

CALIFORNIA COASTAL COMMISSION

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**W-36a**

September 12, 2012

TO: Coastal Commissioners and Interested Public

FROM: Charles Lester, Executive Director
 Sarah Christie, Legislative Director

SUBJECT: LEGISLATIVE REPORT FOR SEPTEMBER, 2012

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 08/29/12. 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

2012 Legislative Calendar

Jan 1	Statutes take effect
Jan 4	Legislature reconvenes
Jan 10	Budget must be submitted by Governor
Jan 27	Last day to submit bill requests to Legislative Counsel
Feb 24	Last day for bill introduction
March 29	Spring Recess begins
April 9	Legislature reconvenes
April 27	Last day for Policy Committees to hear and report 1 st House fiscal bills to the Floor
May 11	Last day for Policy Committees to hear and report 1 st House non-fiscal bills to the Floor
May 18	Last day for Policy Committees to meet prior to June 7
May 25	Last day for Fiscal Committees to hear and report 1 st House fiscal bills to the Floor
May 29-June 1	Floor Session only. No committees may meet
June 1	Last day to pass bills from house of origin
June 4	Committee meetings may resume
June 15	Budget must be passed by midnight
June 28	Last day for a legislative measure to qualify for the November General Election ballot
July 6	Last day for Policy Committees to hear and report bills to the Floor from the second house
July 6	Summer Recess begins at the end of session if Budget Bill has been enacted
Aug 6	Legislature reconvenes
Aug 17	Last day for Fiscal Committees to meet and report bills to the Floor
Aug 20-31	Floor session only. No committees may meet
Aug 24	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.

AB 1532 (Perez) California Global Warming Solutions Act of 2012

This bill would create criteria for the California Air Board to follow when awarding grants for carbon-emission-reducing projects pursuant to AB 32. Amendments of 8/24 include local and regional planning efforts that reduce greenhouse gas emissions, support infill development and multimodal transit infrastructure, and transit-oriented development, including but not limited to the update of General Plans and specific plans. Criteria also include habitat restoration, sustainable agriculture and urban greening.

Introduced 01/23/12
Last Amended 08/24/12
Status Senate Third Reading

AB 1776 (Fong) Western Pacific leatherback turtle

This bill would designate the Western Pacific leatherback turtle as the state’s official marine reptile, and designate October 15 of every year as Western Pacific Leatherback Turtle Day.

Introduced 02/17/12
Last Amended 03/22/12
Status Enrolled

Commission Position Support

AB 1825 (Garrick) State parks: “Save the Ocean” mosaic

This bill would authorize the City of Encinitas to place the “Save the Ocean” mosaic, aka the “Surfing Madonna” mosaic, in Moonlight State Park, without first gaining approval from the Department of Parks and Recreation.

Introduced 02/21/12
Last Amended 03/29/12
Status Held in Assembly Water, parks & Wildlife Committee

AB 2005 (Garrick) Oil spills: contingency plans

This bill requires a non-tank, noncommercial vessel weighing between 300 gross tons and 400 gross tons to submit the following to the Office of Oil Spill Prevention and Response (OSPR), at least 96 hours before arriving in California waters:

- Evidence of financial responsibility to respond to an oil spill.
- Payment of the nontank vessel oil spill prevention fee.
- The vessel's particulars, such as the size and dimensions of the vessel.

The bill is intended to ensure orderly arrival of non-tank vessels for the America’s Cup in San Francisco, and sunsets its provisions as of January 1, 2015.

Introduced 02/21/12
Last Amended 08/06/12
Status Enrolled

AB 2082 (Atkins) Public lands: State Lands Commission: violations

This bill would authorize the State Lands Commission to impose civil penalties of up to \$1,000 per day for persons placing unauthorized development or carrying out unauthorized uses on lands under the Commission’s jurisdiction.

Introduced 02/23/12
Last Amended 06/21/12
Status Enrolled

AB 2178 (Jones) Coastal resources: California Coastal Act of 1976: coastal development

This bill would specify that the construction or erection of a flag pole in the coastal zone does not is not a “structure” for the purpose of the Coastal Act. It would prohibit the denial of a flag pole based on impacts to scenic or visual resources.

Introduced 02/23/12
Status Held in Assembly Natural Resources Committee
Commission Position Oppose

AB 2211 (Jones) Coastal resources: California Coastal Act of 1976

This bill would amend Section 30007.5 so that conflicts between Chapter 3 policies would be resolved in a manner that balances the protection of coastal resources with the economic and social benefits of a project, including regional prosperity. It would also amend Section 30001.5 to define “social and economic needs” as infrastructure and development needed to support continued population and economic growth.

Introduced 02/24/12
Status Held in Assembly Natural Resources Committee
Commission Position Oppose

AB 2226 (Hueso) Agency proceedings: evidence: presumption

This bill would require all state agencies and local governments to adhere to Section 662 of the Evidence Code when determining who holds full beneficial title to property, rather than following the Administrative Procedures Act or their own specific statute and regulations.

