

SECTION 1. Article 2.5 (commencing with Section 117502) is added to Chapter 4 of Part 13 of Division 104 of the Health and Safety Code, to read:

Article 2.5. Coastal Sewage Treatment Systems

117502. (a) On or before January 1, 2001, the department, in consultation with the State Water Resources Control Board, the California Coastal Commission, and the California Conference of Directors of Environmental Health, shall adopt, by regulation, statewide performance standards for all onsite sewage treatment systems within the coastal zone, as defined in subdivision (a) of Section 30103.

(b) All onsite sewage treatment systems subject to subdivision (a) shall comply with the standards adopted pursuant to that subdivision not later than January 1, 2003, or three years from the date of the adoption of the standards, whichever is earlier.

SEC. 2. The sum of fifty thousand dollars (\$50,000) is hereby appropriated from the General Fund to the State Department of Health Services to carry out Article 2.5

General Fund to the State Department of Health Services to carry out Article 2.5 (commencing with Section 117502) of Chapter 4 of Part 13 of Division 104 of the Health and Safety Code.

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Bill Info

AB 1280 Oil and gas development: pipelines.

Past Sessions

BILL NUMBER: AB 1280 INTRODUCED 02/26/99

Codes

INTRODUCED BY Assembly Member Jackson (Coauthor: Senator O'Connell)

Statutes

FEBRUARY 26, 1999

Constitution

An act to amend Section 30262 of, and to add Section 30262.5 to, the Public Resources Code, relating to oil and gas.

LEGISLATIVE COUNSEL'S DIGEST

AB 1280, as introduced, Jackson. Oil and gas development: pipelines.

The existing California Coastal Act of 1976 permits oil and gas development, if specified conditions relating to safety and environmental mitigation are met.

This bill would additionally include within those specified conditions that are required to be met for oil and gas development a condition requiring that all oil extracted from a source located in whole, or in part, under the sea be transported by pipeline to onshore processing and refining facilities, and that all pipelines used to transport this oil utilize the best available technology to ensure maximum protection of public health and safety and of the integrity and productivity of terrestrial and marine ecosystems.

The bill would also require the California Coastal Commission, in conjunction with the State Water Resources Board and the State Department of Health Services, to arrange for a statewide Geographical Information System (GIS) mapping of petroleum pipelines in the state.

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

SECTION 1. Section 30262 of the Public Resources Code is amended to read:

30262. (a) Oil and gas development shall be permitted in accordance with Section 30260, if the following conditions are met:

~~(a)–~~

(1) The development is performed safely and consistent with the geologic conditions of the well site.

~~(b)–~~

(2) New or expanded facilities related to ~~such~~ that development are consolidated, to the maximum extent feasible and legally permissible, unless consolidation will have adverse environmental consequences and will not significantly reduce the number of producing wells, support facilities, or sites required to produce the reservoir economically and with

minimal environmental impacts.

~~(e)~~

(3) Environmentally safe and feasible subsea completions are used ~~when~~ *if* drilling platforms or islands would substantially degrade coastal visual qualities, unless use of ~~such~~ *those* structures will result in substantially less environmental risks.

~~(d)~~

(4) Platforms or islands will not be sited where a substantial hazard to vessel traffic might result from the facility or related operations, *as determined by the Division of Oil and Gas of the Department of Conservation* in consultation with the United States Coast Guard and the Army Corps of Engineers.

~~(e) Such~~

(5) *The* development will not cause or contribute to subsidence hazards unless it is determined that adequate measures will be undertaken to prevent damage from such subsidence.

~~(f)~~

(6) With respect to new facilities, all oilfield brines are reinjected into oil-producing zones, unless the Division of Oil and Gas of the Department of Conservation determines to do so would adversely affect production of the reservoirs, and unless injection into other subsurface zones will reduce environmental risks. Exceptions to reinjections will be granted consistent with the Ocean Waters Discharge Plan of the State Water Resources Control Board and where adequate provision is made for the elimination of petroleum odors and water quality problems.

