

CALIFORNIA COASTAL COMMISSION

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**W-32b**

September 10, 2008

TO: Coastal Commissioners and Interested Public

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

SUBJECT: LEGISLATIVE REPORT FOR SEPTEMBER 2008
UPDATE 9/4/08

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 9/04/08. 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

March 24	Legislature reconvenes
April 18	Last day for Policy Committees to hear and report 1 st House fiscal bills to the Floor
May 2	Last day for Policy Committees to hear and report 1 st House nonfiscal bills to the Floor
May 16	Last day for Policy Committees to meet prior to June 2
May 23	Last day for Fiscal Committees to hear and report fiscal bills to the Floor
May 27-30	Floor Session only. No committees may meet
May 30	Last day to pass bills from house of origin
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June 3	Statewide Primary Election
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June 27	Last day for Policy Committees to hear and report bills to the Floor from the second house
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Aug. 4	Legislature reconvenes
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Aug. 18	Last day to amend bills on the Floor
Aug. 31	Last day for any bill to be passed. Final Recess begins on adjournment of session
Sept. 30	Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1

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 UPDATE

AB 1991 (Mullin) Subdivisions: tentative maps

This bill would implement the terms of a negotiated settlement agreement between the City of Half Moon Bay and the owners of the Beachwood Subdivision. The terms of the settlement allow the development of 129 homes on 37 acres in Half Moon Bay; exclude the subject properties from the coastal zone and the Coastal Act, as well as CEQA, Porter Cologne, and the Fish and Game Code.

Introduced 02/14/08
Last Amended 04/21/08
Status Withdrawn from Senate Local Government. Re-referred to Rules Committee
Commission Position Oppose

AB 2031 (Hancock) Oil spill prevention and response

This bill would amend the Lempert-Keene Oil Spill Prevention and Response Act to authorize the OSPR administrator to train and certify volunteers to work under his or her direction. This bill would require the local spill response managers to provide the state onscene coordinator with timely information in the event of a spill. This bill would also require the Office of Emergency Services to notify appropriate local government agencies when an oil spill has occurred.

Introduced 02/15/07
Last Amended 08/18/08
Status Enrolled

AB 2032 (Hancock) Oil spill prevention and response

This bill would amend the Lempert-Keene Oil Spill Prevention and Response Act to increase upper limit on the Oil Spill Response Fee, which is imposed on imported or extracted crude oil, from 0.05 cents to 0.08 cents per barrel.

Introduced 02/23/07
Last Amended 08/12/08
Status Enrolled

AB 2058 (Levine) Recycling: plastic carryout bags: paper carryout bags

This bill would prohibit any store from providing plastic carryout bags after 2011, unless the store can prove that it is meeting a 70% diversion rate. Stores who do not meet that rate could still provide plastic bags for a fee of 0.25 cents. Monies collected would be used to improve recycling services. *Amendments on 6/30 eliminate all references to paper carryout bags.*

Introduced 02/19/08
Last Amended 06/30/08
Status Senate Appropriations Committee, Suspense File

AB 2935 (Huffman) Oil spill prevention and response

This bill would require the Director of Fish and Game, within 24 hours of notification of an oil spill, to close affected state waters to the take of fish and shellfish, and to order testing to determine when the fish and shellfish are safe for human consumption before re-opening, unless the Office of Environmental Health Hazard Assessment determines that no health risk exists or is likely to exist. The bill would also require the California Oil Spill Response Plan to consider the use of private working crafts and mariners for containment/clean up of oil spills.

Introduced 02/22/08
Last Amended 08/21/08
Status Enrolled

ACR 153 (Laird) California Coastal Trail Day

This measure would declare October 11, 2008 to be California Coastal Trail Day in California. This measure makes numerous findings and declarations about the statewide and national importance of the Coastal Trail.

Introduced 08/04/08
Last Amended 08/11/08
Status Enrolled

AJR 49 (Nava) California gray whales: assessment: protected

This measure would request the United States Congress and the President of the United States to call upon the National Marine Fisheries Service to undertake an immediate, comprehensive assessment of the California gray whale population and to add the California gray whale to the Federal Endangered Species List, if warranted by the comprehensive, scientific assessment.

