

CALIFORNIA COASTAL COMMISSION

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DATE: November 15, 2013

TO: Coastal Commissioners and Interested Public

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

SUBJECT: LEGISLATIVE REPORT FOR NOVEMBER, 2013

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 10/23/13. Changes in the status of some bills may have occurred between the date this report was prepared and the presentation date. Bills marked with a * have been signed and chaptered, and will take effect January 1, 2014.

Terms used in this report relating to bill status include the following:

- 1) "On Suspense" means bill is held in Appropriations because of potential costs to state agency.
- 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.
- 4) "Enrolled" means the Legislature has passed the bill, but the Governor has not yet acted.
- 5) "Chaptered" means the bill has been signed into law by the Governor and will take effect January I of the following year, unless otherwise indicated.

The status and full text 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

PRIORITY LEGISLATION

AB 158 (Levine) Solid waste: single-use carryout bags

This bill would prohibit specified retail outlets from providing plastic single-use carryout bags, and require the retail outlets to make reusable or compostable bags available to customers. The bill would allow a city or county to impose administrative civil penalties for violations of this measure, payable to the office that brought the action.

Introduced 01/22/13
Last Amended 04/09/13
Status Assembly Appropriations Committee. Suspense File.

AB 203 (Stone) Coastal Act: compliance first

This bill would authorize the Coastal Commission to require the resolution of an existing Coastal Act violation through the approval and conditions of a new development application.

Introduced 01/30/13
Last Amended 03/11/13
Status Assembly Floor. Inactive File. This is a two-year bill.

Commission Position Support

AB 248 (Gorell) Energy: power plants: Ventura County

This bill would require the Public Utilities Commission and the Independent System Operator, in consultation with specified entities including the Coastal Commission, to submit a report to the Legislature by January 1, 2014, detailing recommended legislative actions, policies and incentives necessary to accomplish specific objectives related to once-through-cooling technologies at Ventura County’s two coastal power plants.

Introduced 02/07/13
Last Amended 04/04/13
Status Assembly Natural Resources Committee. Held in Committee.

AB 521 (Stone) Solid waste: plastic

This bill would direct the Department of Resources Recycling and Recovery to develop a list of major sources of marine plastics pollution and notify producers of listed items that they are required to design and submit a plan to reduce the producer’s proportion of covered items in the marine environment. The producer would be required to meet the marine plastic pollution reduction targets that the producer of the covered item would be required to achieve, as specified in the regulations

Introduced 02/20/13
Last Amended 05/07/13
Status Assembly Appropriations Committee. Suspense File.

Commission Position Support

***AB 551 (Ting) Local government: Urban Agricultural Incentive Zones**

This bill would allow a county to establish by ordinance an “Urban Agriculture Incentive Zone” for the purpose of supporting small-scale urban agriculture. The bill authorizes a city, county, or city and county, until January 1, 2019, to adopt an ordinance allowing owners of urban lands, as specified, to enter into enforceable contracts (similar to Williamson Act contracts) with the local government, to restrict future uses of contracted lands to agricultural uses. Contracts are required to have a term of at least 5 years and the land must be at least one tenth of an acre in size.

Introduced 02/20/13
Last amended 09/03/13
Status Chaptered by the Secretary of State: Chapter 406, Statutes of 2013

***AB 606 (Williams & Gorell) Port Hueneme shoreline protection**

This bill makes \$1 million available from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Funds to the City of Port Hueneme for the purpose of emergency measures to prevent damage to streets and property from beach erosion and flooding, provided a permit has been issued by the Coastal Commission. This bill has an emergency clause, and is contingent upon the Governor signing SB 436.

Introduced 02/20/13
Last Amended 09/11/13
Status Chaptered by the Secretary of State: Chapter 408, Statutes of 2013

***AB 691 (Muratsuchi) State lands: granted trust lands - sea level rise**

This bill would require a local trustee whose gross public trust annual revenues average \$250,000 annually to prepare an assessment describing how it proposes to address sea level rise on state tidelands. The economic benefit of environmental services provided by the natural resources on site must be taken into consideration for the purposes of determining costs to trustee. The report would be submitted to the State Lands Commission by July 1, 2019.