~~Where~~

(7) *All oil that is extracted from a source located in whole, or in part, under the sea is transported by pipeline to onshore processing and refining facilities, and pipelines used to transport this oil utilize the best available technology to ensure maximum protection of public health and safety and of the integrity and productivity of terrestrial and marine ecosystems.*

(b) *Where* appropriate, monitoring programs to record land surface and near-shore ocean floor movements shall be initiated in locations of new large-scale fluid extraction on land or near shore before operations begin, and shall continue until surface conditions have stabilized. Costs of monitoring and mitigation programs shall be borne by liquid and gas extraction operators.

SEC. 2. Section 30262.5 is added to the Public Resources Code, to read:

30262.5. The commission shall, in conjunction with the State Water Resources Control Board and the State Department of Health Services, arrange for a statewide Geographical Information System (GIS) mapping of petroleum pipelines in the state.

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Bill Info

SJR 2 Offshore oil leases.

Past Sessions

BILL NUMBER: SJR 2 AMENDED 03/17/99

Codes

AMENDED IN SENATE MARCH 17, 1999

Statutes

INTRODUCED BY Senators Alpert and O'Connell

Constitution

JANUARY 7, 1999

Senate Joint Resolution No. 2--Relative to offshore oil leases.

LEGISLATIVE COUNSEL'S DIGEST

SJR 2, as amended, Alpert. Offshore oil leases.

This measure would memorialize President Clinton to extend the moratorium on federal offshore leases to certain leases awarded prior to the moratorium or to terminate those leases.

Fiscal committee: no.

WHEREAS, The history of offshore oil development in the State of California has been one that has resulted in ~~serious~~ harm to the people of the state and its natural resources *and raised concerns that the activity may produce additional harm*; and

WHEREAS, Outer continental shelf (OCS) development has resulted in *accidental* oil spills, toxic gas releases, ~~increased~~ *environmental* pollution, losses to commercial fishing, loss of public recreational opportunities, loss of coastal access, and adverse impacts ~~to land uses~~ associated with onshore ancillary facilities; and

WHEREAS, ~~Federal~~ *Undeveloped federal* offshore oil leases, awarded prior to the moratorium on leases adopted by President Bush, and located primarily off the coast of Santa Barbara and San Luis Obispo Counties, ~~are expected to~~ *could* begin development within the next ~~3 to 5~~ *5 to 10* years; and

WHEREAS, Anticipated yield from these leases ~~is~~ *could be* roughly one billion barrels--an amount *that could be* equivalent to the total amount of oil extracted off the California coast since drilling began; and

WHEREAS, These leases are not covered by the Bush Moratorium recently extended by President Clinton, which only affects the sale of new leases in federal waters; and

WHEREAS, The California Coastal Sanctuary Act of 1994 exempts areas that are being drained from adjacent federal lands; and

WHEREAS, Accordingly, additional development on the OCS may lead to new leasing and development within the state's jurisdiction as well; and

WHEREAS, This development could occur within state sanctuary waters; and

WHEREAS, Development of these leases ~~will~~*may* result in the need for *additional* onshore support ~~and refining~~ facilities as well as transport infrastructure; and

WHEREAS, These facilities and infrastructure could cause additional environmental harm to local communities; and

WHEREAS, Development of these leases is not in the best interests of the State of California and ~~will~~*may* create substantial costs to the state in the form of increased public health risks, air and water pollution, environmental damage, visual blight, loss of tourism, loss of fishing and recreational opportunities, increased risks of oil spills, and adverse impacts on coastal access and land uses; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature respectfully memorializes President Clinton to extend the moratorium to these leases or to terminate these leases; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to President Clinton.

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Bill Info

SB 551 Local agencies: building and zoning ordinances.

Past Sessions

BILL NUMBER: SB 551 INTRODUCED 02/19/99

Codes

INTRODUCED BY Senator McPherson

Statutes

FEBRUARY 19, 1999

Constitution

An act to amend Section 53091 of the Government Code, relating to local agencies.

LEGISLATIVE COUNSEL'S DIGEST

SB 551, as introduced, McPherson. Local agencies: building and zoning ordinances.

