

CALIFORNIA COASTAL COMMISSION

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December 8, 1999

TO: Coastal Commissioners and Interested Public

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

SUBJECT: LEGISLATIVE REPORT FOR DECEMBER 1999

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 <http://ceres.ca.gov/coastalcomm/index.html>

Please contact Sarah Christie, Legislative Coordinator, at (415) 904-5266 with any questions on the material contained in this report.

PRIORITY LEGISLATION, 2-YEAR BILLS

The Legislature will re-convene on January 3, 2000. Bills must be out of their house of origin by January 31, 2000. The following bills are priority coastal-related legislation that the Commission has tracked from the previous session.

AB 399 (Wayne) Coastal Development Permits: Findings

AB 399 would require that every coastal development permit issued for any development within the coastal zone include findings pertaining to public access and public recreation policies.

Introduced	02/12/99
Last Amend	None
Status	Assembly Natural Resources Committee, first hearing
Staff Involvement	Working with author to draft legislation and amendments
Comm. Position	SUPPORT

AB 511 (Wayne) Nonpoint Source Pollution

AB 511 clarifies the Commission's existing authority to address and minimize the adverse impacts of nonpoint source pollution when implementing Coastal Act policies related to coastal public access and recreation, the protection of biological productivity, coastal waters, and sensitive habitat, and new development. The Commission would also be required, not later than January 1, 2001, to prepare and submit to the Governor and the Legislature an annual report on the progress made in implementing the *Polluted Runoff Strategy of the California Coastal Commission*.

Introduced	02/18/99
Last Amend	06/01/99
Status	Passed Assembly floor; passed Senate Natural Resources and Wildlife Committee; passed Senate Appropriations, on Senate floor
Staff Involvement	Worked with author to draft legislation
Comm. Position	SUPPORT

AB 541 (Nakano) Highways: Storm Water Abatement

AB 541 would require a minimum percentage of state/federal highway funds (TEA 21 Funds) be spent on projects designed to reduce polluted runoff from transportation projects.

Introduced	02/19/99
Last Amend	None
Status	Assembly Transportation Committee
Staff Involvement	Working with author to refine legislation
Comm. Position	Staff Recommends SUPPORT

AB 642 (Lempert) Coastal Resources: Wetlands Mitigation and Restoration

AB 642 would establish the California Coastal Wetlands Mitigation Banking and Restoration Act of 2000, which would require the Department of Fish and Game, in cooperation with other responsible federal, state, and local agencies, to adopt regulations that establish standards and criteria for a mitigation bank site qualification process in the coastal zone, the evaluation of wetlands acreage and habitat values created at bank sites, and the operation of bank sites.

Introduced	02/23/99
Last Amend	08/18/99
Status	Passed Assembly floor; passed Assembly Natural Resources Committee, referred to Senate Natural Resources and Wildlife Committee, first hearing
Staff Involvement	Reviewing bill, working with author on technical amendments
Comm. Position	NEUTRAL

AB 809 (Strom-Martin) Special Environmental Design License Plates: Fund

AB 809 would require the fees that are currently deposited in the California Environmental License Plate Fund to instead be deposited in the License Plate Coastal Access Account, which the bill would create, in the State Coastal Conservancy

Fund of 1984. The bill would require the money in this new account to be available, upon appropriation, to the State Coastal Conservancy for grants to public agencies and nonprofit entities or organizations for specified purposes.

Introduced	02/24/99
Last Amend	05/28/99
Status	Passed Assembly floor; passed Senate Transportation and Natural Resources Committees, referred to Appropriations Suspense File
Staff Involvement	Worked with author to draft legislation
Comm. Position	SUPPORT

AB 885 (Jackson) Coastal Onsite Sewage Treatment Systems

AB 885 would require the State Department of Health Services, on or before January 1, 2001, in consultation with the State Water Resources Control Board, the California Coastal Commission, and the California Conference of Directors of Environmental Health, to adopt, by regulation, statewide performance standards for all onsite sewage treatment systems within the coastal zone. The bill would require all affected onsite sewage treatment systems to comply with the standards no later than January 1, 2003, or 3 years from the date of the adoption of the standards, whichever is earlier.

