

CALIFORNIA COASTAL COMMISSION

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DATE: October 6, 2015

TO: Coastal Commission and Interested Persons

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

SUBJECT: LEGISLATIVE REPORT FOR OCTOBER, 2015

CONTENTS: This report provides summaries and status of bills affecting the Coastal Commission and California's Coastal Program, and coastal-related legislation identified by staff.

Note: Information contained in this report is accurate as of October 2, 2015. Recent amendments are 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 current status of any bill may be viewed on 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

2015 Legislative Calendar

Jan 5	Legislature reconvenes
Jan 10	Budget Bill must be submitted by Governor
Jan 30	Last day to send bill requests to Office of Legislative Counsel
Feb 27	Last day for bills to be introduced
Mar 26	Spring Recess begins upon adjournment
Apr 6	Legislature reconvenes from Spring Recess
May 1	Last day for policy committees to hear and report fiscal bills
May 15	Last day for policy committees to report non-fiscal bills to the Floor
May 22	Last day for policy committees to meet prior to June 8
May 29	Last day for fiscal committees to hear and report bills to the Floor
June 1-5	Floor session only
June 5	Last day to report bills out of house of origin
June 15	Budget Bill must be passed by midnight
July 17	Last day for Policy committees to report bills. Summer Recess begins upon adjournment
Aug 17	Legislature reconvenes from summer recess
Aug 28	Last day for fiscal committees to meet and report bills to the Floor
Sep 4	Last day to amend bills on the Floor
Sep 11	Last day to pass bills. Interim recess begins upon adjournment
Oct 11	Last day for Governor to sign or veto bills

¹Terms used in this report relating to bill status: 1) "Held in committee" means bill was not heard in the policy committee prior to deadline. 2. "On Suspense" means a bill has been held in Appropriations due to potential costs to the state. 3) "Failed passage" means a bill was heard by policy committee but failed to get a majority vote. 4) "Inactive file" means the bill is on the Floor, but not scheduled for a vote. 5) "Enrolled" means the Legislature has passed the bill, but the Governor has not yet acted. 6) "Chaptered" means the bill has been signed into law by the Governor, and Chaptered by the Secretary of State.

PRIORITY LEGISLATION

AB 192 (Allen) Specialized license plates: coastal conservancy awareness

As amended 4/20, this bill would establish a specialty license plate, depicting a surfer design, to promote Coastal Conservancy Awareness. A portion of funds derived from sales of the plate would be deposited into the Coastal Conservancy Awareness Fund, which would be created by the bill, for specified purposes. *Amendments of 09/01 delete all references to the surfer design and the Coastal Conservancy. The bill now creates a pet lovers license plate and the Pet Lovers Fund, which will be used to support low-cost spay and neuter programs.*

Introduced	01/28/15
Last Amended	09/01/15
Status	Enrolled

AB 300 (Alejo) Safe Water and Wildlife Protection Act of 2015

This bill would enact the Safe Water and Wildlife Protection Act of 2015, requiring the State Coastal Conservancy to establish and coordinate the Algal Bloom Task Force. The task force would be comprised of a representative of the State Department of Public Health, the Department of Fish and Wildlife, Department of Food and Agriculture and the State Coastal Conservancy, and other relevant agencies. It would require the task force to review the risks and negative impacts of toxic blooms and microcystin pollution, consult with the EPA Secretary, and to submit a summary of its findings and recommendations to the Resources Secretary by January 1, 2017. Amendments of 05/28 add the State Water Pollution Cleanup and Abatement Account as a source of grant funds. *Amendments of 06/25 add “marine waters” to the definition of “waters of the state.”*

Introduced	02/12/15
Last Amended	08/17/15
Status	Senate Appropriations Committee, Suspense File. Held under submission.

AB 309 (Mathis) Senior research grant

As amended, this bill would require the Department of Water Resources to create and administer the Edmund G. “Pat” Brown. Sr. Research Grant to provide a 1-year grant of \$145,000 to a UC or CSU research project to expand California’s water portfolio.

