

CALIFORNIA COASTAL COMMISSION

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**W6b**

DATE: August 13, 2016

TO: Coastal Commission and Interested Persons

FROM: John Ainsworth, Acting Executive Director
 Sarah Christie, Legislative Director

SUBJECT: LEGISLATIVE REPORT FOR August, 2016

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 August 3, 2016. Bills that were not included in the previous report are preceded by an *asterisk. Recent amendments are summarized in *italics*. 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 viewed on the Commission's Homepage at www.coastal.ca.gov

2016 Legislative Calendar

Jan 1	Statutes take effect
Jan 4	Legislature reconvenes
Jan 10	Budget Bill must be submitted by Governor
Jan 15	Last day for committees to hear and report 2015 bills introduced in their house
Jan 22	Last day to send bill requests to Office of Legislative Counsel
Jan 31	Last day for each house to hear and report 2015 bills introduced in their house
Feb 19	Last day for bills to be introduced
Mar 17	Spring Recess begins upon adjournment
Mar 28	Legislature reconvenes from Spring Recess
April 1	Cesar Chavez Day Observed
April 22	Last day for policy committees to hear and report fiscal bills
May 6	Last day for policy committees to hear and report non-fiscal bills out of house of origin
May 13	Last day for policy committees to meet prior to June 6
May 27	Last day for fiscal committees to hear and report bills to the Floor
May 30	Memorial Day Observed
May 31-June 3	Floor session only
June 3	Last day for each house to pass bills introduced in that house
June 15	Budget Bill must be passed by midnight
July 1	Last day for Policy committees to report bills. Summer Recess begins upon adjournment
Aug 1	Legislature reconvenes from summer recess
Aug 12	Last day for fiscal committees to meet and report bills to the Floor
Aug 19	Last day to amend bills on the Floor
Aug 31	Last day to pass bills. Interim recess begins upon adjournment
Sep 30	Last day for Governor to sign or veto bill

PRIORITY LEGISLATION—SUMMARY TABLE OF COMMISSION ACTIONS

Bill No.	Commission Position/Date	Current Location	Next Location
AB 2002 (Stone)	Support, 5/12/16	Senate Appropriations	Senate Floor
AB 2305 (Bloom)	Support, 4/14/16	Budget Trailer Bill	
AB 2616 (Burke)	Support, 4/14/16; 6/8/16	Senate Appropriations	Senate Floor
AB 2648 (Jones)	Oppose, 4/14/16	Assm NR Comm	0
SB 1190 (Jackson)	Support, 5/12/16	Assm Appropriations	Assm Floor
SB 900 (Jackson)	Support, 4/14/16	Assm Appropriations	Assm Floor

LEGISLATIVE SUMMARIES**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 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 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. Inactive File.

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

This bill would exempt emergency shelter, transitional housing, and priority housing projects, as defined, from the requirements of CEQA.

Introduced 02/27/15
Last Amended 01/13/16
Status Senate Transportation and Housing Committee

AB 1871 (Waldron) Coastal resources: development: water supply projects

This bill would limit the growth-inducing impacts the Commission may consider in its review for a coastal development project for a water supply project. The Commission's review authority would be limited to how the proposed project augments existing water supplies, how it increases regional water supply reliability to drought and climate change, and how it reduces reliance on the Sacramento-San Joaquin Delta.

Introduced 02/10/16
Last Amended 03/18/16
Status Assembly Natural Resources Committee, hearing cancelled at author's request

[AB 2002 \(Stone\) Political Reform Act: California Coastal Commission](#)

This bill would amend the definition of “administrative action” in Section 82002 of the Political Reform Act to include permit applications and other actions pending before the Coastal Commission. The bill would also amend Section 30325 of the Public Resources Code to require persons who communicate with the commission on actions described under the new definition in 82002, with certain exceptions, to comply with the requirements Political Reform Act (Chapter 6, Title 9 of the Government Code). The bill would prohibit ex parte communications within 24 hours of the public hearing on the item being discussed, and require disclosure within 24 hours of any ex parte communication that takes place seven or fewer days before the hearing item. *Amendments of 4/12 make minor, non-substantive changes.*

Introduced 02/16/16
Last Amended 04/12/16
Commission Position **Support**
Status Senate Appropriations Committee, Suspense File

[AB 2041 \(Harper\) State and local beaches: fire rings](#)

This is a spot bill relating to fire rings at local beaches.

Introduced 02/17/16
Status Assembly Rules Committee

[AB 2171 \(Jones\) Coastal resources: development review: appeals](#)

As amended 03/29, this bill would add Section 30625.5 to the Public Resources code to allow an applicant or an aggrieved person file an appeal on any appealable item directly with a superior court in lieu of filing an appeal with the Commission.

