

CALIFORNIA COASTAL COMMISSION

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**W-38**

September 15, 2010

TO: Coastal Commissioners and Interested Public

FROM: Peter M. Douglas, Executive Director
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SUBJECT: LEGISLATIVE REPORT FOR September 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 09/10/10. Changes in the status of some bills may have occurred between the date this report was prepared and the presentation date.¹ The Governor has 30 days from the date of passage to sign or veto enrolled bills. 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

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

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,

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 Enrolled
Commission Position: Support

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 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 Enrolled
Commission Position Support

AB 291 (Saldana) Coastal resources: coastal development permits

As introduced, 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 8/20 struck all initial language, and substituted language pertaining to lobster traps.

Introduced 02/13/09
Last amended 8/20/10
Status Passage Enrolled
Commission Position Support (As introduced)

AB 301 (Fuentes) Vended water

This bill would require any licensed water-bottling plant to provide the Department of Public Health with an annual accounting of the total volume of water bottled or sold for wholesale or retail use.

Introduced 02/17/09
Last amended 08/18/10
Status Enrolled

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. Amendments taken on 6/30/10 eliminated the previously proposed prohibition on retail sales of non-recycled containers.

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

AB 1253 (Harkey) Coastal resources: development: fireworks displays

This bill would amend Section 30106 of the Coastal Act to exempt local governments from any requirement to obtain a coastal development permit for a fireworks display. This is an urgency measure.

Introduced 02/18/10
Last Amended 06/09/10
Status Senate Natural Resources & Water Committee. Hearing cancelled at request of author.

AB 1998 (Brownley) Solid waste: single use carry out bags

This bill would, after July 1, 2013, prohibit convenience food stores, foodmarts, and certain specified stores from providing a single-use carryout bag to a customer. The bill would require stores to only provide reusable bags, as defined, or to make available for sale recycled paper bags at a reasonable cost, but not less than \$0.05.

Introduced 02/18/10
Last Amended 05/28/10
Status Senate Floor, passage refused
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 2329 (Ruskin) Greenhouse gas emissions: Climate Action Team

This bill would enact the California Climate Vulnerability and Adaptation Plan of 2010 and create the Climate Action Team (CAT), under the direction of the Secretary for Environmental Protection, with specified state agencies, that would be responsible for coordinating the state's overall climate policy, identifying and reviewing activities and funding programs, recommending policies, investment strategies, and priorities, and providing information to local governments and regional agencies.

Introduced 02/19/10
Last Amended 08/02/10
Status Senate Floor, failed passage

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 Enrolled

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 take all reasonable actions to prepare for sea level rise. The bill would require the agencies to prepare a sea level rise plan prior to July 1, 2012, and submit the plan to Natural Resources Agency, the Governor's Office of Planning and Research, and the State Lands Commission. The bill would require the plan to include, among other things, an assessment of the impact of sea level rise on granted public trust lands, an estimate of the financial cost of this impact, and strategies to prevent or mitigate damage to development and infrastructure and to protect and enhance habitat.

Introduced 02/19/10
Last Amended 07/15/10
Status Senate Natural Resources and Wildlife 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 Enrolled

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 565 (Pavley) Water resources

This bill would authorize the board, in conducting an investigation or proceeding for these purposes, to order any person or entity that diverts water or uses water to submit a technical or monitoring report related to the diversion or use of water by that person or entity, increase the penalty for unauthorized diversions, and civil penalties for parties who violate a cease and desist order.

Introduced 02/27/09
Last amended 08/16/10
Status Assembly Inactive File

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	Enrolled

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 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	Enrolled

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 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	Enrolled

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	Enrolled

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
Last Amended	07/01/10
Status	Senate Agriculture Committee