

CALIFORNIA COASTAL COMMISSION

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**W-30**

September 10, 2011

TO: Coastal Commissioners and Interested Public

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

SUBJECT: LEGISLATIVE REPORT FOR SEPTEMBER, 2011

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 08/25/11. 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

2011 Legislative Calendar

Jan 1	Statutes take effect
Jan 3	Legislature reconvenes
Jan 10	Budget must be submitted by Governor
Jan 21	Last day to submit bill requests to Legislative Counsel
Feb 18	Last day for bill introduction
April 14	Spring Recess begins
April 25	Legislature reconvenes
May 6	Last day for Policy Committees to hear and report 1 st House fiscal bills to the Floor
May 13	Last day for Policy Committees to hear and report 1 st House non-fiscal bills to the Floor
May 20	Last day for Policy Committees to meet prior to June 7
May 27	Last day for Fiscal Committees to hear and report 1 st House fiscal bills to the Floor
May 31-June 3	Floor Session only. No committees may meet
June 3	Last day to pass bills from house of origin
June 6	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 8	Last day for Policy Committees to hear and report bills to the Floor from the second house
July 15	Summer Recess begins at the end of session if Budget Bill has been enacted
Aug 15	Legislature reconvenes
Aug 26	Last day for Fiscal Committees to meet and report bills to the Floor
Aug 29-Sept 9	Floor session only. No committees may meet
Sept 2	Last day to amend bills on the Floor
Sept 9	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 95 (Committee on Budget) Budget: resources

In relevant part, this bill provides immunity to a public entity and/or a public employee for injury or damage either caused by a condition of public property occurring at a state park system unit that is designated as closed, partially closed, or subject to service reduction by the department. This immunity applies notwithstanding the fact that the public has access, whether invited or uninvited, to the state park system unit, and notwithstanding that the department may take actions such as patrols, inspections, maintenance, and repairs necessary to protect the state park system unit facilities and resources from deterioration, damage, or destruction. Other, pre-existing statutory immunities would probably also apply to many claims that are covered by this new immunity, but they all have specific criteria that need to be satisfied in order to apply. Under this bill, all that needs to be established for the new immunity to apply is that the park where the injury occurred was either closed, partially closed, or subject to service reductions.

Introduced	01/10/11
Last Amended	03/17/11
Status	Chaptered with the Secretary of State, Statutes of 2011, Chapter 2

AB 206 (Harkey), Coastal resources: fireworks displays

This bill would provide that a fireworks display conducted by a public entity does not constitute “development” as defined by the Coastal Act. *Amendments on 3/24 expand the bill to exempt fireworks displays from CEQA, replace the term “public entity” with the term “municipal fireworks display,” and define it as follows:*
“a public display of fireworks conducted, organized, or sponsored by a city or county.”

Introduced	01/27/11
Status	Held in Assembly Natural Resources Committee
Last Amended	03/24/11

Commission position Oppose

AB 337 (Monning) Ocean Protection Council: sustainable seafood

This bill would require the Ocean Protection Council to develop and implement a voluntary sustainable seafood program for the state, including a marketing assistance program for seafood caught in California that follows the protocols established by the program.

Introduced	02/10/11
Last Amended	06/20/11
Status	Enrolled

AB 376 (Fong) Shark fins

This bill would make it a crime to possess, sell, trade, offer for sale or distribute a detached shark fin in any form, other than one that has been obtained from a shark landed lawfully with a commercial or recreational license or permit. Amendments taken on 5/19 would delay the bill from taking effect until January 1, 2013.

Introduced 02/10/11
Last Amended 05/19/11
Status Senate Appropriations Committee, Suspense File
Commission position Support

AB 484 (Alejo) Land use: natural resources: transfer of long term management funds

This bill would authorize funds set aside for the long-term management of any lands or easements conveyed to a nonprofit organization to also be conveyed directly to the nonprofit organization. The bill also provides that the funds shall revert to the state or local public agency if the nonprofit ceases operations, is dissolved, becomes insolvent or fails to perform its duties. *Amendments of 5/27 allow the state to contract with a third party to review qualifications of a non-profit, to review reports, and/or to evaluate land management practices.*

Introduced 02/10/11
Last Amended 05/27/11
Status Senate Natural Resources and Wildlife Committee, hearing cancelled at request of author. This is a 2-year bill.

AB 565 (Monning) Conservation: State Coastal Conservancy

This bill would authorize the State Coastal Conservancy to award a grant to a for-profit company for the removal of the San Clemente dam if the Conservancy determined that no public agency or non-profit entity could achieve the same result.

Introduced 02/16/11
Last Amended 04/25/11
Status Senate Appropriations Committee, Suspense File

AB 587 (Gordon) Public works: volunteers

This bill would extend until 2017 the sunset provision in existing law that allows volunteers, volunteer coordinators and California Conservation Corps staff to work for free or for less than prevailing wage on projects that are funded in whole or in part by public funds.

Introduced 02/17/11
Last amended 03/29/11
Status Enrolled

AB 971 (Monning) Sea otter fund

This bill would allow taxpayers to designate on their state tax returns that a specified amount in excess of their tax liability be transferred to the California Sea Otter Fund, which would be created by this bill. The money in that fund would be allocated to the Department of Fish and Game for the purposes of establishing a sea otter fund, and to the California Coastal Conservancy for competitive grants and contracts for research, projects, and programs related to the Federal Sea Otter Recovery Plan or improving the near-shore ocean ecosystem.