Introduced	02/12/15
Last Amended	04/23/15
Status	Senate Rules Committee

AB 361 (Achadjian, Monning) California Emergency Services Act

This bill would extend, until August 26, 2025, the method for funding state and local costs for emergency service planning and activities associated the Diablo Canyon Nuclear Generating Station. The bill would also extend authorization and funding for the existing independent review panel to review seismic studies and surveys of the Diablo Canyon Units 1 and 2, including the surrounding area and spent fuel storage areas. This bill has an urgency clause, and if chaptered, would take effect immediately. This bill was amended 09/03/15 to include the content of SB 657 (Monning) which the Commission previously voted to support.

Introduced 02/17/15
Last Amended 09/03/15
Status Chaptered by Secretary of State - Chapter 399, Statutes of 2015
Commission Position Support

AB 392 (Atkins) San Diego River Conservancy

This bill would delete the Conservancy’s January 1, 2020 sunset date, thereby extending the authorization for the San Diego River Conservancy indefinitely. The bill would require the Conservancy to submit a report to the Governor and the Legislature a report on every odd-numbered year, outlining the projects funded and undertaken by the Conservancy.

Introduced 02/18/15
Last Amended 05/05/15
Status Enrolled

AB 435 (Chang) Natural Resources Agency: webcast of meetings and workshops

This bill would require all boards, departments and commissions within the Environmental Protection Agency and the Natural Resources Agency to provide live webcasts of all public meetings in a manner that enables listeners to and viewers to ask questions and provide public comment by phone or electronic communication. The bill would require all agencies to archive the webcasts for later viewing by the public. Amendments of 05/28 specify that the bill does not apply to workshops or meetings held at “non-agency sites”, and specify that archived meeting videos must be made available to the public for a period of three years. *Amendments of 05/28 make the bill no longer applicable to the Coastal Commission.*

Introduced 02/19/15
Last Amended 05/28/15
Status Senate Appropriations Committee. Held under submission.

AB 549 (Levine) State Parks System

This bill would implement some of the recommendation of the Parks Forward Committee. This bill would authorize the Department of Parks and Recreation (DPR) to acquire, install, operate, or permit the operation of camping cabins, RV parking areas to expand affordable overnight facilities. The bill also authorizes the Department to enter into agreements with and accept funds from a variety of entities, and expands the use of such funds. It would authorize DPR to receive funds for the operation, restoration or enhancement of a state beach for research, recreational or other purposes, and provide free or reduced access to the entity that enters into that agreement. *Amendments of 07/13 remove legislative findings related affordable coastal accommodation, and strikes legislative intent language related to the preparation of a plan to fund affordable cabins and similar overnight accommodations. Amendments of 08/31 delete the requirement for DPR to develop a statewide fee policy, and to post its fee schedule on the DPR website.*

Introduced	02/23/15
Last Amended	08/31/15
Status	Enrolled

AB 559 (Lopez) Monarch butterflies: conservation

This bill would authorize the Department of Fish and Wildlife to take actions to preserve monarch butterfly habitat needed for successful migration. The bill would authorize the department to partner with federal agencies, nonprofit organizations, academic programs, private landowners, and other entities including the Monarch Joint Venture. *Amendments of 08/26 authorize the Department to remove invasive weeds that threaten milkweed habitat, using best management practices that pose low risk to Monarch butterflies.*

Introduced	02/23/15
Last Amended	08/26/15
Status	Enrolled

AB 694 (Rendon) Public Resources Code: fees: low-cost accommodations

As amended 04/08, this bill creates the Low-cost Accommodations Account within the State Coastal Conservancy Fund, and directs the Conservancy to establish a program, subject to available funding, to administer grants, low-interest loans and easements to private entities for operation and maintenance costs associated with low-cost visitor serving accommodations. The bill also directs the Conservancy to prepare a list of potential low-cost accommodation projects in the coastal zone in consultation with the Coastal Commission and State Parks. The bill directs the Commission to refer to the list when considering mitigation for development that impacts lower-cost accommodations.

Introduced	02/25/15
Last Amended	04/23/15
Status	Assembly Appropriations Committee, Suspense File. Held under submission.

AB 718 (Chu) Local government: powers

This bill would prohibit any local government from imposing civil or criminal penalties for the act of sleeping or resting in a lawfully parked motor vehicle. *Amendments of 7/14 clarify that the bill does not supersede various other laws.*

Introduced 02/25/15
Last Amended 07/14/15
Status Failed passage in Senate. Reconsideration granted.

