

CALIFORNIA COASTAL COMMISSION

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October 13, 2004

TO: Coastal Commissioners and Interested Public

FROM: Peter M. Douglas, Executive Director
Sarah Christie, Legislative Coordinator

SUBJECT: LEGISLATIVE REPORT FOR OCTOBER 2004

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: This information can be accessed through the Commission's World Wide Web Homepage at www.coastal.ca.gov

Please contact Sarah Christie, Legislative Coordinator, at (916) 445-6067 with any questions on the material contained in this report.

CHAPTERED/VETOED LEGISLATION

The following bills relating to the Coastal Act and/or coastal protection issues were signed or vetoed by the Governor at the end of the 2004 Legislative session.

AB 800 (Kehoe) California Coastal Commission

This bill makes technical, clean up amendments to the Coastal Act, eliminating the Secretary of Business, Transportation and Housing as an ex-officio member of the Commission, and other obsolete language.

Introduced 02/20/03
Status Filed with Secretary of State, Chapter 746, Statutes of 2004

AB 1466 (Koretz) Litter

This bill establishes a unified litter prevention and recycling message for the State of California, “Don’t Trash California.” The bill would authorize all relevant agencies to integrate the message into their existing litter and recycling programs. The bill authorizes the establishment of an interagency committee to collaborate on how to implement a unified litter prevention message. The Coastal Commission may participate on the Committee.

Introduced 02/01/03
Status Filed with Secretary of State, Chapter 710, Statutes of 2004

AB 1876 (Chan) Beach Sanitation

This bill extends existing public beach water quality testing and posting requirements to include beaches under the jurisdiction of BCDC, public bay beaches, if the beach is visited by at least 15,000 people per year, and is located adjacent to a creek mouth or storm drain outfall. This bill would also require that bilingual signs be posted in areas of bilingual use.

Introduced 02/03/04
Status Filed with Secretary of State, Chapter 709, Statutes of 2004

Commission Position: Support

AB 2093 (Nakano) Cruise ships: graywater

This bill prohibits the release of graywater from cruise ships in state water, unless the vessel has met specified requirements to be developed by the State Water Resources Control Board.

Introduced 02/17/04
Status Filed with Secretary of State, Chapter 710, Statutes of 2004

Commission Position: Support

AB 2514 (NR Committee) Natural Resources, Environmental License Plate Fund

This bill increases the fee for personalized license plates, including the Whale Tail plate, from \$25 to \$30, and authorize revenues in the Environmental License Plate Fund to be expended for the purposes enumerated in the California Ocean Protection Act of 2004, if that legislation should be enacted..

Introduced 02/20/04
Status Filed with Secretary of State, Chapter 540, Statutes of 2004

AB 2529 (Kehoe) Marine Managed Areas

This bill establishes a grant program within the State Water Resources Control Board, for the purpose of funding local public agencies and non-profit organizations to restore and protect water quality in marine managed areas. The bill requires the SWRCB to appoint a marine water quality task force to recommend projects.

Introduced 02/20/04
Status Filed with Secretary of State, Chapter 714, Statutes of 2004

AB 2672 (Simitian) Large passenger vessels: sewage

Existing law requires the State Water Resources Control Board to apply to the federal government to prohibit the release of specified substances in waters that are not in state waters, but are in certain marine sanctuaries. This bill requires the board to determine whether it is necessary for the state to apply to the federal government to authorize the state to prohibit the release of sewage, as defined, from large passenger vessels into the marine waters of the state. If the board determines that it is necessary, the bill would require the board to make that application. The bill would authorize the Legislature to request the US Congress to grant authority to the State to regulate the discharge of sewage into marine waters of the state. The bill requires the owner or operator of a large passenger vessel that releases sewage into the marine waters of the state or a marine sanctuary, as defined, to immediately report the release to the board, as specified, and impose civil penalties..

Introduced 02/20/04
Status Filed with Secretary of State, Chapter 764, Statutes of 2004

Commission Position: Support

AB 2702 (Steinberg) Housing: second units

This bill further limits local governments' discretion over the mandate to allow the construction ministerially approved second units. This bill would prohibit local governments from establishing a minimum unit size requirements for second units or from requiring covered parking for second units, more than one parking space per bedroom, or that occupants of a second unit must be owners, family members or care givers, of property owner, among other restrictions. The bill specifies that none of its provisions shall be construed to lessen the effect or application of the Coastal Act.