Introduced	02/18/11
Last Amended	04/25/11
Status	Enrolled

AB 1112 (Huffman) Oil spill prevention and administration fee

This bill would raise the fee of \$.05 per-barrel of oil landed at a marine terminal to \$.07. The bill would require the OSPR administrator to conduct a screening mechanism and risk assessment of vessels engaged in fuel bunkering or lightering. Amendments of 5/25 require the State Auditor to audit the OSPAF fund by January 1, 2013.

Introduced	01/27/11
Last Amended	07/12/11
Status	Senate Third Reading

Commission position Support

SB 1 (Kehoe) 22nd Agricultural Association: Del Mar Racetrack: sale of state property

This bill would divide the 22nd Ag District in San Diego County into two separate entities. The newly created Agricultural District 22a would be comprised of the Del Mar Racetrack and Fair Grounds. The bill would authorize the Department of General Services to sell the assets of District 22a to the City of Del Mar, at which time Agricultural District 22a would be dissolved.

Introduced	12/06/10
Status	Senate Government Organization Committee and Rules Committee. This is a 2-year bill.

SB 366 (Calderon, Pavley) Regulations: agency review

This bill would require all state agencies, including the Coastal Commission, within 180 days of enactment of the bill, to review and revise/repeal all regulations that are considered duplicative, overlapping, inconsistent or out of date. All agencies, including the Commission, would have to report to the Legislature and the Governor on any actions taken to address this requirement. This bill would also create the “Streamlined Permit Review Team” consisting of the Secretary of Business, Transportation and Housing, the Secretary for Environmental Protection and the Secretary for Natural Resources. Upon request of any applicant, the SPRT would be convene all applicable permitting agencies with jurisdiction over an application, to coordinate actions on permits, eliminate delays, reduce paperwork, and ensure that agencies take action in the earliest feasible timeframe. The bill creates time limits for agencies to review and act on applications. If those timelines are not met, the projects would be deemed approved by operation of law.

Introduced 02/15/11
Status Senate G.O. Committee, hearing postponed by Committee. This is a 2-year bill.

SB 468 (Kehoe) Department of Transportation: capacity-increasing state highway projects: coastal zone

This bill would proscribe the content of a Public Works Plan prepared by Caltrans or SANDAG for the Highway 5 North Coast Corridor project. Those provisions include, but are not limited to, public access, restoration projects, multimodal, environmental mitigation measures, and community enhancements. It would also require SANDAG to recommend to Caltrans a project no larger than the “8 plus 4” alternative when reviewing the FEIR for the project, and establish a “safe routes to transit” program. It would also require that all bridge and rail lagoon crossings be constructed concurrently to reduce environmental impacts. The bill would require that all multimodal projects, as defined, move forward concurrently with each phase of the capacity increasing projects in the coastal zone. The bill requires consultation with the Coastal Commission and other stakeholders, and authorizes the Commission to utilize Section 30515 for the North Coast Corridor project. Amendments taken 6/29, 7/4 and 7/13 bring the Commission into full support of the bill. Amendments of 8/15 are minor, technical amendments.

Introduced 02/17/11
Last amended 08/15/11
Status Assembly Appropriations Committee, Suspense File

Commission position Support

SB 568 (Lowenthal) Recycling: polystyrene food containers

This bill would prohibit any food vendor, after January 1, 2016, from dispensing prepared food to a customer in a polystyrene foam food container. The measure would not apply to correctional facilities, school districts, or food vendors selling freshly cut meat. *Amendments taken on 5/23 and 5/15 would allow a school district or local government to dispense food in a polystyrene container if the applicable governing board elects to adopt a policy or ordinance elects to implement a verifiable recycling program for polystyrene foam food containers, effective July 1, 2017.*

Introduced 02/17/11
Last Amended 07/12/11
Status Assembly Appropriations Committee, suspense File
Commission Position Support

SB 584 (Evans) Oil spill prevention and administration fee

This bill would authorize the Legislature to appropriate funds from the Oil Spill Prevention and Administration Fund (OSPAPF) for the purpose of covering costs incurred by the Oiled Wildlife Care Network.

Introduced 02/17/11
Status Held in Appropriations Committee, Suspense File

SB 588 (Evans) Coastal Commission: enforcement

This bill would authorize the Coastal Commission to collect administrative civil penalties up to \$50,000 per violation. The bill would require that any penalties collected for violation of the Coastal Account be deposited into the Coastal Act Services Fund.

Introduced 02/17/11
Status Held in Senate Judiciary Committee. This is a 2-year bill.
Commission position Support

SB 833 (Vargas) Solid waste: disposal facilities: San Diego County

This bill would prohibit the constructing or operating of a solid waste landfill disposal facility in the County of San Diego within 1,000 feet of the San Luis Rey River or an aquifer that is hydrologically connected to that river and is within 1,000 feet of a site that is considered sacred or of spiritual or cultural importance to a tribe and is listed in the California Native American Heritage Commission Sacred Lands Inventory.

Introduced 02/18/11
Last Amended 04/25/11
Status Assembly Appropriations Committee, suspense File