

CALIFORNIA COASTAL COMMISSION

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W-31

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TO: Coastal Commissioners and Interested Public

FROM: Peter M. Douglas, Executive Director
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SUBJECT: LEGISLATIVE REPORT FOR JUNE 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: Information contained in this report is accurate as of 05/26/10. 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

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 nonfiscal 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

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

AB 68 (Brownlee) Solid waste: single-use carry out bags

This bill would prohibit stores from providing single-use carryout bags to customers after July 10, 2010, unless the store charges a fee of not less than \$0.25 for the bag. The fees collected would be deposited into the Bag Pollution Fund, which the bill would establish, on a quarterly basis. Funds would be expended, after appropriation by the Legislature, to implement programs that educate consumers and reduce the use of plastic bags, and to reduce and mitigate the effects of plastic bag litter.

Introduced 12/12/08
Last Amended 01/13/10
Status Assembly Appropriations Committee, Suspense File

AB 226 (Ruskin) Coastal resources: enforcement

This bill would give the Coastal Commission administrative civil liability authority and deposit any resulting revenues into the Coastal Act Services Fund (CASF). This bill would also redirect existing civil penalty revenue from State Coastal Conservancy to the Commission's CASF, subject to appropriation by the Legislature. Amendments taken by the author in Senate Natural Resources Committee 6/23 clarify that a lien filed by the Commission would not be a "super lien" and that the provisions of the bill would not apply to local governments when acting in their legislative or quasi-judicial capacity.

Introduced 02/03/09
Amended 09/03/09
Status **Passage refused, reconsideration granted, Senate Inactive File**
Commission Position **Support**

AB 291 (Saldana) Coastal resources: coastal development permits

This bill would prohibit the issuance of a coastal development permit for any property for which a notice of violation has been received, unless the Executive Director of the Commission determines that an application has been filed that fully resolves the violation. Amendments of 5/11 clarify that the violation runs with the land, not the person, and exclude de minimis violations from the provisions of the bill. Amendments of 8/17 exempt local governments functioning in their quasi-legislative or quasi-adjudicative capacity.

Introduced 02/13/09
Last amended 8/17/09
Status **Passage refused, reconsideration granted, Senate Inactive File**
Commission Position **Support**

AB 925 (Saldana) Recycling: single use beverage container caps

This bill would prohibit the sale of single-use plastic beverage containers without a cap that is not affixed to the container.

Introduced 02/26/09
Last amended 06/30/09
Status Senate Inactive File
Commission position **Support**

AB 2074 (Monning) Natural resources: Andrew Molera State Wilderness

This bill would designate the Andrew Molera State Park Wilderness as a component of the California wilderness preservation system. The bill also would authorize the California Coastal Trail to be located, designed, constructed, or operated within the Andrew Molera State Wilderness.

Introduced 02/18/10
Status Assembly Water, Parks & Wildlife Committee

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 approve the conversion of an offshore oil platform or production facility into an artificial reef, if specified criteria are satisfied. The act would require the department to consult with and advise the California Coastal Commission and other responsible agencies. 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, in order to create a permanent source of funding for projects that will conserve, protect, restore, and enhance the open coastal marine resources of the state.

Introduced 02/19/10
Last Amended 04/20/10
Status Assembly Appropriations Committee, Suspense File

AB 2228 (Lieu) Vehicles: overnight parking

This bill that would exempt the city of Los Angeles from requiring a coastal development permit to establish a preferential parking zone in the community of Venice, if the parking restrictions applied to public streets between the hours of 2-5 a.m. the bill would also allow the city to establish ordinances that would allow residents to park during those times, without the need for Coastal Commission approval.

Introduced 02/03/10
Last Amended 04/08/10
Status Assembly Natural Resource Committee. Hearing cancelled at request of author

Commission position: Oppose

AB 2598 (Brownlee) Tidelands and submerged lands: seal level action plans

This would require trustees of granted public trust lands to prepare a seal level action plan by July 1, 2011, and submit the plan to the Natural Resources Agency, the Office of Planning and Research, and the State Lands Commission. The plan would include an assessment of the impact of sea level rise on granted public trust lands and strategies to prevent or mitigate damage to development and infrastructure.

Introduced 02/19/10
Last Amended 04/15/10
Status Senate Rules Committee

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 Senate Rules Committee

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 Senate Natural Resources Committee

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.

Introduced 12/01/08
Last amended 01/25/10
Status Assembly Water, Parks & Wildlife Committee

SCR 56 (Oropeza) Coastal development and Marina del Rey

This measure would request that the County of Los Angeles undertake a comprehensive review of its Local Coastal Program prior to any further LCP amendments or permit approvals.

Introduced 08/20/09
Status Senate Natural Resources and Water Committee

SB 941 (Wyland) Parks and recreation: State park system

This is a spot bill that may be amended to address a coastal issue.

Introduced 02/03/10
Status Senate Rules Committee

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 04/26/10
Status Senate Appropriations Committee, Suspense File

SB 1001 (Strickland) State property: San Buenaventura State Beach

This bill would terminate a recorded deed restriction from a vacant parcel of land and an adjacent public pier which limits its use to public recreational purposes. The parcel was given to the City of Ventura by the Department of Parks and Recreation in 1987 on the condition that it would be used exclusively for public park purposes. Removal of the deed restriction would make the property available for non-park uses such as commercial and/or residential facilities.

Introduced 02/09/10
Status Senate Governmental Organization Committee. Hearing cancelled at request of author.

SB 1006 (Pavley) Natural resources: climate change

This bill would require the Strategic Growth Council too coordinate programs that address global climate change, and provide guidelines to local governments to assist in developing climate change adaptation strategies. The bill would also authorize the Council to provide financial assistance to local governments that undertake climate adaptation plans, projects or strategies.

Introduced 02/10/10
Last Amended 04/27/10
Status Senate Appropriations Committee, Suspense File

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 04/14/10
Status In Assembly

SB 1177 (Kehoe) Agriculture: 22nd District Agricultural Association

This bill would require the 22nd Agricultural District in the County of San Diego to establish and maintain a 100-foot greenway buffer zone and public access trail between the San Dieguito river and adjacent wetlands, and proposed new development at the District's property at that location.

Introduced 02/03/10
Status Senate Appropriations Committee, suspense File