Introduced 06/04/08
Last Amended 06/04/08
Status Chaptered, Resolution Chapter 98
Commission position Support

AJR 51 (Nava) Oil and gas: offshore leases: drilling: moratorium

This measure would request that Congress continue the existing federal offshore oil and gas leasing moratorium for the 2009 fiscal year and beyond, and would express the State's opposition to specified provisions of proposed federal energy policies and legislation.

Introduced 03/10/08
Last Amended 06/26/08
Status Enrolled

AJR 62 (Leno) West coast sea turtle protection

This measure would request the National Marine Fisheries Service to delay consideration of, or deny, the swordfish longline exempted fishing permit, and defer consideration of efforts to introduce shallow-set longline fishing off the California coast, until critical habitat has been designated.

Introduced 05/21/08
Last Amended 06/19/08
Status Chaptered, Resolution Chapter 100

SB 242 (Torlakson) Claims against the state

This bill would appropriate \$793,730.76 from the General Fund to the Dept. of Justice for payment of specified claims against the state, including a judgment of \$64,530 against the Coastal Commission in the case of Habitat for Hollywood Beach v. California Coastal Commission.

Introduced 02/14/07
Last Amended 06/05/08
Status Chaptered, Chapter 59, Statutes of 2008

SB 375 (Steinberg) Transportation planning: travel demand models

This bill would require the California Transportation Commission to develop regional travel demand models for regional transportation agencies to incorporate into their transportation plans for the purpose of reducing vehicle miles traveled. This bill would set standards for evaluating projects eligible for state funding according to their consistency with these plans, and other “sustainable community” guideline, and authorize the California Air Resources Board to review each metropolitan region’s “sustainable community strategy” and require revisions if it is found that implementation will not meet greenhouse gas reduction targets. This bill would create CEQA exemptions for “transit priority projects” that are part of a “sustainable community” project. This bill would increase the number of years in which a local government is required to update its housing element from 5 years to 8, if certain requirements are met.

Introduced 02/21/07
Last Amended 08/20/08
Status **Enrolled**

SB 863 (Yee) Parks: funding: Half Moon Bay

August 22 amendments would appropriate \$10 million to the Coastal Conservancy from Proposition 1C funds for the purpose of providing a grant or grants to the City of Half Moon Bay. Eligible projects would be limited to the acquisition of the Beachwood property and/or the Pilarcitos Creek Park property, subject to state-mandated appraisal process, and park, trail and restoration projects at either or both of those properties.

Introduced 02/23/07
Last Amended 08/22/08
Status **Assembly Appropriations Committee**

SB 899 (Simitian) Fishing gear

This bill would require the Department of Fish and Game, in consultation with the Ocean Protection Council, to prepare a report to the Fish and Game Commission on sustainable funding sources for a program to remove derelict fishing gear, by January 1, 2010. The bill would require commercial fishing vessels that lose fishing gear to report to the department within 48 hours the location where the gear was lost. The bill would require the department to create and maintain a database that tracks the location of all known derelict fishing gear. The bill would require the department include information on all fishing licenses detailing how to report derelict fishing gear.

Introduced 02/23/08
Last Amended 08/08/08
Status **Enrolled**

SB 1056 (Migden) Oil spill prevention and response

This bill would amend the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act to require the Office of Emergency Services to notify the Bay conservation and Development Commission (BCDC), and the counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma, and the City and County of San Francisco of any oil spill occurring within the jurisdiction of BCDC. It also sets standards for response time at 2 hours or less, requires the administrator to notify any local governments that may be affected by the spill, and requires the state to reimburse local jurisdictions for associated costs. Amendments of 07/02 require the administrator to conduct studies for the purpose of evaluating ways to improve oil spill response, and to determine whether regulations are achieving best available protection of the coast.

Introduced 01/07/08
Last Amended 08/20/08
Status Enrolled

SB 1185 (Lowenthal) Land divisions: tract maps

This bill would extend by 12 months the life of any vesting tentative tract map that has not expired by the date that this bill takes effect.

