

CALIFORNIA COASTAL COMMISSION

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**W6b**

DATE: September 10, 2014

TO: Coastal Commission and Interested Persons

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

SUBJECT: LEGISLATIVE REPORT FOR SEPTEMBER, 2014

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 08/31/14. Recent amendments summarized in *italics*. An asterisk* denotes a new measure not included in the previous month's report. Changes in the status of some bills may have occurred between the date this report was prepared and the presentation date.¹ Bill text, votes, committee analyses and the 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 Homepage at www.coastal.ca.gov

 2014 Legislative Calendar

May 9	Last day for Policy Committees to hear and report 1 st House non-fiscal bills to the Floor
May 16	Last day for Policy Committees to meet prior to June 2
May 23	Last day for Fiscal Committees to meet prior to June 2
May 27-30	Floor Session only. No committees may meet
May 30	Last day to pass bills from house of origin
June 2	Committee hearings resume
June 15	Budget must be passed by midnight
June 26	Last day for Legislative measure to qualify for November ballot
June 27	Last day for Policy Committees to meet and report bills
July 3	Summer Recess begins
Aug 4	Legislature reconvenes from Summer Recess
Aug 15	Last day for Fiscal Committees to hear and report bills to the Floor
Aug 30	Last day for Fiscal Committees to meet and report bills to the Floor
Aug 18-31	Floor session only. No committees may meet
Aug 22	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
Sept 30	Last day for Governor to sign or veto bills
Jan 1, 2015	Signed bills take effect

¹Terms 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. 4) "Enrolled" means the Legislature has passed the bill, but the Governor has not yet acted. 5) "Chaptered" means the bill has been signed.

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. Held on Suspense File.

AB 203 (Stone) California Coastal Commission: restoration and cease and desist orders: report

As amended, this bill would authorize the Coastal Commission submit an annual report to the Legislature describing all the enforcement orders acted upon during the previous year.

Introduced 01/30/13
Last Amended 01/27/17
Status Senate Rules Committee

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 Held in Committee.

AB 288 (Levine) Coastal Resources

This bill would add PRC Section 30515.5 to require the Coastal Commission to provide a Spanish language translation of its monthly meeting notice.

Introduced 02/11/13
Last Amended 01/09/14
Status Enrolled

AB 474 (Stone) Public Resources Code: coastal resources

This bill would require the Coastal Commission to revise its standard ex-parte disclosure forms to so that ex-parte communication disclosures include the names of all individuals participating in the meeting, and a copy of all written and graphic material presented during the meeting.

Introduced 02/19/13
Last Amended 01/06/14
Status Signed by Governor. Chaptered by Secretary of State.

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. Held on Suspense.

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) Public Resources Code: coastal resources

As amended 7/1/14, this bill makes explicit statutory direction that any local government action which would reduce or restrict the use of a beach fire ring would require a coastal development permit This is declaratory of existing law, but emphasizes the requirement for this particular use. The bill also requires that the application include a full analysis of alternatives. Amendments narrow the focus of the bill without changing its intent.

Introduced 02/22/13
Last Amended 07/01/14
Status Senate Appropriations Committee. Held on Suspense File.

Commission Position Support

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 Held in Committee

AB 1331 (Rendon) Clean, Safe and Reliable Drinking Water Act of 2014

This bill would repeal the Clean, Safe and Reliable Drinking Water Act of 2012 (\$11.14 billion) subject to approval by the voters November 4, 2014, and replace it with a substitute measure. This bill would authorize the sale of \$8.2 billion general obligation bonds, allocated as specified. See bond comparison chart attached to this report.

Introduced 02/22/13
Last Amended 06/17/14
Status Senate Rules Committee

AB 1504 (Stone) Cigarettes: single use filters

This bill would prohibit the sale or use of single-use cigarette filters, subject to a permissive civil fine of \$500.

Introduced 01/14/14
Last Amended 04/02/14
Status Held in Committee.

AB 1603 (Stone) Outdoor education

This bill would establish the Outdoor Environmental Education and Recreation Program in the Department of Parks and Recreation, for purposes of increasing outdoor programs for underserved and at-risk populations. The bill would create the Outdoor Environmental Education and Recreation Fund to receive private donations and General Fund support for grants to be awarded by the Director of Parks. The California Environmental Education Interagency Network, which Coastal Commission staff participates in, would serve as an advisor to the director in developing the program components.

Introduced 02/05/14
Status Assembly Appropriations Committee. Held on Suspense File.