Introduced 02/23/12
Last Amended 03/22/12
Status Held in Senate Judiciary Committee
Commission Position Oppose

AB 2267 (Hall) Marine resources and preservation

This bill would revise the calculation of “cost savings” and revise the factors to be taken into account in determining “net benefit to the marine environment” for the purpose of partial oil structure removal (“rigs to reefs”) as administered by the Department of Fish and Game.

Introduced 02/24/12
Last Amended 03/26/12
Status Assembly Appropriations Committee, Suspense File

AB 2595 (Hall) Desalination

This bill would require the Ocean Protection Council (OPC) to convene the Seawater Desalination Permit Streamlining Task Force to study the opportunities for streamlining the permitting process and impediments to that process, and submit a report with recommendations to the Legislature by December 31, 2013. The Commission is one of nine agencies on the task force. Amendments of 6/14 change the funding source from Prop 84 to Prop 50. This was amended out of the bill in committee, and the bill currently has no identified funding source.

Introduced 02/24/12
Last Amended 06/14/12
Status Assembly Appropriations Committee, Suspense File
Commission Position Oppose

SCR 84 (Kehoe) California Coastal Protection Week

This Senate Concurring Resolution commemorates the 40th anniversary of the passage of Proposition 20, acknowledges the ensuing accomplishments of the California Coastal Management Program, and designates the second week of September every year as California Coastal Protection Week.

Introduced 04/16/12
Last amended 05/03/12
Status Chaptered with Secretary of State, Resolution Chapter 92
Commission Position Support

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

As introduced, 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. Amendments of 01/10/12 would delete a provision in the Food and Agriculture Code that dissolves the State Race Track Leasing Commission. The result of this amendment would be the permanent establishment of the State Race Track Leasing Commission, the body that leases the Del Mar Race Track from the 22nd Ag District.

Introduced 12/06/10
Last Amended 01/04/12
Status Enrolled

SB 162 (Anderson) Economic development: federally recognized tribes

As amended 5/21/12 and relevant to the Commission, this bill would prohibit state agencies from opposing a fee-to-trust land acquisition application that is for the purpose of housing, environmental protection or cultural preservation. It would also define a "federally recognized tribe" means a tribe that appears on the list of Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs, published pursuant to Section 479a-1 of Title 25 of the U.S. Code.

Introduced 12/06/10
Last Amended 05/21/12
Status Assembly G. O.—Hearing cancelled at request of author
Commission Position Oppose

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. Amendments of 8/24 would allow an exemption if a vendor could prove that compliance would create undue economic hardship.

Introduced 02/17/11
Last Amended 08/24/11
Status Assembly Third Reading
Commission Position Support

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 Returned to Secretary of Senate.
Commission position Support

SB 973 (Vargas) Environmental quality: California environment

This bill would authorize a lead agency conducting environmental review pursuant to CEQA to grant an exemption for a fireworks display.

Introduced 01/19/12
Last Amended 05/02/12
Status Assembly Natural Resources Committee—Held in Committee

SB 1066 (Lieu) Coastal resources: climate change

This bill would authorize the Coastal Conservancy to fund and undertake projects related to climate change, giving priority to projects that maximize public benefits.

Introduced 02/13/12
Last Amended 08/06/12
Status Enrolled
Commission Position Support

SB 1283 (Alquist) San Francisco Bay Area Sea Level Rise Planning Act

This bill would establish the San Francisco Bay Area Sea Level Rise Planning Act, which would authorize a regional sea level rise management group, as defined, or local government agency to prepare and adopt an integrated sea level rise management plan for the San Francisco Bay area, in accordance with specified requirements. The bill would require a state agency that elects to develop an integrated sea level management plan to include specified criteria in that plan, and to prioritize funding for the plan, as prescribed.

Introduced 03/23/12
Status Senate Natural Resources and Wildlife Committee. Hearing cancelled at author’s req.

SB 1447 (Walters) Artificial reefs

This bill would amend the Fish and Game Code to change the definition of an artificial reef to eliminate references to duplicating conditions of natural reefs and stimulating kelp growth, and include a reference to recreational scuba diving.

Introduced 02/24/12
Status Senate Natural Resources Committee. Hearing cancelled at author’s request

SB 1496 (Simitian) Energy: natural gas

This bill would require the Energy Commission to conduct an assessment of the need for liquefied natural gas (LNG) imports to meet the state’s energy demand. The bill would also require an applicant for an LNG facility to consult with the Department of Defense.

Introduced 02/24/12
Last Amended 05/25/12
Status Assembly Appropriations Committee

Proposition 31: Government Performance and Accountability Act

This statewide ballot initiative would address a variety of reforms to the legislative and budget process. Among these reforms is a provision that allows local governments to adopt provisions in Community Strategic Action Plans that would allow local governments to adopt “community rules” that override state laws and regulations. The implications of allowing a local override of state laws could negatively impact the implementation of the Coastal Act.

Commission Position: Oppose