Introduced 02/20/04
Status Vetoed

AB 2722 (Laird) Natural Heritage Tax Credit

This bill allows bond funds to fund the Natural Heritage Tax Credit program, which is currently suspended. This would, in effect, allow the use of bond funds to reimburse the General Fund for tax credits extended to sellers of conservation acquisitions. This bill also allows local governments and non-profits to apply for the Tax Credit Program directly.

Introduced 02/20/04
Status Filed with Secretary of State, Chapter 715, Statutes of 2004

AB 2918 (Laird) Desalination facilities: electricity rates

This bill directs the Public Utilities Commission to prepare a report to the Legislature, on or before January 1, 2006, examining the interrelationship between energy policies and water policies as they relate to desalination. The Commission is one of several state agencies that would be invited to participate in the study.

Introduced 02/20/04
Status Filed with Secretary of State, Chapter 648, Statutes of 2004

SB 18 (Burton) Sacred Sites

This bill allows federally recognized Indian Tribes and tribes recognized by the Native American Heritage Commission to acquire and hold conservation easements. This bill would require the Office of Planning and Research to prepare guidelines for contacting and consulting with Native American tribes when a local government in preparing an amendment to a mandatory element of a General Plan, for the purpose of protecting cultural sites, and allow local open space plans to protect open space for the purpose of preserving Native American cultural resources.

Introduced 12/02/02
Status Filed with Secretary of State, Chapter not yet posted

SB 318 (Alpert) Desalinated Water

This bill requires that Urban Water Management Plans, prepared by urban water suppliers and submitted to the Department of Water Resources, must include a description of the opportunities for providing water via desalination.

Introduced 02/19/03
Status Filed with Secretary of State, Chapter 688, Statutes of 2004

SB 792 (Sher) Martini Creek Bypass

This bill authorizes CalTrans to declare as excess property and transfer to the Department of Recreation approximately 300 acres of land within McNee State Park. This transfer will effectively allow the construction of the Devil's Slide tunnel to begin, by fulfilling mitigation requirements associated with the project.

Introduced 02/21/04
Status Filed with Secretary of State, Chapter 390, Statutes of 2004

SB 1319 (Burton) California Ocean Protection Act

This bill establishes the Ocean Protection Council, consisting of the Secretary for Resources, Secretary for EPA, Chair of the State Lands Commissions and six members of the Legislature. The bill would require the council to coordinate and integrate the activities of state agencies active in the areas of ocean ecosystems and coastal waters. The activities of the council would be supported with existing resources. The bill would also create the Ocean Protection Trust Fund, and authorize funds to be deposited in the account for appropriation by the Legislature.

Introduced 02/10/04
Status Filed with Secretary of State, Chapter 719, Statutes of 2004

SB 1369 (Kuehl) Fire protection

This bill requires that the owner or occupant of a dwelling in a very high fire hazard severity zone, as defined in Govt. Code Section 51179, remove all flammable brush, vegetation and combustible growth within 100 feet of the structure, unless local ordinance requires greater clearance. The bill would authorize the Director of Forestry and Fire to cause the fire clearance to take place if a property owner does not comply.

Introduced 02/18/04
Status Filed with Secretary of State, Chapter 720, Statutes of 2004

SB 1459 (Alpert) Fishing: trawl nets

This bill grants the Department of Fish and Game authority over all state-managed bottom trawl fisheries, require a permit for all trawling activities, require that a previously held trawl permit be a requirement for

obtaining a new or renewed permit by 2007, prohibit the use of certain types of trawl gear, authorize the Fish and Game Commission to facilitate programs that promote the conversion of trawl vessels to more sustainable practices, and prohibit trawling activities in portions of Monterey Bay, Estero Bay and San Luis Obispo Bay.

Introduced 02/19/04
Status Filed with Secretary of State, Chapter 721, Statutes of 2004

SB 1742 (McPherson) Oil spills

This bill amends state Oil Spill Contingency Plan to specifically include waterways used for waterborne commercial traffic in the ports of Stockton and Sacramento; defines an oil spill or discharge as the release of at least I barrel of oil over a 24 hour period; includes wildlife rehabilitation as an allowable activity for volunteer workers; adds the state of Hawaii to the list of coastal states with whom the administrator shall coordinate oil spill prevention activities; makes non-substantive, technical changes and deletes obsolete sections of the code.

Introduced 02/20/04
Status Filed with Secretary of State, Chapter 796, Statutes of 2004