Existing law generally requires local agencies to comply with all applicable building ordinances and zoning ordinances of the county or city in which the territory of the local agency is situated. Existing law also provides that building ordinances of a county or city do not apply to the location or construction of facilities for the production, generation, storage, or transmission of water, wastewater, or electrical energy by a local agency and that zoning ordinances of a county or city do not apply to the location or construction of facilities for the production, generation, storage, or transmission of water, or for the production or generation of electrical energy, or to specified facilities, or to electrical substations in an electrical transmission system which receives electricity at less than 100,000 volts.

This bill would add building and zoning ordinances incorporated in any local coastal plan to those ordinances that do not apply to the location or construction of the facilities described above.

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

SECTION 1. Section 53091 of the Government Code is amended to read:

53091. Each local agency shall comply with all applicable building ordinances and zoning ordinances of the county or city in which the territory of the local agency is situated. On projects for which state school building aid is requested by a local agency for construction of school facilities the county or city planning commission in which said agency is located shall consider in its review for approval information relating to attendance area enrollment, adequacy of the site upon which the construction is proposed, safety features of the site and proposed construction, and present and future land utilization, and report thereon to the State Allocation Board. If the local agency is situated in more than one city or county or partly in a city and partly in a county, the local agency shall comply with the ordinances of each county or city with respect to the territory of the local agency which is situated in the particular county or city and the ordinances of a county or city shall not be applied to any portion of the territory of the local agency which is situated outside the boundaries of the county or city. Notwithstanding the preceding provisions of this section, this section does not require a

school district or the state when acting under the State Contract Act to comply with the building ordinances of a county or city. Notwithstanding the preceding provisions of this section, this section does not require a school district to comply with the zoning ordinances of a county or city unless the zoning ordinance makes provision for the location of public schools and unless the city or county has adopted a general plan.

Each local agency required to comply with building ordinances and zoning ordinances pursuant to this section and each school district whose school buildings are inspected by a county or city pursuant to Section 53092 shall be subject to the provisions of the applicable ordinances of a county or city requiring the payment of fees but the amount of those fees charged a local agency or school district shall not exceed the amount charged under the ordinance to nongovernmental agencies for the same services or permits. Building ordinances of a county or city, *including those incorporated in any local coastal plan pursuant to the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code)*, shall not apply to the location or construction of facilities for the production, generation, storage, or transmission of water, wastewater, or electrical energy by a local agency.

Zoning ordinances of a county or city, *including those incorporated in any local coastal plan pursuant to the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code)*, shall not apply to the location or construction of facilities for the production, generation, storage, or transmission of water, or for the production or generation of electrical energy, nor to facilities which are subject to Section 12808.5 of the Public Utilities Code, nor to electrical substations in an electrical transmission system which receives electricity at less than 100,000 volts. Zoning ordinances of a county or city shall apply to the location or construction of facilities for the storage or transmission of electrical energy by a local agency; provided, that the zoning ordinances make provision for those facilities.

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Bill Info

SB 1065 Public records: electronic format.

Past Sessions

BILL NUMBER: SB 1065 INTRODUCED 02/26/99

Codes

INTRODUCED BY Senator Bowen

Statutes

FEBRUARY 26, 1999

Constitution

An act to amend Section 6253 of, and to add Section 6253.2 to, the Government Code, relating to public records.

LEGISLATIVE COUNSEL'S DIGEST

SB 1065, as introduced, Bowen. Public records: electronic format.

Existing law, the California Public Records Act, provides, among other things, that any person may receive a copy of any identifiable public record from any state or local agency upon payment of fees covering the direct costs of duplication or any applicable statutory fee. Existing law also requires computer data to be provided in a form determined by the agency.

This bill would require any agency that has information that constitutes an identifiable public record that is in an electronic format to make that information available in an electronic format, when requested by any person. The bill would require the agency to make the information available in any electronic format in which it holds the information. Because these requirements would apply to local agencies as well as state agencies, this bill would impose a state-mandated local program.

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 6253 of the Government Code is amended to read:

6253. (a) Public records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record, except as hereafter provided. Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law.

