

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
 SAN FRANCISCO, CA 94105-2219
 VOICE (415) 904-5200
 FAX (415) 904-5400
 TDD (415) 597-5885

**W-23a**

October 10, 2007

TO: Coastal Commissioners and Interested Public

FROM: Peter M. Douglas, Executive Director
 Sarah Christie, Legislative Coordinator

SUBJECT: LEGISLATIVE REPORT FOR OCTOBER 2007

CONTENTS: This report provides summaries and status of bills that affect the Coastal Commission and California's Coastal Program as well as bills that staff has identified as coastal-related legislation.

Note: Information contained in this report is accurate as of 9/28/07. Changes in the status of some bills may have occurred between the date this report was prepared and the presentation date.¹ Current status of any bill may be checked by visiting the California Senate Homepage at www.senate.ca.gov. This report can also be accessed through the Commission's World Wide Web Homepage at www.coastal.ca.gov

Legislative Calendar

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| May 11 | Last day for Policy Committees to hear and report fiscal bills for referral to fiscal committees |
| May 25 | Last day for Policy Committees to meet prior to June 11 |
| June 1 | Last day for fiscal committees to hear and report bills to the Floor |
| June 8 | Last day to pass bills from house of origin |
| June 11 | Committee meetings may resume |
| June 15 | Budget must be passed by midnight |
| July 13 | Last day for policy committees to meet and report bills from second house |
| July 20 | Summer Recess begins at the end of session if Budget Bill has been enacted |
| Aug. 20 | Legislature reconvenes |
| Aug. 31 | Last day for Fiscal Committees to meet and report bills to the Floor |
| Sept. 7 | Last day to amend bills on the Floor |
| Sept. 14 | Last day for any bill to be passed. Interim Recess begins on adjournment of session |
| Oct. 14 | Last day for Governor to sign or veto bills passed by the Legislature before Sept. 14 |

¹ Terms used in this report relating to bill status. 1) "On Suspense" means bill is held in Appropriations because of potential costs to state agency. Bills usually heard by Appropriations near Fiscal Committee Deadline in June. 2) "Held in committee" means bill was not heard in the policy committee this year. 3) "Failed passage" means a bill was heard by policy committee but failed to get a majority vote. Reconsideration can be granted by the committee.

PRIORITY LEGISLATION

ACA 8 (De La Torre) Eminent domain

This Constitutional Amendment would prohibit the use of eminent domain by a government agency for seizing a private, owner-occupied residence or a small business with fewer than 25 employees, for private use. A constitutional amendment requires a 2/3 vote in each house to be placed on the ballot for a public vote.

Introduced 03/13/07
Status Referred to Assembly Budget Committee.

AB 141 (Saldaña) Water quality: California Baja-California border region

This bill would declare that it is the intent of the Legislature to enact legislation to improve water quality in the state's California-Baja California border region.

Introduced 01/17/07
Status Assembly First Reading

AB 258 (Krekorian) Environment; marine debris; plastic discharge

This bill would direct the state and regional water boards to implement a program to control the discharge of preproduction plastics from point and nonpoint sources, as part of the NPDES permit process. The program would include the development of best management practices to be used during the manufacturing, storing and transportation of those plastics. 06/01 amendments require consultation with plastics manufacturing facilities that have implemented measures voluntarily. 8/28 amendments would allow facilities that achieve "no exposure" certification to be exempt from NPDES requirements.

Introduced 02/05/07
Last Amended 08/28/07
Status Enrolled.

Commission position Support

AB 319 (Nava) Emergencies: Tsunami hazard preparedness and mitigation

This bill would establish the California Tsunami Steering Committee, including a representative from the Coastal Commission, to guide tsunami hazard preparation activities in the state. It would require the Office of Emergency Services to establish a statewide tsunami hazard mitigation program to maintain consistent planning efforts regarding preparation, communication, response, and mitigation in the event of a tsunami. 06/01 amendments specify that the program shall only become operable to the extent federal funds become available. 07/17 amendments include local government representatives on the Steering Committee, at their discretion.

Introduced 02/13/07
Last Amended 08/31/07
Status Enrolled.

AB 350 (Blakeslee) Vegetation Mapping

This bill would require the Department of Fish and Game (DFG) to develop a fine-scale multiple-attribute statewide vegetation layer map for habitat and wildland corridor identification.