AB 729 (Atkins) San Diego Unified Port District

This is a spot bill re: state lands granted and conveyed in trust to the San Diego Unified Port District.

Introduced 02/25/15
Status Assembly Rules Committee

AB 864 (Williams) Oil spill response: environmentally and ecologically sensitive area

This bill would require new or replacement pipelines near environmentally and ecologically sensitive areas in the coastal zone to use the best achievable technologies to reduce the amount of oil released in an oil spill to protect the state waters and wildlife, and require operators to submit a plan to retrofit existing pipelines in these areas by July 1, 2018. The bill requires additional consultation between the State Fire Marshal and the Office of Spill Prevention and Response. *Amendments of 09/01 delay the implementation of this bill to January 1, 2019, and set other deadlines.*

Introduced 02/26/15
Last Amended 09/01/15
Status Enrolled

Commission Position Support

AB 888 (Bloom) Waste management: plastic microbeads

This bill would prohibit the sale of personal care products containing more than 1 part per million (ppm) by weight of plastic microbeads, as defined, in the state of California after January 1, 2020. *Amendments of 09/01 authorize the Department of Toxic Substances Control to exempt plastic microbeads in a personal care product, if certain findings are made.*

Last Amended 09/01/15
Status Enrolled

Commission Position: Support

AB 988 (Stone) Outdoor Environmental Education and Recreation Grants Program

This bill would require the Department of Parks and Recreation to establish an Outdoor Environmental Education and Recreation Grants Program for the purpose of increasing the ability of underserved and at-risk populations to participate in outdoor recreation and educational experiences by awarding grants to public organizations, nonprofit organizations, or both. The bill would require that all moneys received for the purposes of the program be deposited into the California Youth Outdoor Education Account, which would be created by the bill and would be continuously appropriated. Any bond funds made available through the program would be awarded to programs that meet the criteria of the State Urban Parks and Healthy Communities Act. Amendments of 06/01 specify that priority will be given to grant applications that primarily serve students who are eligible for free or reduced-price meals, or pupils of limited English proficiency. *Amendments of 06/30 make technical changes, and require the department to report annually to the Budget and Fiscal Committees.*

Introduced 02/26/15
Last Amended 06/30/15
Status Senate Appropriations Committee. Held under submission.

AB 1268 (Steinorth) Coastal resources: California Environmental Quality Act

Originally a spot bill making a technical change related to Local Coastal Programs. As amended on 03/26, this bill has a new author and a new subject area. Current law provides a statutory exemption from the California Environmental Quality Act (CEQA) for housing projects, if certain requirements are met. As amended 03/26, this bill would eliminate the requirement that in order to qualify for a CEQA exemption, a housing project must not be located within the boundaries of a state conservancy. Introduced version was a spot bill dealing with local coastal programs. *Amendments of 05/05 make technical, non-substantive changes.*

Introduced 02/27/15
Last Amended 05/05/15
Status Assembly Natural Resources Committee. Hearing cancelled.

AB 1274 (Stone) Public lands: geological or geophysical surveys

This bill would authorize the State Lands Commission (SLC) to issue permits for geological or geophysical surveys on granted and ungranted tidelands and submerged lands, subject to terms and conditions as specified by the commission to ensure public safety and protection of the environment, and would require the commission to adopt regulations to implement those provisions and promote compliance. The bill would require that the permittee make available to the SLC all logs and records resulting from the operations under the permit. Amendments of 06/16 specify that the SLC shall not require a permit for geophysical surveys required in conjunction for dredging activities to maintain or increase the depth of navigation channels. *Amendments of 07/14 make technical, non-substantive changes.*

Introduced 02/27/15
Last Amended 07/14/15
Status Enrolled

AB 1312 (O'Donnell) Ballast water management

This bill would amend the Marine Invasive Species Act to require an owner, operator or agent of a vessel capable of carrying ballast water that has been operating outside the waters of the state, to notify the State Lands Commission (SLC) at least 24 hours prior to arrival in a California port of call. The bill would revise the deadline by which vessel operators may apply to install, and the SLC may approve, an experimental ballast water treatment systems from January 1, 2016 to January 1, 2020. The bill would make other technical changes to the Act and delete an obsolete reporting requirement.