Introduced 02/21/13
Last Amended 08/12/13
Status Chaptered by the Secretary of State: Chapter 592, Statutes of 2013

AB 727 (Stone) Public trust lands: dredging

This bill would require a grantee of public trust tidelands to notify the State Lands Commission, in writing, if the grantee intends to undertake dredging activities, and provide specified information regarding the project. The State Lands Commission would make a determination whether or not the proposal requires a subsequent lease.

Introduced 02/21/13
Last Amended 06/18/13
Status Chaptered by the Secretary of State, Chapter 104, Statutes of 2013.

***AB 754 (Muratsuchi) Income taxes: voluntary contributions: California Beach and Coastal Enhancement Account**

This bill authorizes California state taxpayers to make a voluntary contribution in excess of their tax liability to the California Beach and Coastal Enhancement Account, to augment the Coastal Commission's Whale Tail Grants Program. The fund will appear on the 2014 tax forms as the "Protect our Coast and Oceans Fund."

Introduced 02/22/13
Last Amended 05/20/13
Status Chaptered by Secretary of State, Chapter 323, Statutes of 2013

Commission Position Support

AB 881 (Chesbro) Oil spill prevention and administrative fee

This bill would increase the existing \$0.07 fee on barrels of crude oil or petroleum products landed at a marine terminal, eliminate the sunset on the existing fee of \$0.065, allow the OSPR Administrator to adjust the fee annually based on the California Consumer Price Index, and transfer up to \$2,000,000 from fees collected to the Oiled Wildlife Care Network until January 1, 2016. The provisions of this section would take effect January 1, 2015, and sunset on January 1, 2016.

Introduced 02/22/13
Last Amended 09/04/13
Status Senate Inactive File

Commission Position Support

AB 976 (Atkins) Coastal resources

This bill would authorize the Commission to impose administrative penalties for violations of the Coastal Act. All funds collected under this provision would be deposited into the Violation Remediation Account, and that the Commission's administrative penalty authority would sunset after a period of three years.

Introduced 02/22/13
Last Amended 08/26/13
Status Conference Committee

Commission Position Support

AB 1102 (Allen) South Coast Air Quality Management District: beach burning

As amended 08/14/13, this bill would prohibit the district from enacting a rule that prohibits beach burning for a recreational, ceremonial, or open burning conducted in a public coastal area.

Introduced 02/22/13
Last Amended 08/14/13
Status Assembly Natural Resources Committee

AB 1142 (Bloom) State beaches and parks: smoking ban

This bill would make it an infraction to smoke a tobacco product on a state coastal beach or in a unit of the state park system.

Introduced 02/22/13
Last Amended 03/21/13
Status Assembly G.O. Committee.

*** SB 4 (Pavley) Oil and gas: well stimulation**

This bill would require the Natural Resources Secretary to conduct a study on oil and gas well stimulation (aka “fracking”) by January 1, 2015, and require the Air Board, Water Board, DTSC and local agencies to adopt rules and regulations pertaining to well stimulation. The bill would require an operator to obtain a permit prior to conducting fracking activities. The bill would require disclosure of “trade secret” fracking chemicals and fluids as part of the permitting process, but would protect that information from public review.

Introduced 12/03/12
Last Amended 09/06/13
Status Chaptered by Secretary of State, Chapter 313, Statutes of 2013.

SB 40 (Pavley) Safe, Clean, and Reliable Drinking Water Act of 2012

This bill declares that it is the intent of the Legislature to amend the Safe, Clean, and Reliable Drinking Water Act of 2012 for the purpose of reducing and potentially refocusing the \$11,140,000,000 bond.

Introduced 12/10/12
Last Amended 01/17/13
Status Senate Natural Resources and Water Committee

*** SB 238 (Liu) Santa Monica Mountains Conservancy: membership**

This bill would allow the Superintendent of the Angeles National Forest to vote on a matter that is before the SMMC pertaining to the National Forest.

Introduced 02/12/13
Last Amended 08/06/13
Status Chaptered by the Secretary of State, Chapter 211, Statutes of 2013

SB 241 (Evans) Oil Severance Tax Law

This bill would impose a severance tax of 9.9% of the gross value of each barrel of oil extracted from California after January 1, 2014, for deposit into the Oil Severance Fund, which this bill creates. The Department of Conservation would allocate those revenues to the UC Regents, the California State University Trustees, the Board of Governors for the Community Colleges, and the Department of Parks and Recreation.