Introduced 02/14/07
Last Amended 04/10/07
Status Senate Environmental Quality Committee.

AB 719 (Devore) Energy: electrical generation: zero carbon dioxide emissions

This bill would repeal the ban on new nuclear power generating facilities in California.

Introduced 02/22/07
Status Failed passage in Assembly Natural Resources Committee.

AB 739 (Laird) Stormwater discharge

This bill would require the State Water Resources Control Board to develop a framework for assessing the effectiveness of current stormwater management programs. It would establish grant criteria for Proposition 84 stormwater funding and develops a framework for assessing the effectiveness of municipal stormwater management programs. 06/01 amendments specify that projects which plan for and/or construct wastewater systems that include treatment of nonpoint source runoff shall be eligible for funding. 08/01 amendments require the state and regional boards to incorporate evaluation and reporting requirements into municipal stormwater programs.

Introduced 02/22/07
Last Amended 08/01/07
Status Senate Environmental Quality Committee.

AB 740 (Laird) Vessels: Invasive species

This bill would require inwater cleaning and record keeping for vessels that visit a California port. It directs the State Lands Commission to develop regulations by January 1, 2012 that would govern the management of hull fouling on vessels. 07/09 amendments require vessel operators to remove hull fouling organisms on a regular basis until the regulations are adopted.

Introduced 02/22/07
Last Amended 09/04/07
Status Enrolled.

AB 828 (Ruskin) Wildlife Conservation

This bill would require the Wildlife Conservation Board, in consultation with DFG, to investigate, study and recognize what areas in the state are most essential as wildlife corridors and habitat linkages, and to make that information available to the public. The bill requires consultation with other state agencies and private landowners.

Introduced 02/22/07
Last Amended 09/06/07
Status Enrolled.

AB 837 (Levine) Oil and gas leases

This bill would prohibit the State Lands Commission (SLC) from issuing any new leases or lease extensions for the extraction of oil and gas from existing platforms in the Santa Barbara Channel, unless the SLC determines that issuing or extending a lease would not result in spillage or seepage of oil, or destruction of aesthetic values. The practical effect of this legislation is precluding future slant drilling from Platform Holly.

Introduced 02/22/07
Last Amended 06/26/07
Status Senate NR&W Committee.

AB 992 (Brownley) Roads: stormwater containment

This bill would require the Regional Water Quality Control Boards (RWQCBs) to issue a clean water certificate to a project proponent proposing to construct a new road or repair any portion of an existing road if the project proposes to install postconstruction onsite controls that prevent the flow of stormwater into local water bodies from the surface of the road to the maximum extent feasible.

Introduced 02/23/07
Last Amended 04/10/07
Status In Assembly Transportation Committee, hearing cancelled at request of author.

AB 1046 (Leno) Nuclear fission thermal power plants

This bill would prohibit the Public Utilities Commission from allowing an investor-owned utility to recover specified costs incurred in seeking renewal of certification to operate a nuclear fission thermal powerplant, unless the Energy Commission has completed its assessment prior to the investor-owned utility filing an application for license renewal with the Nuclear Regulatory Commission.

Introduced 02/22/07
Last Amended 06/07/07
Status Utilities and Commerce Committee

AB 1056 (Leno) Ocean Protection Council: Expenditures

This bill would authorize the Ocean Protection Council (OPC) to establish a scientific advisory panel in consultation with the California Ocean Science Trust (COST), a nonprofit created by statute to use public and private resources to promote coastal and ocean research, education and management. It also authorizes OPC to expend funds without Coastal Conservancy approval in some cases. 07/18 amendments repeal the provision that designates the Resources Secretary as the Chair of the OPC, and requires the commission to elect a Chair at the first meeting in January.

Introduced 02/23/07
Last Amended 07/18/07
Status Enrolled.

AB 1066 (Laird) Coastal resources; local coastal planning

This bill would require the Governor's Office of Planning and Research (OPR) to develop guidelines, in consultation with the Coastal Commission, relating to planning for sea level rise for local governments to use when updating their general plans. The bill would require the Ocean Protection Council to convene and inter-agency task force, which would include the Coastal Commission, to gather existing information on sea level rise projections to inform the OPR guidelines.

Introduced 02/23/07
Last Amended 07/03/07
Status Senate Appropriations Committee, suspense File.