AB 1699 (Bloom) Waste management: microplastics

This bill would prohibit the sale of any cleaning product or personal care product containing micro plastics. The bill would allow the Attorney General to seek civil penalties of up to \$2,500 per day for each violation. Any civil penalties collected shall remain with the office that brought the case.

Introduced 02/20/14
Last Amended 08/19/14
Status Senate Inactive File.

AB 1759 (Rendon) California Coastal Commission: appointments

This bill originally addressed Medical reimbursement rates. *Amendments on 8/18 would amend Section 30301.2 of the Coastal Act to allow Charter City Mayors (aka “strong mayors”) to serve as locally elected official appointees to the Coastal Commission.*

Introduced 02/14/14
Last Amended 08/18/14
Status Held in Senate Rules Committee.

AB 2019 (Fong) Commercial fishing: drift gill net shark and swordfish fishery

This bill would prohibit the use of drift gill nets for the swordfish and shark fisheries. The bill would limit the legal take of these species to hand-thrust harpoon and/or hand held hook and line, and require the Department of Fish and Wildlife to issue a new harpoon/hook permit to holders of drift gill net permits by January 1, 2015. The bill would require the State to support any and all relevant state and federal proceedings relating to a ban on drift gill nets targeting sharks and swordfish, and oppose the transfer of state permitting authority to federal agencies.

Introduced 02/20/14
Last Amended 04/23/14
Status Held in Committee.

AB 2140 (Bloom) Orca Welfare and Safety Act

This bill would prohibit the exhibition of captive orcas for entertainment purposes, prohibit the collection of gametes from captive orcas for the purpose of breeding, and prohibit the transportation of captive orcas across state lines.

Introduced 02/20/14
Last Amended 03/07/14
Status Interim Study & Report

AB 2188 (Muratsuchi) Solar energy: permits

This bill would expedite and streamline the permit process for small scale rooftop solar panel installations. Local governments must adopt ordinances creating a “checklist” application for rooftop solar projects. Applications would be “deemed approved” upon submittal of a completed checklist. *Amendments of 8/14 require a solar energy system for heating water in single family residences and solar collectors for heating in commercial or swimming pool applications to be certified by an accredited agency, as defined.*

Introduced 02/20/14
Last Amended 08/14/14
Status Enrolled

AB 2516 (Gordon) Sea level rise planning: data base

This bill would require the Natural Resources Agency, in collaboration with the Ocean Protection Council, to create a Planning for Sea Level Rise Database on its public website describing steps being taken throughout the state to address sea level rise. The bill would require the Coastal Commission to provide information regarding which jurisdictions have adopted LCPs, which have not, and which LCPs contain sea level rise policies. *Amendments of 8/21 change the reporting requirement from quarterly to bi-annually.*

Introduced 02/21/13

Last Amended 08/21/14

Status Enrolled

Commission position Support

AB 2554 (Rendon) Bond Accountability Act

This bill was gutted and amended to create the Clean Safe and Reliable Drinking Water Act of 2014. If enacted by the voters this measure would repeal the \$11 billion bond act passed by the Legislature in 2012 (\$11.14 billion), and replace it with an \$8.5 billion bond, subject to approval by the voters November 4, 2014. This bill would authorize the sale of \$8.5 billion general obligation bonds, allocated as specified.

Introduced 02/21/14

Last Amended 04/23/14

Status Assembly Appropriations Committee

AB 2711 (Muratsuchi) Oil and gas: loan to City of Hermosa Beach

This bill would appropriate \$17.5 million from State Tidelands oil revenues, collected by the State Lands Commission, for the purpose of covering the city's liability if the voters reject a November 2014 ballot initiative to approve an offshore oil lease on state tidelands within the city limits. The ballot initiative is part of a settlement agreement reached between the City, MacPherson Oil and E&B (another oil company). The loan would be repaid by the city at a rate of \$500,000 per year. Loan repayments would be deposited into the State Coastal Conservancy's Climate Ready account for grants to local governments.

Introduced 02/21/14

Last Amendment 05/23/14

Status Assembly Inactive File.

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. This measure contains an urgency clause.

Introduced 12/10/12

Last Amended 01/06/14

Status Returned to Secretary of Senate

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. Held on 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, capable of at least 125 uses.