Introduced 02/27/15
Last Amended 04/15/15
Status Enrolled

AB 1482 (Gordon) Climate adaptation

This bill would require the Natural Resources Agency to update the state's climate adaptation study every 3 years, beginning July 1, 2017. *Amendments of 09/01 add an annual reporting requirement for the Resources Agency; direct state agencies to maximize and promote use of the plan to inform planning decisions; to consider project alternatives to infrastructure projects that utilize existing natural features and ecosystem processes; to promote healthy soils and sustainable agriculture, and promote a variety of other priorities enumerated in the bill. The bill would require the Strategic Growth Council to identify and review state agency activities and funding programs that may be coordinated to improve air and water quality, resource protection, increase affordable housing, and meet the goals of the California Global Warming Solutions Act of 2006.*

Introduced 02/27/15
Last Amended 09/01/15
Status Enrolled

AB 1500 (Mainschein) California Environmental Quality Act: priority housing projects: exempt

This bill would exempt affordable housing projects, as defined, from the requirements of CEQA.

Introduced 02/27/15
Last Amended 06/16/15
Status Assembly Natural Resources Committee

ACR 58 (Williams) Ralph Fertig Memorial Bicycle Path and Peter Douglas Coastal Accessway

This measure would designate a portion of the Highway 101 bicycle-pedestrian path in Ventura County as the Ralph Fertig Memorial Bicycle and Pedestrian Path, and the pedestrian undercrossing of State Highway 101 in La Conchita as the Peter Douglas Coastal Access Way.

Introduced 04/22/15
Last Amended 07/09/15
Status Chaptered by Secretary of State, Res Chapter 153, Statutes of 2015

ACR 18 (Gordon) Parks Make Life Better! Month

This measure would recognize the importance of access to local parks, trails, open space, and facilities for the health and development of all Californians and would declare the month of July 2015 as "Parks Make Life Better!" Month.

Introduced 02/04/15
Last Amended 05/14/15
Status Chaptered with Secretary of State, Resolution Chapter 74

ACR 101 (Brough) Coastal Cleanup Day

This measure recognizes the Coastal Commission's 31-year sponsorship of Coastal Cleanup Day, designates the third Saturday in September as Coastal Cleanup Day, and encourages citizens, businesses, organizations and public institutions to participate in Coastal Cleanup Day activities. This measure has 71 co-authors.

Introduced 08/17/15
Last Amended 08/27/15
Status Chaptered by Secretary of State. Resolution Chapter 191, Statutes of 2015.

SB 17 (Monning) Sea Otter Fund

This bill would extend the authorization of the California Sea Otter fund to remain on the state tax forms to January 1, 2021.

Introduced 12/01/14
Status Chaptered by Secretary of State. Chapter 136, Statutes of 2015.

SB 141 (McGuire) Humboldt Bay Harbor, Recreation, and Conservation District Act: land use

This bill corrects an ambiguity in existing law (granting statutes), clarifying that the Humboldt Bay Harbor, Recreation, and Conservation District has the authority to sell or transfer non-granted lands purchased with revenues generated from its granted trust lands. *Amendments of 06/22 authorize the District to proceed with a purchase or acquisition of real property with trust moneys if the State Lands Commission does not object within 90 days.*

Introduced 01/26/15
Last Amended 06/22/15
Status Chaptered by Secretary of State. Chapter 231, Statutes of 2015

SB 233 (Hertzberg) Marine resources and preservation

This bill would amend the California Marine Resources Legacy Act in the Fish and Game Code, related to artificial reef conversion of offshore oil and gas facilities. The bill designates the Department of Fish and Wildlife as the lead agency for environmental review under CEQA for an application to partially remove an offshore structure. The bill requires the Department to determine the cost savings of partial removal compared with full removal, as well as make the determination of whether partial removal provides a net environmental benefit. The bill includes consideration of greenhouse gas emissions as part of the analysis of net environmental benefit. The bill makes changes to the application process, and changes to the timing of the distribution of funds. This bill designates the State Lands Commission as the lead agency under CEQA, requires the applicant to provide sufficient funds for all agencies to perform the responsibilities proscribed by the bill, and gives the Ocean Protection Council the responsibility of determining the appropriate weight to be given to adverse impacts to the marine environment versus greenhouse gas emissions. The bill would allow the first applicant to partially remove an offshore platform to pay startup and other costs associated with processing the application as determined by the department. *Amendments of 07/16 change references from “best available science” to “credible” science, and allow the first applicant to pay the department’s start-up cost.*

Introduced	02/13/15
Last Amended	07/16/15
Status	Assembly Appropriations Committee. Hearing cancelled at request of author.