Introduced 02/12/08
Last Amended 06/09/08
Status Chaptered, Chapter 124, Statutes of 2008

SB 1473 (Calderon) Building standards; green building

This bill would require local governments to charge a minimum fee for all building permits, at a rate of up to \$4 per \$100,000 of valuation. 10% of this fee may be retained by the jurisdiction for overhead and administrative costs. 90% of this fee would go to the California Building Standards Commission, to be deposited in the Building Standards Administration Special Revolving Fund which the bill would establish in the State Treasury. Funds would be used by the Commission to create, adopt and update green building standards, and promote public education. Funds would be available to carry out various provisions of existing law, as well as new provisions of law relating to building standards. This bill would require the commission to adopt, approve, codify, update, and publish green building standards for any occupancy for which no state agency has the authority or expertise to propose those standards.

Introduced 02/21/08
Last Amended 08/08/08
Status Enrolled

SB 1739 (Simitian) Oil spill contingency plan

This bill would authorize the OSPR Administrator to impose new requirements for oil spill preparedness drills conducted out of state in which no state agency is able to participate. The Administrator could require the operator of a vessel or a marine facility to provide for an independent monitor to evaluate the drill and prepare a report for the administrator and the owner/operator. The bill would authorize the Administrator to rely on the report to make an evaluation of whether the drill complied with the provisions of the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act. This bill would also require annual drills and training for all elements of an oil spill contingency plan by the owner or operator.

Introduced 02/21/08
Last Amended 08/18/08
Status Enrolled

SCR 71 (Yee)

This resolution would designate a portion of State Highway 1 in San Mateo County as Tom Lantos Tunnel at Devil's Slide. The resolution would also request Caltrans, upon receiving adequate funding in the form of private donations, to erect signs to that effect.

Introduced 01/23/08
Status Chaptered, Resolution Chapter 85

SCR 85 (Kuehl) Pacific bluefin tuna

This resolution would seek the assistance of the Governor, the Fish and Game Commission, the Department of Fish and Game and the Ocean Protection Council, NMFS, NOAA, PRFMC and other agencies and organizations to cooperate in a robust stock assessment an international effort to enforce catch limits and combat illegal, unreported and unregulated overfishing of bluefin tuna in the Exclusive Economic Zone.

Introduced 02/26/08
Last Amended 06/17/08
Status Chaptered, Resolution Chapter 106
Commission Position Support

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Legislative Calendar

Feb. 22	Last day for bills to be introduced
March 13	Spring Recess begins upon adjournment
March 24	Legislature reconvenes
April 18	Last day for Policy Committees to hear and report 1 st House fiscal bills to the Floor
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PRIORITY LEGISLATION

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 06/01/07
Status Senate Natural Resources and Water Committee

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

This bill was amended to address environmental license plates. The amendments clarify that a modification of an existing full-plate image specialty plate does not constitute a "new" plate under the definition of the Vehicle Code, Sections 5060 and 5155.

Introduced 02/23/07
Last Amended 06/17/08
Status Withdrawn from Senate Natural Resources and Water Committee. Re-referred to Rules Committee

Commission Position Support

AB 1776 (Devore) Energy: nuclear powerplants

This bill would repeal the current prohibition against building new nuclear power facilities in the state. This bill would allow new nuclear power facilities to be built, providing they are not located in active seismic areas. This bill would prohibit new nuclear power facilities with ocean outfalls for once-through-cooling within 5 miles of a designated Area of Special Biological Significance (ASBS). This bill would require the Energy Commission to consider dry-cask storage as an appropriate method of storage for radioactive nuclear waste.

Introduced 01/14/08
Last Amended 02/19/08
Status Failed Passage, Assembly Natural Resources Committee

AB 1991 (Mullin) Subdivisions: tentative maps

This bill would implement the terms of a negotiated settlement agreement between the City of Half Moon Bay and the owners of the Beachwood Subdivision. The terms of the settlement allow the development of 129 homes on 37 acres in Half Moon Bay; exclude the subject properties from the coastal zone and the Coastal Act, as well as CEQA, Porter Cologne, and the Fish and Game Code.