Introduced 02/18/16
Last Amended 03/29/16
Status Failed passage, Assembly Natural Resources & Judiciary Committees, reconsideration granted

[AB 2180 \(Ting\) Land use: development project review](#)

As amended 03/31, and relevant to the Coastal Commission, this bill would amend the Permit Streamlining Act to reduce the length of time for a responsible agency to act on an application for residential and mixed use developments from 180 days to 90 days from the date of approval by a lead agency, or receipt of a completed application, whichever is longer.

Introduced 02/18/16
Last Amended 03/31/16
Status Senate Appropriations Committee, Suspense File

AB 2185 (Gonzalez): State Coastal Conservancy: low-cost accommodations

This bill would require the Coastal Conservancy to develop a loan/grant program to assist private low-cost accommodations to meet their operation and maintenance needs in exchange for an easement or other legally binding instrument that protects the public benefit of the facility. The bill also requires the Conservancy, in consultation with the Commission and State Parks, to develop a list of potential low-cost accommodation projects.

Introduced 02/18/16
Last Amended 03/18/16
Status Assembly Appropriations Committee, Suspense File, Held Under Submission

AB 2198 (Brough) Coastal development permits: desalination facilities

This bill would require an application for a coastal development permit for a “desalinization project” to be given priority for review and expedited permitting.

Introduced 02/18/16
Status Assembly Natural Resources Committee, hearing cancelled at author’s request

AB 2299 (Bloom) Land use: housing: second units

This bill would require cities and counties to develop ordinances allowing for second units in single family and multi-family zoning. Current law provides for the permissive development of such ordinances. *Amendments of 4/05 provide that a local jurisdiction may reduce or eliminate additional parking requirements for 2nd unit, that a converted garage or a second unit constructed above a garage is considered an accessory use, and prohibit a local ordinance from requiring a passageway clear to the sky between a 2nd unit and a public street.*

Introduced 02/18/16
Last Amended 04/05/16
Status Senate Second Reading

AB 2305 (Bloom) Protection of orcas: unlawful activities

As amended 04/05, this bill would prohibit the captive holding, display, breeding, gamete collection or import, sale or transport of orca whales. The bill would allow for the rescue and rehabilitation of stranded orca. Any orcas already in captivity as of January 1, 2017 could continue to be held for educational purposes. *Amendments of 04/14 clarify that an orca may be used for educational presentations.*

Introduced 02/18/16
Last Amended 04/14/16
Status Assembly Rules Committee

Commission Position Support

AB 2406 (Thurmond) Housing: junior accessory dwelling units

This bill would amend Government Code Section 65852.2 to require that a local ordinance pertaining to the authorization of second units in single-family or multi-family zoning also provide for the creation of junior accessory dwelling units. The bill would also exempt those units from water or sewer hookup fees, additional parking and fire attenuation requirements. *Amendments of 06/08 make minor, technical changes, and provide that for the purposes of water, sewer or power connection fees, a junior accessory dwelling unit shall not be considered a second unit.*

Introduced 02/19/16
Last Amended 06/08/16
Status Senate Third Reading

AB 2413 (Thurmond) Sea level rise preparation

This bill would require the Natural Resources Agency to complete a study by January 1, 2019, that outlines the impacts of sea level rise on low-income communities and at-risk communities and public projects and infrastructure. The study would also include short-term and long-term recommendations.

Introduced 02/19/16
Status Assembly Natural Resources Committee

AB 2444 (Garcia) California Water Quality, Coastal Protection and Outdoor Access for All Act

This bill would create the California Parks, Water Quality, Coastal Protection, and Outdoor Access Improvement Act of 2016, which would authorize the issuance of bonds in an unspecified amount to finance water quality, coastal protection and public outdoor access programs. Amendments of 04/13 add parks to the title and subject of the bill, and specify that 60% of the allotted funding for parks must be allotted to cities and districts other than a regional park district, in relation to the ratio of the population served, and 40% to counties and regional park districts and/or regional open space districts. *Amendments of 08/01 strike the \$3,120,000,000 cap on the measure, and make adjustments to allocated funding amounts to various agencies.*

Introduced 02/19/16
Last Amended 08/01/16
Status Senate Natural Resources and Water Committee

AB 2616 (Burke) California Coastal Commission: membership: environmental justice

This bill would increase the membership of the Commission from 15 to 18. Three additional commissioners would be appointed, one-each by the Governor, Speaker and the Senate Rules Committee, who represent and work with communities most burdened by high levels of pollution and environmental justice issues. The bill would authorize the Commission to consider Environmental Justice concerns in its actions. *Committee amendments agreed to by author on 6/28 specify that the three EJ commissioners shall be designated within the current appointment structure. Language not available at the time of this report.*

Introduced 02/19/16
Last Amended 05/31/16
Status Senate Appropriations Committee
Commission Position Support

AB 2628 (Levine) Political Reform Act: post-governmental employment

This bill would add Section 87496.5 to the Political Reform Act to prohibit an elected or appointed officer of a state or local public agency from maintaining employment, take consultation fees from, or otherwise aid, consult with or assist for compensation any entity seeking a permit or any other regulatory action from the board, commission or other body on which he/she served for a period of one year. The bill would require public agencies to post on their internet websites annual statements of economic interest (Form 700) from specified officers.