AB 1074 (Houston) California State Conservation Permit

This bill would require the Secretary of the Resources Agency to establish the California State Conservation Permit, with a permit specific to each of the 7 regions of the Department of Fish and Game. The permit would apply to projects by private landowners to implement conservation measures that enhance and restore wildlife habitat, improve water quality and quantity, or protect endangered or threatened species; that complies with the Natural Resources Conservation Service's Conservation Practice Standards and Specifications; and that uses funds from specified federal programs.

Introduced 02/23/07
Last Amended 05/08/07
Status Senate Natural Resources and Water Committee.

AB 1096 (Devore) CEQA: housing exemptions report

This bill would require the Office of Planning and Research (OPR) to report to the Legislature regarding the conditions in development of affordable housing projects affecting the use of existing statutory exemptions from CEQA.

Introduced 02/23/07
Last Amended 04/26/07
Status Assembly Appropriations Committee, suspense File.

AB 1220 (Laird) Oil spill response fund

This bill would, in relevant part, reduce the Coastal Commission's comment/response time on oil spill contingency plans from 60 days to 30 days.

Introduced 02/23/07
Last Amended 08/31/07
Status Enrolled

AB 1280 (Laird) Ocean resources

This bill would authorize the expenditure of funds in the California Ocean Protection Trust Fund for the preparation of fisheries management plans pursuant to the Marine Life Management Act.

Introduced 02/23/07
Last Amended 08/23/07
Status Enrolled.

AB 1338 (Huffman) Public resources: local coastal programs: nonpoint source pollution

This bill would require local governments to include an element on reducing nonpoint source pollution, when preparing or amending an LCP for Commission certification.

Introduced 02/23/07
Last Amended 08/21/07
Status Senate Natural Resources and Water Committee.
Commission Position Support

AB 1396 (Laird) California Coastal Trail

This bill would require the California Department of Transportation to annually identify all excess property in the coastal zone, and provide that information to the State Coastal Conservancy, the Wildlife Conservation Board and the Department of Fish and Game, for the purpose of making those properties available for purchase or lease by a public agency to facilitate the development of the California Coastal Trail. It also would require Caltrans to consult with other state agencies re: trail implementation, and requires regional transportation planning agencies with jurisdiction in the coastal zone to coordinate with specified state agencies regarding development of the trail, and to include provisions for the Coastal Trail in their plans.

Introduced 02/23/07
Last Amended 07/02/07
Status Enrolled.

AB 1457 (Huffman) State Parks and Roads

This bill would prohibit the construction of roads through State parks, unless the Director makes certain findings as specified. It also contains a provision for civil suits against any public agency that violates the requirements of the bill.

Introduced 02/23/07
Status Held in Assembly Water, Parks and Wildlife Committee.

AB 1459 (Levine) California Coastal Act: coastal development

This bill would prohibit the transfer, sale or conversion of a visitor serving facility, or any unit within a visitor serving facility, for full time or part time residential use.

Introduced 02/23/07
Status Failed passage in Assembly Natural Resource Committee.
Commission Position Oppose.

AB 1568 (Berg) Senator Wesley Chesbro Coastal Trail

This bill designates a portion of the Ma-le'l Dunes in Humboldt County that is part of the California Coastal Trail as the Senator Wesley Chesbro Coastal Trail.

Introduced 02/23/07
Last Amended 07/16/07
Status Enrolled.

SB 4 (Oropeza) State beaches: Smoking ban

This bill would prohibit smoking tobacco in any form on any state beach or state park, other than a parking lot.

Introduced 12/04/06
Status Held in Senate Natural Resources and Water Committee.

SB 10 (Kehoe) Airport land use commissions; San Diego County

This bill dissolve the current San Diego Regional Airport Authority, and replace it with a new 9-member Board, appointed locally to staggered terms. The bill would require the new Board to establish an Audit Committee with 3 public members.

Introduced 12/04/06
Last Amended 07/02/07
Status Assembly First Reading.

SB 157 (Wiggins) Tribal gaming; compact ratification

This bill would ratify a tribal gaming compact between the State of California, the Big Lagoon Rancheria and the Los Coyotes Band of Cahuilla and Cupena Indians to allow the transfer of rights to develop a casino at Big Lagoon in Humboldt County, to an urban site in the City of Barstow.