SB 246 (Wiekowski) Climate change adaptation

As amended September 1, this bill would establish the Climate Adaptation and Resiliency Program, administered by the Office of Planning and Research (OPR), to coordinate state, regional and local efforts to adapt to the impacts of climate change. The bill would require, within one year of updating the *Safeguarding California* Plan, the Office of Emergency Services, in coordination with the Natural Resources Agency, OPR, and relevant public and private entities, to review and update (if necessary) the Adaptation Planning Guide. The update shall assess climate vulnerabilities across sectors and regions, and develop adaptation strategies that can be adapted to local needs. OPR would also be required to coordinate with appropriate state, regional and local entities to create and maintain a clearinghouse of centralized information for decision makers who are planning for and implementing adaptation projects to promote resiliency to climate change. The bill also creates an advisory panel to OPR with expertise in specified areas, but the strikes the specified number (15), and the previous appointment structure.

Introduced	02/18/15
Last Amended	09/01/15
Status	Enrolled

SB 295 (Jackson) Pipeline safety: inspections

As amended, this bill would require the State Fire Marshal to annually inspect all operators of intrastate pipelines; require pipelines over 5 years old to be hydrostatically tested every 2-3 years, and authorize the Fire Marshal to become an inspection agent. *Amendments of 08/18 gut and amend the bill to instead require the State Fire Marshal to annually inspect all intrastate pipelines and operators of intrastate pipelines to ensure compliance with state laws, and authorizes the State Fire Marshal to become an inspection agent for interstate pipelines. Amendments of 08/19 specify that the State Fire Marshal shall not become an inspection agent for intrastate pipelines unless all regulatory and enforcement authority has been transferred to the state by the federal Pipeline and Hazardous Material Safety Administration.*

Introduced	12/01/14
Last Amended	08/19/15
Status	Enrolled
Commission Position	Support

SB 317 (De Leon) The Safe Neighborhood Parks, Rivers, and Coastal Protection Bond Act

This bill would enact the Safe Neighborhood Parks, Rivers, and Coastal Protection Bond Act of 2016, which, if adopted by the voters at the November 8, 2016, statewide general election, would authorize the issuance of bonds in an unspecified amount pursuant to the State General Obligation Bond Law to finance a safe neighborhood parks, rivers, and coastal protection program. The bill would authorize a total bond issuance amount of \$2,450,000,000. Of that amount, \$350,000,000 would be specified for coast and ocean protection, and \$370,000,000 for rivers, lakes and streams. This bill has an urgency clause. *Amendments of 05/05 up to 10% of funds allocated for each chapter may be used for project planning and monitoring, and specify that no more than 5% of funds allocated to a grant program may be used for administrative costs..*

Introduced	02/23/15
Last Amended	05/05/15
Status	Senate Third Reading

SB 379 (Jackson) Land use: general plan: safety element

This bill would require cities and counties, when undertaking the next revision or mandatory update of their General Plan Housing Element on or after January 1, 2017, to also review and update the General Plan Safety Element to address climate adaptation and resiliency strategies. The update shall include goals, policies, and objectives based on a vulnerability assessment identifying the risks posed to the jurisdiction by climate change, based on specified state and federal information sources. Amendments of 05/05 require the update to include the geographic areas at risk from climate change impacts. Amendments of 06/01 strike the reference to the “housing element,” and replace it with “hazard mitigation plan.” *Amendments of 7/06 clarify that cities and counties that have adopted hazard mitigation or climate adaptation plans, or substantially equivalent provisions in their general plans, may incorporate those plans by reference into the safety plan, demonstrating how requirements of the bill have been met.*