Introduced 02/19/16
Last Amended 04/19/16
Status Assembly Appropriations Committee, Suspense File. Held under submission.

AB 2648 (Jones) Coastal Commission: delegation of authority

This bill would authorize a coastal county to petition a superior court to obtain a writ of mandate requiring the Commission’s regulatory authority to be delegated to the county. The county would become the exclusive authority for the enforcement of state and federal coastal laws. The bill would also allow an aggrieved person to file an appeal of any appealable action on a coastal development permit directly to a superior court in lieu of filing an appeal with the Commission.

Introduced 02/19/16
Last Amended 03/18/16
Status Failed Passage, Assembly Natural Resources Committee

Commission Position Oppose

AB 2658 (Maienshein) California Coastal Commission: ex parte communications: meetings

This bill would extend current ex parte reporting requirements to members of the Coastal Commission staff. The bill would also require all hearings, workshops, or written proceedings to be promptly posted on the Commission’s website to allow for public comment.

Introduced 02/19/16
Status Assembly Natural Resources Committee, hearing cancelled at author’s request

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 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 Appropriations Committee, Suspense File

SB 968 (Monning) Diablo Canyon Units 1 and 2: power plant

This bill would require the Public Utilities Commission to cause an assessment to be made completed by an independent third party review of the economic impacts and benefits of the closure of Diablo Canyon Nuclear Generating facility, if the power plant were to cease operations. *Amendments of 08/01 reflect the fact that PG&E will not be seeking relicensing from the Nuclear Regulatory Commission, and makes an appropriation of \$400,000 from the PUC reimbursement account for additional staffing to facilitate the assessment.*

Introduced 02/08/16
Last Amended 08/01/16
Status Assembly Appropriations Committee, Suspense File

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 900 (Jackson) Coastal Oil Well Cleanup Act

This bill would require the State Lands Commission to conduct a statewide survey to remediate “legacy” oil wells in state waters for which there is no responsible party, survey and monitor natural oil seeps in state waters, and conduct a survey of all legacy oil wells along the California coastline. *Amendments of 5/31 make minor, technical changes.*

Introduced 01/21/16
Last Amended 05/31/16
Status Assembly Appropriations Committee, Suspense File

Commission Position Support

SB 1190 (Jackson) California Coastal Commission: ex parte communications

This bill would prohibit interested parties from conducting ex parte communications with commissioners for adjudicative and enforcement matters, and prohibit a commissioner from voting on a project for which an ex parte communication has taken place. A violation of this prohibition would disqualify the individual from serving as a commissioner. The bill would also prohibit a commissioner from attempting to influence a staff analysis or recommendation prior to the publication of the staff report or recommendation.

Introduced 01/21/16
Last Amended 06/08/16
Commission Position Support
Status Assembly Appropriations Committee, Suspense File

SB 1476 (Committee on Governance and Finance) Income taxation: voluntary contributions

This bill would cap the minimum annual contribution amount for the continuation of any voluntary tax contribution on the state tax return form at \$250,000. Income taxation would also provide that the contributed funds be continuously appropriated to the administering agency. *Amendments of 6/16 specify that the measure would take effect after January 2, 2017, and require that the administering agency provide specified information about the fund on its website.*

Introduced 03/07/16
Last Amended 06/16/16
Status Assembly Third Reading

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Proposition 67 **California Plastic Bag Ban Referendum**

SUMMARY

Proposition 67 will be on the November 8, 2016 ballot in California as a veto referendum. The measure is sponsored by the American Progressive Bag Alliance, which seeks to repeal SB 270 (Chapter 850, Statutes of 2014). SB 270 (Padilla) prohibits the distribution of single-use carryout bags, with certain exceptions.

A “yes” vote on Proposition 67 is a vote in favor of upholding SB 270, upholding the legislative prohibition of the distribution of plastic single-use carry out bags. A “no” vote is a vote in favor of overturning SB 270.

[Draft public display versions of the ballot pamphlet materials](#) are available on the Secretary of State website.

PURPOSE OF THE MEASURE

The purpose of the measure is to allow California voters to decide whether or not to prohibit the distribution of plastic single-use carry out bags.