(b) Except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that reasonably

describes an identifiable record or records, shall make the records promptly available to any person, upon payment of fees covering direct costs of duplication, or a statutory fee, if applicable. Upon request, an exact copy shall be provided unless impracticable to do so. ~~Computer data shall be provided in a form determined by the agency.~~

(c) Each agency, upon a request for a copy of records shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor. In unusual circumstances, the time limit prescribed in this section may be extended by written notice by the head of the agency or his or her designee to the person making the request setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than 14 days. As used in this section, "unusual circumstances" means, but only to the extent reasonably necessary to the proper processing of the particular request:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request.

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.

(d) Nothing in this chapter shall be construed to permit an agency to obstruct the inspection or copying of public records. Any notification of denial of any request for records shall set forth the names and titles or positions of each person responsible for the denial.

(e) Except as otherwise prohibited by law, a state or local agency may adopt requirements for itself that allow for faster, more efficient, or greater access to records than prescribed by the minimum standards set forth in this chapter.

SEC. 2. Section 6253.2 is added to the Government Code, to read:

6253.2. (a) Unless otherwise prohibited by law, any agency that has information that constitutes an identifiable public record that is in an electronic format shall make that information available in an electronic format when requested by any person and, when applicable, shall comply with the following:

(1) The agency shall make the information available in any electronic format in which it holds the information.

(2) Each agency shall provide a copy of an electronic record in the format requested if the requested format is one that has been used by the agency to create copies for its own use or for provision to other agencies. Direct costs of duplication shall include the costs associated with duplicating electronic records.

(b) Nothing in this section shall be construed to permit an agency to make information available only in an electronic format.

(c) Nothing in this section shall be construed to permit public access to records held by the Department of Motor Vehicles to which access is otherwise restricted by statute.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B

of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

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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SB 1244 Coastal resources: oil and gas development.

BILL NUMBER: SB 1244 INTRODUCED 02/26/99

INTRODUCED BY Senator O'Connell (Coauthor: Assembly Member Jackson)

FEBRUARY 26, 1999

An act to amend Section 30262 of the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 1244, as introduced, O'Connell. Coastal resources: oil and gas development.

Existing law, the California Coastal Act of 1976, requires that oil and gas development be permitted in accordance with specified requirements if specified conditions are met, including, among other things, that the development is performed safely and is consistent with the geologic conditions of the well site.

This bill would authorize oil and gas development to be permitted in accordance with specified requirements if the applicant for a permit for that development can demonstrate that the development can be performed safely and is consistent with the geologic conditions of the well site.

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

SECTION 1. Section 30262 of the Public Resources Code is amended to read:

30262. Oil and gas development ~~shall~~ may be permitted in accordance with Section 30260, if *the applicant for a permit for that development can demonstrate that all of the* following conditions are met:

(a) The development ~~is~~ can be performed safely and is consistent with the geologic conditions of the well site.

(b) New or expanded facilities related to ~~such~~ the development are consolidated, to the maximum extent feasible and legally permissible, unless consolidation will have adverse environmental consequences and will not significantly reduce the number of producing wells, support facilities, or sites required to produce the reservoir economically and with minimal environmental impacts.

(c) Environmentally safe and feasible subsea completions are used when drilling platforms or islands would substantially degrade coastal visual qualities unless use of such structures will result in substantially less environmental risks.

(d) Platforms or islands will not be sited where a substantial hazard to vessel traffic might

result from the facility or related operations, determined in consultation with the United States Coast Guard and the Army Corps of Engineers.

(e) ~~Such~~ The development will not cause or contribute to subsidence hazards unless it is determined that adequate measures will be undertaken to prevent damage from ~~such~~ subsidence.

(f) With respect to new facilities, all oilfield brines are reinjected into oil-producing zones unless the Division of Oil and Gas of the Department of Conservation determines to do so would adversely affect production of the reservoirs and unless injection into other subsurface zones will reduce environmental risks. Exceptions to reinjections will be granted consistent with the Ocean Waters Discharge Plan of the State Water Resources Control Board and where adequate provision is made for the elimination of petroleum odors and water quality problems.

Where appropriate, monitoring programs to record land surface and near-shore ocean floor movements shall be initiated in locations of new large-scale fluid extraction on land or near shore before operations begin and shall continue until surface conditions have stabilized. Costs of monitoring and mitigation programs shall be borne by liquid and gas extraction operators.

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