Introduced	02/25/99
Last Amend	05/13/99
Status	Passed Assembly Floor; passed Assembly Committee on Environmental Safety and Toxic Materials; referred to Senate Environmental Quality Committee, first hearing
Staff Involvement	None
Comm. Position	SUPPORT

AB 1000 (House) Eminent Domain: Regulation

AB 1000 would specify that any official act, decision, or regulation of a public entity which restricts the use or impairs the value of private property constitutes an exercise of the power of eminent domain, and shall only be given effect upon the payment to the owner of the private property of just compensation.

Introduced	02/25/99
Last Amend	None
Status	Assembly Judiciary Committee, first hearing
Staff Involvement	None

AB 1128 (Ackerman) Private Property: Taking

AB 1128 would provide that for the purpose of any law, including any constitutional provision, that requires just compensation for the taking of any private property, that requirement shall apply upon the making of a final decision affecting private property rights. The bill would provide that a final decision, for that purpose, occurs upon the last date that an agency may make or review any agency action prior to the bringing of any action or proceeding in any court to challenge the validity of the agency action. Further, the bill states that upon the existence of any final decision, any person who claims that an agency action entitles the person to just compensation for affected property rights may exercise any administrative or judicial right or remedy to obtain that compensation, separately from any claim relative to the validity of the agency action, and the agency or court shall process the claim for just compensation without regard to the validity of the agency action.

Introduced	02/25/99
Last Amend	None
Status	Assembly Judiciary Committee, first hearing
Staff Involvement	None

AB 1280 (Jackson) Oil and Gas Development: Pipelines

AB 1280 would amend the Coastal Act requiring that all oil extracted from a source located in whole, or in part, under the sea be transported by pipeline to onshore processing and refining facilities, and that all pipelines used to transport this oil utilize the best available technology to ensure maximum protection of public health and safety and of the integrity and productivity of terrestrial and marine ecosystems. This bill would further require that, in addition to all other measures that will maximize the protection of marine habitat and environmental quality, when an offshore well is abandoned or permanently shut down, the best available technology be used to seal and cap a well to prevent any further failure or

leakage of oil from the well into the marine environment. The Commission, in conjunction with the State Water Resources Control Board, the State Fire Marshal, the Division of Oil and Gas of the Department of Conservation, and the State Department of Health Services, is also required to conduct a specified inventory and assessment of oil and gas pipelines and, not later than June 1, 2000, to report its findings regarding that inventory and assessment to the Legislature.

Introduced	02/26/99
Last Amend	08/17/99
Status	Passed Assembly floor; passed Senate Natural Resources and Wildlife Committee; passed Appropriations; failed to pass Assembly concurrence. Reconsideration granted.
Staff Involvement	Worked with author on amendments.
Comm. Position	SUPPORT

SB 2 (Chesbro) Watershed, Wildlife, and Parks Improvement Bond Act of 2000

SB 2 would authorize the issuance of bonds in the amount of \$854,500,000 for the acquisition, development, improvement, rehabilitation, restoration, enhancement, and protection of park, recreational, cultural, historical, fish and wildlife, lake, riparian, reservoir, river, and coastal resources.

Introduced	12/07/98
Last Amend	03/22/99
Status	Senate Natural Resources and Wildlife Committee, second reading
Staff Involvement	None

SB 57 (Hayden) Coastal, Recreational, and Natural Resources Bond Act of 2000

SB 57 would authorize the issuance of bonds in the amount of \$2,210,000,000 for the purpose of financing a program for the maintenance, expansion, development, or rehabilitation of parks and wildlife, for the protection, restoration, or enhancement of natural resource sites, or for science and environmental education centers, museums, and other facilities. The bill would require the Secretary of State to submit the bond act to the voters at the November 7, 2000, statewide general election. The state Coastal Conservancy would be provided \$200 million for various coastal programs and grants.