Introduced 02/14/08
Last Amended 04/21/08
Status Withdrawn from Senate Local Government. Re-referred to Rules Committee
Commission Position Oppose

AB 2013 (Krekorian) New construction: water-permeable pavement

This bill would require the California Building Standards Commission to develop building standards that authorize the use of semi-permeable materials for paved surfaces in new construction, during the next tri-annual update of the California Building Code.

Introduced 02/15/08
Last Amended 06/30/08
Status Senate Appropriations Committee, Suspense File

AB 2031 (Hancock) Oil spill prevention and response

This bill would amend the Lempert-Keene Oil Spill Prevention and Response Act to authorize the OSPR administrator to train and certify volunteers to work under his or her direction. This bill would require the local spill response managers to provide the state onscene coordinator with timely information in the event of a spill. This bill would also require the Office of Emergency Services to notify appropriate local government agencies when an oil spill has occurred.

Introduced 02/15/07
Last Amended 08/18/08
Status Senate Third Reading

AB 2032 (Hancock) Oil spill prevention and response

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Introduced 02/23/07
Last Amended 08/12/08
Status Enrolled

AB 2058 (Levine) Recycling: plastic carryout bags: paper carryout bags

This bill would prohibit any store from providing plastic carryout bags after 2011, unless the store can prove that it is meeting a 70% diversion rate. Stores who do not meet that rate could still provide plastic bags for a fee of 0.25 cents. Monies collected would be used to improve recycling services. *Amendments on 6/30 eliminate all references to paper carryout bags.*

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Last Amended 06/30/08
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Status Senate Third Reading

ACR 153 (Laird) California Coastal Trail Day

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Last Amended 08/11/08
Status Senate Third Reading

AJR 49 (Nava) California gray whales: assessment: protected

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Introduced 06/04/08
Last Amended 06/04/08
Status Chaptered, Resolution Chapter 98

Commission position Support

AJR 51 (Nava) Oil and gas: offshore leases: drilling: moratorium

This measure would request that Congress continue the existing federal offshore oil and gas leasing moratorium for the 2009 fiscal year and beyond, and would express the State's opposition to specified provisions of proposed federal energy policies and legislation.

Introduced 03/10/08
Last Amended 06/26/08
Status Senate Rules Committee

AJR 62 (Leno) West coast sea turtle protection

This measure would request the National Marine Fisheries Service to delay consideration of, or deny, the swordfish longline exempted fishing permit, and defer consideration of efforts to introduce shallow-set longline fishing off the California coast, until critical habitat has been designated.

Introduced 05/21/08
Last Amended 06/19/08
Status Chaptered, Resolution Chapter 100

SB 242 (Torlakson) Claims against the state

This bill would appropriate \$793,730.76 from the General Fund to the Dept. of Justice for payment of specified claims against the state, including a judgment of \$64,530 against the Coastal Commission in the case of Habitat for Hollywood Beach v. California Coastal Commission.

Introduced 02/14/07
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SB 375 (Steinberg) Transportation planning: travel demand models

This bill would require the California Transportation Commission to develop regional travel demand models for regional transportation agencies to incorporate into their transportation plans for the purpose of reducing vehicle miles traveled. This bill would set standards for evaluating projects eligible for state funding according to their consistency with these plans, and other “sustainable community” guideline, and authorize the California Air Resources Board to review each metropolitan region’s “sustainable community strategy” and require revisions if it is found that implementation will not meet greenhouse gas reduction targets. This bill would create CEQA exemptions for “transit priority projects” that are part of a “sustainable community” project. This bill would increase the number of years in which a local government is required to update its housing element from 5 years to 8, if certain requirements are met.

Introduced 02/21/07
Last Amended 08/20/08
Status Assembly Second Reading

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 899 (Simitian) Fishing gear

This bill would require the Department of Fish and Game, in consultation with the Ocean Protection Council, to prepare a report to the Fish and Game Commission on sustainable funding sources for a program to remove derelict fishing gear, by January 1, 2010. The bill would require commercial fishing vessels that lose fishing gear to report to the department within 48 hours the location where the gear was lost. The bill would require the department to create and maintain a database that tracks the location of all known derelict fishing gear. The bill would require the department include information on all fishing licenses detailing how to report derelict fishing gear.

