

CALIFORNIA COASTAL COMMISSION

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**W-25**

October 13, 2010

TO: Coastal Commissioners and Interested Public

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

SUBJECT: LEGISLATIVE REPORT FOR OCTOBER 2010

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: August 31, 2010, was the final day of the 2009-10 Legislative Session. The Governor has 30 days from the date of passage to sign or veto enrolled bills. This report includes only those bills tracked by the Commission during the session that were passed by the Legislature and enrolled to the Governor. 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

2010 Legislative Calendar

Jan 1	Statutes take effect
Jan 4	Legislature reconvenes
Jan 10	Budget must be submitted by Governor
Jan 31	Last day for each house to pass bills introduced in 2009
Feb 19	Last day for bills to be introduced
March 25	Spring Recess begins
April 5	Legislature reconvenes
April 23	Last day for Policy Committees to hear and report 1 st House fiscal bills to the Floor
May 7	Last day for Policy Committees to hear and report 1 st House non-fiscal bills to the Floor
May 14	Last day for Policy Committees to meet prior to June 7
May 28	Last day for Fiscal Committees to hear and report 1 st House fiscal bills to the Floor
June 1-4	Floor Session only. No committees may meet
June 4	Last day to pass bills from house of origin
June 7	Committee meetings may resume
June 15	Budget must be passed by midnight
June 24	Last day for a legislative measure to qualify for the November General Election ballot
July 2	Last day for Policy Committees to hear and report bills to the Floor from the second house
July 2	Summer Recess begins at the end of session if Budget Bill has been enacted
Aug 2	Legislature reconvenes
Aug 13	Last day for Fiscal Committees to meet and report bills to the Floor
Aug 16-31	Floor session only. No committees may meet
Aug 20	Last day to amend bills on the Floor
Aug 31	Last day for any bill to be passed. Interim Recess begins on adjournment of session

PRIORITY LEGISLATION

AJR 26 (Chesbro), Climate change

This Joint Resolution would request the Congress of the United States to establish a comprehensive framework, including dedicated funding, for adapting our nation's wildlife, habitats, coasts, watersheds, rivers, and other natural resources and ecosystems to the impacts of climate change.

Introduced 09/09/09
Status Chaptered with Secretary of State, Resolution Chapter 114, Statutes of 2010

AJR 44 (Hill) Commercial whaling: moratoriums

This Joint Resolution would request that the President and the Congress of the United States to take stronger steps to conserve and protect whale populations. It would memorialize the Legislature's opposition to the International Whaling Commission's proposal to lift the current moratorium on commercial whaling, which would legalize commercial whaling.

Introduced 08/09/10
Status Chaptered with the Secretary of State, Resolution Chapter 146, Statutes of 2010
Commission Position: Support

AB 234 (Huffman) Oil spill prevention and response: transfer of oil

This bill would require "pre-booming" of all marine transfers or loading of petroleum products between vessels, unless it is determined that such pre-booming is unsafe or infeasible. This bill would raise the fee for a barrel of crude oil landed at a marine terminal from \$0.05 to \$0.06, and give the OSPR Administrator the authority to raise that fee according to the CPI, up to a maximum of \$0.10. This bill would increase the fees on non-tank vessels from a maximum of \$2,500 to \$3,000.

Introduced 02/05/09
Last Amended 07/15/10
Status **Vetoed by the Governor, message attached**
Commission Position **Support**

AB 2503 (Perez) Ocean resources: artificial reefs

This bill would repeal Section 6429.5 of the Public Resource Code, which establishes the Artificial Reef Program administered by the Department of Fish and Game. In its place, it would create the Marine Life Legacy Act, establishing a program of artificial reef research and development, administered by DFG. The act would authorize the department to conditionally approve the conversion of an offshore oil platform or production facility into an artificial reef, pursuant to CEQA and consistent with specified criteria. The act would require the Ocean Protection Council to consult with and advise the California Coastal Commission and other responsible agencies in determining criteria against which the environmental benefit of any proposed conversions will be judged. It would authorize the department to take title to a decommissioned offshore oil platform or production facility in either state or federal waters, with an accelerated platform decommissioning program. The bill would establish the California Endowment for Marine Preservation, specify the appointment structure for the governing Board of Directors, and require that 10% of the funding be made available to qualified state agencies for approved projects and programs that will conserve, protect, restore, and enhance the open coastal marine resources of the state.

Introduced 02/19/10
Last Amended 08/20/10
Status **Chaptered with Secretary of State, Resolution Chapter 687, Statutes of 2010**

AB 2664 (Chesbro) State Lands Commission: violations

This bill would authorize the State Lands Commission to administer a civil penalty for any violation involving the placement of any structure or facility on any lands under the Commission's jurisdiction without a valid lease or permit. The civil penalty could not exceed \$1,000 per day.

Introduced 02/19/10
Last Amended 04/14/10
Status Vetoed, message attached

AJR 26 (Chesbro) Climate change

This joint resolution request that the U.S. Congress establish a comprehensive framework for climate change adaptation focusing on wildlife, habitats, coasts, watersheds, rivers and other natural resources and ecosystems, and dedicate funding to that effort.

Introduced 09/09/09
Status Chaptered with Secretary of State, Resolution Chapter 8

SB 4 (Oropeza) State beaches and parks: smoking

This bill would prohibit smoking of any tobacco product on a state coastal beach on in any unit of the State Parks system. The bill authorizes the Department of Parks and Recreation, or any other relevant state agency, to develop and post signs to provide notice of the smoking prohibition. Amendments of 3/11 allow smoking in campgrounds and the Oceano Dunes State Vehicular Recreation Area.

