

CALIFORNIA COASTAL COMMISSION

45 FREMONT STREET, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE AND TDD (415) 904-5200



# W30a

December 14, 2007

TO: Coastal Commissioners and Interested Persons  
FROM: Legal Division and Legislative Unit  
SUBJECT: **2007 Chaptered Legislation**

---

The 2007 California Legislative session produced one piece of chaptered legislation that directly amended the Coastal Act (SB 884), and a few new statutes that may require the participation of Coastal Commission staff, have an affect on California's coastal management program, or be of interest to coastal managers.

**A. COASTAL ACT AMENDMENTS**

**1) SB 884 (Lowenthal) Chapter 663**

This bill adds Section 30327.5, prohibiting a Commission member or staff from accepting a gift or gratuity cumulatively exceeding \$10 in value from any interested person, as defined, within a calendar month. It would establish a civil fine not to exceed \$500. In addition, a paid agent who violates these restrictions on gifts may be prohibited from seeking to influence the Commission for a period of up to one year.

**Section 30327.5**

Section 30327.5 is added to the Public Resources Code, to read:

30327.5. (a) An interested person shall not give, convey, or make available gifts aggregating more than ten dollars (\$10) in a calendar month to a commissioner or a member of the commission's staff.

(b) A commissioner or member of the commission's staff shall not accept gifts aggregating more than ten dollars (\$10) in a calendar month from an interested person.

(c) For the purposes of this section, "interested person" shall have the same meaning as the term is defined in Section 30323.

(d) For the purposes of this section, "gift" means, except as provided in subdivision (e), any payment, as defined in Section 82044 of the Government Code, that confers a personal benefit on the recipient, to the extent that consideration of equal or greater value is not received and includes a rebate or discount in the price of anything of value unless the rebate or discount is made in the regular course of business to members of the public without regard to official status. Any person, other than a defendant in a criminal action, who claims that a payment is not a gift by reason of receipt of consideration has the burden of proving that the consideration received is of equal or greater value.

(e) For the purposes of this section, "gift" does not include any of the following:

(1) A gift which is not used and which, within 30 days after receipt, is either returned to the donor or delivered to a nonprofit entity exempt from taxation under Section 501(c)(3) of the Internal Revenue Code without being claimed as a charitable contribution for tax purposes.

(2) A gift from an individual's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person. However, a gift from any such person shall be considered a gift if the donor is acting as an agent or intermediary for any person not covered in this paragraph.

(3) A cost associated with the provision of evidentiary material provided to the commission and its staff.

(4) An educational or training activity that has received prior approval from the commission.

(5) A field trip or site inspection that is made available on equal terms and conditions to all commissioners and appropriate staff.

(6) A reception or purely social event that is not offered in connection with or is not intended to influence a decision or action of the commission and that is open to all commissioners, members of the staff, and members of the public and press.

SEC. 2. Section 30327.6 is added to the Public Resources Code, to read:

30327.6. (a) (1) Except as provided in paragraph (2), a person who for compensation attempts to influence or affect the outcome of a commission decision or action and who violates Section 30327.5 may, in addition to any other applicable penalty, be barred from any activity seeking to influence or affect the outcome of a commission decision or action for a period of up to one year from the date of the finding of the violation. Each violation shall be grounds for the person being barred from any activity seeking to

influence or affect a commission decision or action for an additional year from the date of conviction.

(2) Nothing in this section shall be construed to prohibit an individual from representing himself or herself in seeking to influence or affect the outcome of a commission decision or action if that individual is acting solely on his or her own personal behalf and not on the behalf of any other person or entity.

(b) A person who violates Section 30327.5 shall, in addition to any other applicable penalty, be subject to a civil fine not to exceed five hundred dollars (\$500) for each violation.

**Implementation:** As of January 1, 2008, Commissioners and staff are prohibited from accepting gifts or gratuities in excess of \$10 in any calendar month from any interested person as defined. This prohibition includes meals, drinks, tickets, transportation, sporting events and any other type of gift or gratuity that conveys a value of more than \$10. The statute specifies limited exceptions to this prohibition..

## **B. COASTAL ACT-RELATED LEGISLATION**

### **1) AB 258 (Krekorian) Water quality; Chapter 735**

This bill requires the State Water Resources Control Board and Regional Boards to implement a program for the control of discharge of pre-production plastics from both point and non-point sources. The SWRCB is also required to develop a certification process as part of the NPDES permit process for manufacturing and handling facilities to certify that their current practices do not result in the discharge of pre-production plastics.

**Implementation:** No implementation requirements required on the part of the Commission. However, water quality staff may participate in the SWRCB's process as workload allows.

### **2) AB 1280 (Laird) Ocean resources; California Ocean Protection Trust Fund; Chapter 374**

This bill would authorize the Ocean Protection Council (OPC) to award grants for the development of fisheries management plans pursuant to the Marine Life Management Act of 1998. Eligible projects include but are not limited to, innovative community-based cooperative management strategies that create incentives for ecosystem improvement.

**Implementation:** Commission staff will continue to attend OPC meetings, to serve as a liaison between the Commission and the OPC.

### **3) AB 1396 (Laird) Coastal Trail; surplus property; Chapter 375**

This bill requires the Department of Transportation to compile a list of all surplus properties, and provide that list on a quarterly basis to the State Coastal Conservancy, the Department of Parks and Recreation, and the Department of Fish and Game. The bill also requires the Department of Transportation to coordinate with the Conservancy, the Commission and State Parks on the development of the Coastal Trail. The bill also requires Regional Transportation Planning Agencies to include the Coastal Trail in their Regional Transportation Plans, and to consult with the Commission, the Conservancy and State Parks in planning for the Coastal Trail.

**Implementation:** Commission staff will work with Conservancy staff and Caltrans to coordinate interagency planning efforts regarding the Coastal Trail. To the extent that resources permit, Commission staff will work with Regional Transportation Agencies to provide assistance with Coastal Trail planning efforts. Staff may send a memo to RTAs in the Coastal Zone, outlining the provisions of this new statute.

### **4) AB 1568 (Berg) Coastal resources; Ma-le'I Dunes; Chapter 548**

This bill adds Section 31410 to the Public Resources Code, to designate a portion of the Ma-le'I Dunes Trail in Humboldt County as the Senator Wesley Chesbro Coastal Trail. The Conservancy will be responsible for providing appropriate signs as funding allows.

**Implementation:** This statute applies to the State Coastal Conservancy. However, the Commission staff may consult on sign placement and design, and the name change will be reflected in subsequent Coastal Commission publications that refer to this section of the Coastal Trail.

### **5) SB 742 (Steinberg) Off-highway vehicles; Chapter 541**

This bill re-authorizes the Off-Highway Motor Vehicle Recreation Act of 2003, which provides for the acquisition, operation, and funding of state off-highway vehicular recreation areas and trails, and establishes the Off Highway Motor Vehicle Recreation Commission. The re-authorization establishes several changes and new requirements in the program. Changes relevant to coastal managers include an additional off highway annual vehicle fee of \$33, to be deposited in the Off Highway Vehicle Trust Fund for grants to support environmental restoration projects, educational activities, and other purposes. This re-authorization will expire on January 1, 2018, unless further reauthorized. The bill would also make it a public offense to operate a an off highway vehicle on public lands that are closed to vehicular use, and impose fines

**Implementation:** No implementation necessary.