Introduced	12/07/98
Last Amend	08/23/99
Status	Passed Senate Natural Resources and Wildlife Committee; passed Assembly Natural Resources, currently on Assembly Appropriations Suspense File
Staff Involvement	None
Comm. Position	Support

SB 74 (Murray, Sher) Parks, Coastal, Recreational, and Natural Resources Bond Act of 2000

SB 74 would establish the Murray-Hayden Urban Parks, Environmental Cleanup, and Youth Service Act, which would provide funding for various projects and programs to develop parks, recreation, and youth service centers, and establish youth service projects. The bill would require all state agencies to cooperate in carrying out the provisions of the act by providing advice and assistance to those departments that have primary responsibility for implementing a program or project under the act.

Introduced	12/07/98
Last Amend	04/15/99
Status	Passed Senate Natural Resources and Wildlife Committee; currently in Senate Appropriations Committee
Staff Involvement	None

SB 153 (Haynes) Property Owner Rights Act of 1999

SB 153 would require public agencies to minimize the number of agency actions that may significantly impair the use of private property. Under this bill, every public agency is required to conduct a private property taking impact analysis prior to taking any agency action that may significantly impair the use of private property. Furthermore, this bill would require an exaction or mitigation measure, imposed by a public agency as a condition to a discretionary act, to have a direct relationship to the public burdens imposed by, and to be roughly proportional in nature and extent to the impact of, the proposed activity.

Introduced 01/07/99
Last Amend None
Status Senate Judiciary Committee
Staff Involvement None
Comm. Position OPPOSE

SB 221 (Alpert) Oil Spill Prevention

Existing law, the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act, prohibits the operation of a nontank vessel of 300 gross registered tons or greater in the marine waters of the state unless the owner or operator prepares and submits an oil spill contingency plan to the administrator for oil spill response and the plan is approved. SB 221 would authorize the administrator to establish a lower standard of financial responsibility for nontank barges that is not less than the expected costs from a reasonable worst-case oil spill into marine waters.

Introduced 01/25/99
Last Amend 07/08/99
Status Passed Senate Environmental Quality and Senate Judiciary Committees, referred to Appropriations
Staff Involvement None

SB 241 (Alpert) California Endowment for Marine Preservation

SB 241 would establish the California Endowment for Marine Preservation, to be governed by a board of directors, in order to create a permanent source of funding for projects that will enhance the quality, use, and enjoyment of the open coastal marine resources of the state. The bill would also require each owner and operator of certain offshore oil platforms or production facilities, who receives government permits that allow the platform or facility to remain in place, to deposit an unspecified amount with the endowment.

Introduced 01/26/99
Last Amend None
Status Senate Natural Resources Committee
Staff Involvement Working with author

SB 300 (Poochigian) Governmental Liability: Permits

SB 300 would provide that a state agency is liable to a private property owner for a temporary taking of the owner's real property if the agency is responsible for a delay in the issuance of a development permit affecting the use of the real property, and the delay is the result of a final decision of the agency that is later determined by a court to be legally erroneous. The bill would also provide that a delay that occurs as a result of the normal development approval process or as a result of litigation challenging a final decision by a state agency constitutes a temporary taking under those provisions if the final decision of the state agency is later determined by a court to be legally erroneous. This bill would also declare that it is intended to supersede the holding of the California Supreme Court in *Landgate, Inc. v. California Coastal Com.*, 17 Cal. 4th 1006, with regard to any claim arising on or after its effective date.

Introduced 02/03/99
Last Amend None
Status Failed to Pass Senate Judiciary Committee (reconsideration granted)
Staff Involvement Testified in Committee
Comm. Position OPPOSE

SB 1244 (O'Connell) Coastal Resources: Oil and Gas Development

The California Coastal Act of 1976, requires that oil and gas development be permitted in accordance with specified requirements if specified conditions are met. SB 1244 would authorize oil and gas development to be permitted in accordance with specified requirements if the applicant for a permit for that development can demonstrate that the development can be performed safely and is consistent with the geologic conditions of the well site.

Introduced 02/26/99
Last Amend None
Status Senate Natural Resources and Wildlife Committee
Staff Involvement None