Introduced	02/24/15
Last Amended	07/06/15
Status	Enrolled

SB 414 (Jackson) Oil Spill Response

This bill would require the Oil Spill Prevention and Response (OSPR) Administrator to develop regulations and guidelines to allow rapid response to an oil spill by vessels of opportunity; to submit a report to the Legislature assessing best available technology and equipment by July 1, 2016; to adopt regulations pertaining to best achievable protection standards; prohibit the use of dispersants; to update the California dispersant plan; and limit the length of time to 2 weeks in which an a party can seek a reduction of penalties for the amount of oil recovered from the spill. The bill would require the administrator to submit a report to the Legislature every 5 years related to the use of response equipment. *Amendments of 08/19 strike the prohibition on chemical dispersants, and instead require the OSPR to make a written justification of the use and effectiveness of dispersants if they are use; specifies topics to be included in the required report to the Legislature; and make various technical and drafting changes.*

Introduced	02/25/15
Last Amended	08/19/15
Status	Assembly Third Reading

SB 657 (Monning) Diablo Canyon Units 1 and 2: independent peer review panel

As Amended 04/21, this bill would require the Public Utilities Commission to convene an independent review panel to review seismic studies and surveys of the Diablo Canyon Units 1 and 2, including the surrounding area and spent fuel storage areas. This bill has an urgency clause, and if chaptered, would take effect immediately. *Amendments of 6/23 make a technical, non-substantive change.*

Introduced	02/27/15
Last Amended	06/23/15
Commission Position	Support
Status	In Assembly. Held at desk.

SB 718 (Leno) Hazardous Materials Response and Restoration Sub-account

As Amended 04/07, this bill would authorize the OSPR Administrator to loan up to \$500,000 annually from the Oil Spill Response Trust Fund to the Hazardous Materials Response and Restoration Sub-account for the purpose of reimbursing wildlife rescue and rehabilitation organizations for costs incurred from wildlife rescue activities associated with “non-oil material” spill events. *Amendments of 05/11 prohibit the Administrator from making the loan if the total amount of monies made from these loans that has not been repaid exceeds \$2,500,000.*

Introduced 02/27/15
Last Amended 05/11/15
Status Senate Appropriations Committee, Suspense File. Held under submission.

SB 788 (McGuire) California Coastal Protection Act of 2015

This bill would repeal Section 6422 of the Coastal Sanctuary Act, which currently authorizes the State Lands Commission (SLC) to enter into a lease for the extraction of oil or gas from state-owned tide and submerged lands in a California Coastal Sanctuary if SLC determines that the oil or gas deposits are being drained by producing wells on adjacent federal lands, and the lease is in the best interest of the state. The effect of this would be to prohibit any on or offshore drilling into oil reserves known as Tranquillon Ridge offshore Santa Barbara County. This bill is a reintroduction of SB 1096 (Jackson) from the previous legislative session.

Introduced 05/04/15
Last Amended 06/02/15
Status Assembly Appropriations Committee, Suspense File. Held under submission.

SB 790 (Allen) State Coastal Conservancy: state policy

This is a spot bill relating to findings and declarations in the State Coastal Conservancy Act.

Introduced 02/27/15
Status Senate Rules Committee

SB 798 Committee on Natural Resources and Water

This is a Committee-sponsored code maintenance bill. In relevant part to the Commission, the bill would amend Public Resources Code Section 30315(a) relating to meeting frequency, repeal Section 30310.5 relating to public member appointments, and amend Section 30301.2 relating to the appointment of locally elected officials. The practical effect of this would be that the Commission would have the flexibility to schedule 11 meetings per year, the doctrine of incompatible offices would apply to public member appointments, and mayors would be eligible for appointment to the Commission as locally elected officials.

Introduced 04/09/15
Last Amended 07/08/15
Status Enrolled

SJR 3 (McGuire) Smith River Watershed Protection Act

This measure would urge the President of the United States and Congress to permanently safeguard the North Fork of the Smith River watershed in Oregon from any mining activities that would have the potential impacts on water supplies, economies, or the environment in California's portion of the Smith River watershed in Del Norte County. Amendments of 06/25 add multiple co-authors.

Introduced	01/21/15
Last Amended	06/25/15
Status	Chaptered with Secretary of State, Resolution Chapter 93.

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