Introduced 01/30/07
Status Senate Rules Committee

Commission Position Support

SB 412 (Simitian) State Energy Resources Conservation and Development Commission: LNG terminals

This bill would require the CEC to conduct an LNG Needs Assessment Study to be completed by November 1, 2008. The study shall include an assessment of future demand and supply, as well as a determination whether it is feasible to meet California's future natural gas needs without construction LNG terminals. It directs the CEC, in consultation with relevant state and federal agencies (including the CCC) to evaluate every proposed LNG project.

Introduced 02/21/07
Last Amended 08/20/07
Status Assembly Appropriations Committee.

Commission Position Recommend Support

SB 634 (Wiggins) Williamson Act: contracts

This bill would require a local government to make specific findings of agricultural viability before approving any application to subdivide land subject to a Williamson Act contract.

Introduced 02/22/07
Last Amended 05/15/07
Status Assembly Agriculture Committee.

Commission Position Support

SB 670 (Correa) Real property: transfer fees

This bill would cap the amount of private real estate transfer fees at 1% of the home sales price, for no longer than 30 years in duration, for expenditure only on projects "within the region." Real estate transfer fees are increasingly being used by local governments and developers to raise funds for open space acquisitions and conservation/restoration project to offset the impacts of new development.

Introduced 02/23/07
Last Amended 05/01/07
Status Held in Senate Transportation and Housing Committee. Double referred to Judiciary.

SB 742 (Steinberg) Off highway motor vehicle recreation

This bill would extend the sunset date on the Off Highway Motor Vehicle Recreation Act of 2003 from January 1, 2008, to 2013; increase the minimum OHV fee collected by DPR for every vehicle to \$10; increase the number of appointees to the OHV Commission from 7 to 9 and require Senate confirmation, add specification regarding how OHV Trust Fund monies can be expended, and make other reforms to the program..

Introduced 02/23/07
Last Amended 09/06/07
Status Enrolled.

SB 821 (Kuehl) Land use: water supply planning

This bill would require the California Research Bureau, by July 1, 2008, to provide a report to the Legislature covering the 2004, 2005, and 2006 calendar years that includes information relating to how existing water subdivision planning law is addressing the provision of adequate water supplies for proposed residential developments.

Introduced 02/23/07
Last Amended 05/01/07
Status Assembly Appropriations Committee.

SB 884 (Lowenthal) California Coastal Commission; gift or gratuity

This bill would prohibit a Commission member from accepting a gift or gratuity from any person, or his hired representative, who has an application or business pending before the Commission. It would establish a civil fine not to exceed \$500, and prohibit any practice before the Commission for the period of one year for violating this section.

Introduced 02/23/07
Last Amended 06/27/07
Status Enrolled.

SB 898 (Simitian) Beverage containers: solid waste clean up

This relevant section of this bill would direct the Department of Boating and Waterways to work with various agencies, including the Coastal Commission, to establish guidelines and incentives for the removal of derelict fishing gear. Amendments taken 09/06 stripped the relevant sections from the bill and amended it to deal with personal income tax issues.

Introduced 02/23/07
Last Amended 09/06/07
Status Enrolled.

Commission Position Support – Recommend No Position

SB 911 (Wiggins) Emergency call boxes: public beaches

This bill states that it is the intent of the Legislature to place emergency call boxes at regular intervals along public beaches.

Introduced 02/23/07
Status Senate Rules Committee

SB 965 (Lowenthal) Oil spills; CalPORTS

This bill would establish the California Physical Oceanographic Real Time System (CalPorts). It would also authorize the administrator of the Oil Spill Prevention and Response program to establish, operate and maintain a CalPorts information network linking existing and proposed technologies that provide critical environmental information for the purpose of increased navigational safety and efficiency.

Introduced 02/23/07
Last Amended 04/19/07
Status Senate Appropriations, Suspense File

Commission Position Support

SCA 1 (McClintock) Eminent Domain

This bill would amend the state constitution to prohibit the use of eminent domain by a public agency unless it is for a stated public use. The bill would require the consent of the land owner in most cases.

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| Introduced | 12/04/06 |
| Last Amended | 02/05/07 |
| Status | Senate Judiciary and Elections, Reapportionment & CA Committees |

Please contact Sarah Christie at (916) 445-6067 with any questions on material contained in this report.