EXISTING LAW

In 2014, the Legislature passed SB 270 (Padilla), which was signed into law by Governor Brown, making California the first state to enact legislation imposing a statewide ban on single use plastic bags. The bill prohibited most retail stores from distributing single-use plastic bags after July 1, 2015, and required that paper bags must be made from recycled materials, and be sold for at least 10 cents.

In February 2015, a coalition of plastic bag manufacturers successfully gathered the required number of signatures to place a referendum overturning SB 270 on the November ballot.

BACKGROUND

Legislative attempts to restrict or prohibit the retail distribution of free plastic bags in California began in 2007 with AB 2058 (Levine). Although AB 2058 was unsuccessful, numerous similar measures were introduced in subsequent legislative sessions, finally culminating in the passage of SB 270 in 2014.

During the same time frame, 108 local governments have passed ordinances prohibiting single use plastic bags in 137 jurisdictions. SB 270 preserved the provisions of those ordinances, while extending a statewide ban on the distribution of single-use plastic bags by retail outlets with gross annual sales of \$2 million or more. The bill also set post-consumer recycled material standards for reusable grocery bags and paper bags, and required a fee of at least 10 cents for recycled paper bags. While the bill pre-empts any local ordinance passed after September 1, 2015, earlier ordinances were allowed to remain in effect.

SB 270 was supported by numerous local governments, public solid waste authorities, the California Grocers' Association, environmental and labor organizations; and opposed by several paper and plastic bag manufacturers and some local governments. A coalition of opponents sponsored this referendum measure.

ANALYSIS

California uses an estimated 14 billion single-use plastic bags every year. According to CalRecycle, less than three percent of these are recycled. Many of these plastic bags find their way to the marine environment, and are commonly found on beaches and coastal areas. Plastic waste is estimated to compose 60-80% of all marine debris and 90% of all floating debris.

The primary source of marine debris is urban runoff, of which lightweight plastic bags and plastic film are particularly susceptible. Once on the beaches and in the ocean, plastic bags harm coastal and marine wildlife in a variety of ways. Plastic bags in the water column are easily mistaken for jellyfish, and eaten by sea turtles. They can physically trap and suffocate newly hatched turtles, spawning grunion, and small invertebrates. Over 663 species of ocean life have ingested or become entangled in plastic pollution. Plastic bags can take up to 1,000 years to fully break apart and will never fully biodegrade, so small pieces of plastic bags persist with other plastic fragments, contributing to the degradation of ocean water quality. Due to the interplay of ocean currents, marine debris preferentially accumulates in certain areas throughout the ocean. The North Pacific Central Gyre is the ultimate destination for much of the marine debris originating from the California coast. A study by the Algalita Marine Research Foundation found an average of more than 300,000 plastic pieces per square mile of the Gyre and that the mass of plastic was six times greater than zooplankton floating on the water's surface.

Other countries that have banned plastic bags, or imposed significant taxes on them have seen a dramatic reduction in bag litter. Italy, China, South Africa, Mexico, Brazil, Australia, Kenya, Ethiopia, Scotland, France and India are among the countries that have seen significant declines in plastic bag litter following statewide prohibitions or taxes. Although at least 23 states made some attempt to prohibit or tax single-use plastic bags in 2015 and 2016, only Hawaii, North Carolina and the District of Columbia have succeeded so far. Measures are still pending in some states, as well as efforts to more aggressively pursue higher recycling rates.

California's plastic bag ban was the result of nearly a decade of legislative discussion, analysis and compromise. There is little doubt that banning plastic bags on a statewide level will reduce the amount of litter and plastic marine debris. Countries that have enacted bans are reporting as much as 80% reduction in the amount of plastic bags now found in the environment.

As the statewide coordinator for California Coastal Cleanup Day, the state's largest annual volunteer event, the Coastal Commission has been able to gather significant data on the debris that is littering our coast and inland shorelines. Plastic bags are always among the top items collected during the Cleanup, often falling within the top 5 items collected across the state. To date, our volunteers have collected at least 1 million plastic bags.

Using the data collected on Coastal Cleanup Day, we have been able to determine, in part, the effectiveness of local bans on plastic bags. For example, in San Francisco, between 2008 (when San Francisco's plastic bag ban was first established but before full implementation) and 2012

(after full implementation of the ban), San Francisco saw a 34% reduction in plastic bag litter collected during Coastal Cleanup Day. Plastic bags went from accounting for close to 10% of all debris picked up to just over 6% during this time, a significant drop in a relatively short period of time, especially for a form of debris that has been so consistently prevalent over the history of the Cleanup.

RECOMMENDED POSITION

Staff recommends the Commission **Support** Proposition 67.