Introduced 12/01/08
Last amended 03/11/10
Status Vetoed by Governor
Commission Position Support

SB 21 (Simitian) Fishing gear

This bill would require the Department of Fish and Game to include on all fishing licenses any toll-free telephone numbers, websites or addresses available for the purpose of reporting derelict fishing gear. It would authorize the Ocean Protection Council to develop recommendations for the identification, removal, and disposal of derelict fishing gear and procedures that enable fishermen and fisheries to voluntarily, recover, remove, and keep derelict fishing gear. Amendments of 8/18 removed references to recreational fishing gear.

Introduced 12/01/08
Last amended 08/18/10
Status Vetoed by Governor, veto message attached

SB 959 (Ducheny) Development: expedited permit review

This bill would require the Office of Planning and Research (OPR) to develop guidelines to cities and counties for the development of an expedited permitting process. The guidelines would be advisory only. The bill would require every county or city to provide for coordinated review and decision making and the provision of information regarding the status of all applications and permits for residential, commercial, and industrial developments by a single administrative entity. Amendments of 04/05 declare this to be an urgency statute, requiring a 2/3 vote.

Introduced 02/05/10
Last amended 08/16/10
Status Vetoed by Governor, veto message attached

SB 1006 (Pavley) Natural resources: climate change

This bill would authorize the Strategic Growth Council to provide financial assistance to local governments that undertake climate adaptation plans, projects or strategies, including community greening projects.

Introduced 02/10/10

Last Amended 08/20/10

Status Chaptered with Secretary of State, Resolution Chapter 632, Statutes of 2010

SB 1034 (Ducheny) Archeological resources: civil penalties

This bill would establish the maximum penalty for someone who knowingly excavates or damages an archeological resource on public lands to be \$10,000, one-year in a County jail, or both. The bill would also require a court to order restitution to the state agency with primary management jurisdiction over the land on which the damage occurred. The bill also authorizes forfeiture of the archeological resource(s), and any vehicles and/or equipment used in its excavation.

Introduced 02/12/10

Last Amended 08/02/10

Status Chaptered with Secretary of State, Resolution Chapter 635, Statutes of 2010

To the Members of the California State Assembly:

I am returning Assembly Bill 234 without my signature.

This bill requires the Administrator of the Office of Spill Prevention and Response (OSPR) to develop regulations addressing “pre-booming” of vessels involved in transfers of oil fuel and oil cargo. The bill also increases the per-barrel fee, paid by tankers, and the non-tank vessel fee, that is used to support OSPR’s administrative functions and authorizes the Administrator to adjust the maximum per-barrel fee annually for inflation according to the Consumer Price Index.

This bill is unnecessary. Pursuant to the authority already provided under existing law, OSPR is currently in the process of evaluating the benefit of requiring “pre-booming” standards on fuel transfer operations where it is safe and effective to do so. Additionally, the magnitude of the fee increase proposed to fund OSPR’s regulatory activities per this bill far exceeds what OSPR estimates it would cost to promulgate the “pre-booming” regulations this bill would require.

Sincerely,

Arnold Schwarzenegger

To the Members of the California State Assembly:

I am returning Assembly Bill 2664 without my signature.

This bill would expand the power of the State Lands Commission (Commission) to impose administrative penalties on, or seize property from, a person who illegally constructs, places, maintains, owns, uses, or possesses a structure or facility, including, by not limited to, buildings, boat houses, docks, piers, revetment, fill, pilings, pipelines, groins, jetties, seawalls, breakwaters, and bulkheads on land under the Commission's jurisdiction.

While I understand the bill's intent to streamline the process for the Commission to address illegal structures or facilities on lands under the jurisdiction, the authority this bill gives to the Commission is much too broad in scope and potentially raises constitutional due process concerns for private property owners.

For these reasons, I am unable to sign this bill.

Sincerely,

Arnold Schwarzenegger

To the Members of the California State Senate:

I am returning Senate Bill 21 without my signature.

This bill requires the Department of Fish and Game (Department) and the Ocean Protection Council (Council) to undertake several activities with respect to the reporting of derelict fishing gear.

This bill is unnecessary. The Department currently maintains a “Report Lost Fishing Gear” link on its website, where lost and found gear can be reported via the internet or toll-free telephone numbers. Additionally, last year the Department began providing this information in its sport fishing regulations, in the Commercial Fishing Digest and began printing it on commercial fishing licenses.

For these reasons, I am unable to sign this bill.

Sincerely,

Arnold Schwarzenegger

To the Members of the California State Senate:

I am returning Senate Bill 959 without my signature.

This bill would establish the Office of Permit Assistance in the Governor's Office of Planning and Research (OPR).

I applaud efforts to assist businesses navigate the state's chaotic permitting process. It was for this reason that I established the Governor's Office of Economic Development (GOED) and charged that entity with providing the same kind of assistance outlined in this bill.

In addition to several technical issues that need to be resolved in this bill, I cannot support it because it gives OPR a duty that I have already delegated to GOED.

However, I have also vetoed AB 2734 (Perez), a bill that attempts to codify GOED. Both AB 2734 and this bill should be re-crafted to address the issues I have raised and create a more coherent state policy for economic assistance housed in one location, the Governor's Office of Economic Development.

For these reasons, I am unable to sign this bill.

Sincerely,

Arnold Schwarzenegger