Introduced 02/13/13
Status Returned to Secretary of Senate

SB 270 (Padilla) Solid waste: single-use carryout bags

As introduced, this bill would have established the Labor Enforcement Task Force. As amended, this bill would prohibit specified classes of retail stores from making single-use plastic bags available to customers by July 1, 2015, and to charge not less than \$0.10 for the provision of a paper bag. After January 1, 2020, re-usable grocery bag to be certified as minimum 40% post-consumer recycled materials.

Introduced 02/14/13
Last Amended 08/21/14
Status Enrolled

SB 418 (Jackson) Energy: nuclear fission power plants

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

Introduced 02/20/13
Last Amendment 06/26/13
Status Assembly Utilities and Commerce Committee. Failed passage in 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 848 (Wolk) Safe Drinking Water, Water Quality, and Water Supply Act of 2014

This measure would repeal the \$11,140,000,000 Clean Safe and Reliable Drinking Water Act of 2014 (General Obligation Bond) and replace it with \$6,825,000,000 general obligation bond measure that, if approved by the voters, would finance a substitute Safe Drinking Water, Water Quality and Water Supply Act, allocated as specified.

Introduced 01/09/14
Last Amended 07/03/14
Status Senate Floor. Inactive File.

SB 861 (Senate Budget Committee)

In relevant part, this bill would authorize the Commission to impose administrative penalties for violations of the public access policies of the Coastal Act. Penalty amounts would be limited to no more than \$1,250 per day, for an accrual period of no more than 5 years. All funds collected under this provision would be deposited into the Violation Remediation Account. The bill would require the Commission to submit a bill to the Legislature on the status of the enforcement program by 12/31/18. The bill also establishes the Climate Resilience Account in the Coastal Trust Fund. Twenty percent of the monies in the fund would go to the Commission for local grants related to sea level rise planning.

Introduced 01/09/14
Last Amended 06/13/14
Status Signed by Governor. Chaptered by Secretary of State.

SB 968 (Hill) Public lands: Martin's Beach property: access

This bill would authorize the State Lands Commission to exercise its eminent domain authority to initiate negotiations to purchase a public access easement on the property known as Martin's Beach County in San Mateo for the purpose of public access.

Introduced 02/10/14
Last Amended 08/18/14
Status Enrolled

Commission Position Support

SB 1017 (Evans) Oil Severance Tax

This bill would impose an oil tax of 9.5%, and gas severance tax of 3.5% upon any operator for the extraction of oil or gas in California. The bill would require the board to deposit all tax revenues, penalties, and interest collected pursuant to these provisions into the California Higher Education Fund, which is established by this measure.

Introduced 02/14/14
Status Senate Appropriations Committee. Held on Suspense File.

SB 1096 (Jackson) Coastal sanctuary: State Lands Commission: oil and gas resources

This bill would repeal Section 6422 of the Coastal Sanctuary Act. The effect of this would be to prohibit any on or offshore drilling into oil reserves known as Tranquillon Ridge offshore Santa Barbara County.

Introduced 02/19/14
Last Amended 06/16/14
Status Assembly Floor, Failed Passage.

SB 1132 (Mitchell) Oil and gas development: well stimulation treatments

This bill would require the Natural Resources Agency to include additional subjects in the scientific study it is conducting under the requirements of SB 4 (Pavley, 2013) including the cumulative health and environmental impacts of both on and offshore well stimulation, aka “fracking”. It would also prohibit all fracking activities in the state until the report is complete, an independent committee has reviewed the report, and the Governor has issued findings regarding the safety of those activities. DOGGR would have to prepare an EIR on the effects of fracking before the ban could be lifted.

Introduced 02/20/14
Last Amended 05/27/14
Status Failed Passage

SB 1207 (Wolk) California voluntary contribution program

This bill would modify the existing voluntary state tax form check-off system by establishing the California Voluntary Contribution Program and the Office of California Volunteers. Not later than January 1, 2017, the bill would require the Franchise Tax Board to develop an application and fee structure for any qualified non-profit organization, up to a maximum of 200 organizations, that submits an application to participate in the program, and place that information on the annual state tax forms. The Franchise Tax Board and the Controller would allocate the funds received from personal contributions to the OCV after reimbursement for costs incurred.

Introduced 02/20/14
Last Amended 07/02/14
Status Assembly Appropriations Committee. Held on Suspense File.

SJR 20 (Leno) Safeguard Our Coast Day

This measure would recognize the 50th anniversary of the federal certification of the California Coastal Management Program, and would proclaim February 16, 2015, and each 3rd Monday of February thereafter, as “Safeguard Our Coast Day.”

Introduced 06/17/14
Status Chaptered by Secretary of State. Chapter 110.