Introduced 05/07/13
Status Senate Appropriations Committee. Suspense File

SB 257 (Hancock) Coastal resources: physical adaptations to climate change

This bill states that it is the intent of the Legislature to enact legislation to address coastal physical adaptations to climate change.

Introduced 02/13/13
Status Senate Rules Committee

*** SB 279 (Hancock) San Francisco Bay Restoration Authority**

This bill would amend Government Code to clarify the San Francisco Bay Restoration Authority's (SFBRA) ability to provide uniform ballot measures across nine counties within the SFBRA's jurisdiction when the authority proposes a measure to levy a special tax. It would clarify governing law and the ballot process by specifying who prepares ballot material, how the materials are to be prepared, and where the measure will appear on the ballot to ensure uniformity across counties. It would require the SFBRA to reimburse local governments for the costs associated with conducting special elections.

Introduced 02/20/13
Last Amended 08/27/13
Status Chaptered by the Secretary of State: Chapter 514, Statutes of 2013

SB 387 (Wright) Coastal resources: once through cooling

This bill would require the State Water Resources Control Board to authorize once-through-cooling systems for existing power plant facilities, consistent with federal laws and regulations.

Introduced 02/20/13
Status Environmental Quality Committee. Hearing cancelled at request of author.

SB 418 (Jackson) Nuclear Energy Planning and Responsibility Act

This bill would require the PUC to require an applicant for relicensing a nuclear power generating facility submit a detailed study of the full needs and costs of relicensing to assess cost effectiveness of continued operation.

Introduced 02/20/13
Last Amendment 06/26/13
Status Assembly Utilities and Commerce Committee. This is a 2-year bill.

***SB 436 (Jackson) Port Hueneme shoreline protection**

This bill would make \$1 million available from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Funds to the City of Port Hueneme for the purpose of emergency measures to prevent damage to streets and property from beach erosion and flooding, provided a permit has been issued by the Coastal Commission. This bill has an emergency clause, and is contingent upon the Governor signing AB 606.

Introduced 02/20/13
Last Amended 09/06/13
Status Chaptered by the Secretary of State: Chapter 416, Statutes of 2013

SB 461 (Leno) State tide and submerged lands: mineral extraction leases: revenues

This bill creates the Coastal Adaptation Fund through re-allocation of up to \$10,000,000 in state tidelands revenues to state coastal management agencies, including the Coastal Commission for work related to sea level rise.

Introduced 02/13/13
Last Amended 06/24/13
Status Held in Assembly Appropriations Committee. Suspense File

SB 511 (Lieu) Natural resources: Climate change: grants

This bill would require the Secretary of Resources and the California Air Board, to develop guidelines for the awarding of grants for projects that enhance the reduction of greenhouse gas emissions and sequestration associated with natural resources.

Introduced 02/21/13
Last Amended 04/30/13
Status Held in Senate Appropriations Committee. Suspense File.

SB 671 (Monning) California Coastal Act of 1976: natural shorelines

This bill states that seawalls, groins and revetments shall be designed to account for sea level rise.

Introduced 02/22/13
Status Senate Natural Resources and Water Committee

SB 700 Wolk Natural resources: parks: carryout bags

This bill would require retail establishments to charge a \$0.05 fee for single-use carryout bags. A portion of the fee would be deposited into the Local Environmental Enhancement Fund (LEEF), which would be created by this bill. Funds from the LEEF would be available for expenditure by the Natural Resources Agency, upon appropriation by the Legislature, as grants to local governments for parks maintenance and litter abatement.

Introduced 02/22/13
Last Amended 04/23/13
Status Held in Senate Appropriations Committee. Suspense File.

***SB 814 (Natural Resources Committee) Administration of Natural Resources**

This is an omnibus committee bill. It makes several non-controversial and code maintenance amendments to the Public Resources Code. Relevant to the Coastal Commission is an amendment to Section 30333 to delete an incorrect cross reference to Section 11371 of the Government Code.

Introduced 02/25/13
Last Amended 08/05/13
Status Chaptered by the Secretary of State: Chapter 472, Statutes of 2013