Introduced 02/23/08
Last Amended 08/08/08
Status Assembly First Reading

SB 965 (Lowenthal) Ports: navigation systems

This bill would establish the California Physical Oceanographic Real Time System (CalPORTS) of integrated marine sensors that provide critical information on tides, winds, currents, salinity, water and air temperatures for the purpose of safe navigation and the prevention of vessel collisions and oils spills. This bill would amend the Lempert-Keene-Seastrand Oil Spill Prevention Act to authorize the Legislature to appropriate funds from the Oil Spill Prevention and Administration Fund for the purpose of hiring staff and purchasing equipment to administer the CalPORTS program, in cooperation with and building on the existing PORTS program administered by NOAA/NOS.

Introduced 02/23/07
Last Amended 01/16/08
Status Senate Appropriations Committee

SB 1056 (Migden) Oil spill prevention and response

This bill would amend the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act to require the Office of Emergency Services to notify the Bay conservation and Development Commission (BCDC), and the counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma, and the City and County of San Francisco of any oil spill occurring within the jurisdiction of BCDC. It also sets standards for response time at 2 hours or less, requires the administrator to notify any local governments that may be affected by the spill, and requires the state to reimburse local jurisdictions for associated costs. Amendments of 07/02 require the administrator to conduct studies for the purpose of evaluating ways to improve oil spill response, and to determine whether regulations are achieving best available protection of the coast.

Introduced 01/07/08
Last Amended 08/20/08
Status Assembly Third Reading

SB 1185 (Lowenthal) Land divisions: tract maps

This bill would extend by 12 months the life of any vesting tentative tract map that has not expired by the date that this bill takes effect.

Introduced 02/12/08
Last Amended 06/09/08
Status Chaptered, Chapter 124, Statutes of 2008

SB 1473 (Calderon) Building standards; green building

This bill would require local governments to charge a minimum fee for all building permits, at a rate of up to \$4 per \$100,000 of valuation. 10% of this fee may be retained by the jurisdiction for overhead and administrative costs. 90% of this fee would go to the California Building Standards Commission, to be deposited in the Building Standards Administration Special Revolving Fund which the bill would establish in the State Treasury. Funds would be used by the Commission to create, adopt and update green building standards, and promote public education. Funds would be available to carry out various provisions of existing law, as well as new provisions of law relating to building standards. This bill would require the commission to adopt, approve, codify, update, and publish green building standards for any occupancy for which no state agency has the authority or expertise to propose those standards.

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SB 1739 (Simitian) Oil spill contingency plan

This bill would authorize the OSPR Administrator to impose new requirements for oil spill preparedness drills conducted out of state in which no state agency is able to participate. The Administrator could require the operator of a vessel or a marine facility to provide for an independent monitor to evaluate the drill and prepare a report for the administrator and the owner/operator. The bill would authorize the Administrator to rely on the report to make an evaluation of whether the drill complied with the provisions of the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act. This bill would also require annual drills and training for all elements of an oil spill contingency plan by the owner or operator.

Introduced 02/21/08
Last Amended 08/18/08
Status Passed Assembly Floor. To Senate for Concurrence

SCR 71 (Yee)

This resolution would designate a portion of State Highway 1 in San Mateo County as Tom Lantos Tunnel at Devil's Slide. The resolution would also request Caltrans, upon receiving adequate funding in the form of private donations, to erect signs to that effect.

Introduced 01/23/08
Status Chaptered, Resolution Chapter 85

SCR 85 (Kuehl) Pacific bluefin tuna

This resolution would seek the assistance of the Governor, the Fish and Game Commission, the Department of Fish and Game and the Ocean Protection Council, NMFS, NOAA, PRFMC and other agencies and organizations to cooperate in a robust stock assessment an international effort to enforce catch limits and combat illegal, unreported and unregulated overfishing of bluefin tuna in the Exclusive Economic Zone.

Introduced 02/26/08
Last Amended 06/17/08
Status Chaptered, Resolution Chapter 106
Commission Position Support