

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE AND TDD (415) 904-5200
FAX (415) 904-5400



Wed 9

November 3, 1999

TO: Coastal Commissioners and Interested Public

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

SUBJECT: LEGISLATIVE REPORT FOR NOVEMBER 1999

CONTENTS: This report provides summaries and updates the status of bills that affect the Coastal Commission and California's Coastal Program **which have changed or were not available at the time of the last report**, and an analysis of AB 541.

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 (916) 445-6067 with any questions on the material contained in this report.

PRIORITY LEGISLATION

AB 64 (Ducheny) Public Beach Restoration Act

AB 64 would establish the California Public Beach Restoration Program, to be administered by the Department of Boating and Waterways, for specified public beach enhancement, restoration, and nourishment purposes. The bill would require the Department and the State Coastal Conservancy to jointly prepare and submit to the Legislature, not later than January 1, 2002, a report detailing the restoration, nourishment, and enhancement activities undertaken through the program, evaluating the need for public beach restoration projects, the effectiveness of the program in addressing that need, and ways to increase natural sediment.

Introduced 12/07/98
Last Amend 07/02/99
Status **Signed by Governor. Chaptered by Secretary of State - Chapter 798, Statutes of 1999**
Staff Involvement None
Comm. Position **SUPPORT**

AB 75 (Strom-Martin) State Agency Recycling

AB 75 would require each state agency on or before March 15, 2000, to develop and adopt, in consultation with the California Integrated Waste Management Board, an integrated waste management program. It would also require each state agency and each large state facility to divert at least 25% of their solid waste generated from landfill or transformation facilities by January 1, 2001, and at least 50% by January 1, 2002. The bill would authorize the board to establish a source reduction, recycling, and composting requirement that would be an alternative to the 50% reduction required by the bill.

Introduced 12/07/98
Last Amend 08/17/99
Status **Signed by Governor. Chaptered by Secretary of State - Chapter 764, Statutes of 1999**
Staff Involvement None

AB 492 (Wayne) Coastal Resources: Public Access

AB 492 would prohibit state land that is located between the first public road and the sea, or that the commission has formally designated as part of the California Coastal Trail, from being transferred or sold to any private entity, unless the state retains a permanent property interest in the land adequate to provide public access to or along the sea. The prohibition would not apply if the private entity is a nonprofit organization that exists for the purposes of preserving lands for public use and enjoyment, or if the Department of Parks and Recreation or the Coastal Conservancy makes specified findings at a noticed public hearing relating to the transfer or sale of the property.

Introduced 02/18/99
Last Amend 08/16/99
Status **Signed by Governor. Chaptered by Secretary of State - Chapter 822, Statutes of 1999**
Staff Involvement Worked with author to draft amendments
Comm. Position **SUPPORT**

AB 703 (Lempert) Ballast Water Discharges

This bill would require the water board, and, if determined to be appropriate by the board, the regional boards, to carry out a ballast water discharge management program in consultation with the Department of Fish and Game, the State Lands Commission, and the United States Coast Guard. The bill, on and after January 1, 2000, and until December 31, 2001, would prohibit a person from discharging ballast water that was initially loaded from coastal waters outside the Pacific Coast Region into the waters of the state, or into waters that may impact the waters of the states. The bill would provide that any person discharging ballast water in violation of this division prescribed requirements may be liable civilly.

Introduced 02/24/99
Last Amend 08/18/99

Status **Signed by Governor. Chaptered by Secretary of State - Chapter 849, Statutes of 1999**
Staff Involvement **None**

AB 848 (Kuehl) Coastal Development Permits: Temporary, Nonrecurring Movie and Television Sets

In order to expedite the processing of an application for a coastal development permit for a motion picture, television, or commercial production project in the coastal zone, AB 848 would allow the governing body of a local government with a certified local coastal program to designate the Commission as the appropriate authority to process and issue a coastal development permit for a temporary, nonrecurring location set, if the production activity, including preparation, construction, filming, and set removal at the site will not exceed 190 days. AB 848 would authorize the executive director of the Commission to schedule for a public hearing and possible action, an appeal of a coastal development permit issued by a local government for a temporary motion picture production project that does not initially comply with all applicable coastal development permit procedural requirements, but that is anticipated to comply fully with those procedural requirements by the time the matter is before the commission on appeal.

Introduced 02/24/99
Last Amend 07/06/99
Status Signed by Governor. Chaptered by Secretary of State - Chapter 491, Statutes of 1999
Staff Involvement Worked with the author on amendments

AB 993 (Shelley) Marine Resources: Marine Life Protection Act

AB 993 enacts the Marine Life Protection Act in order to establish coherent guidelines and purposes for California's marine protected areas. The Fish and Game Commission shall adopt a master plan that guides the adoption and implementation of the Marine Life Protection Program established by the bill. The bill would require the Department of Fish and Game to convene a master plan team to advise and assist in the preparation of a master plan, as specified.

Introduced 02/25/99
Last Amend 09/10/99
Status Signed by Governor. Chaptered by Secretary of State - Chapter 1015, Statutes of 1999
Staff Involvement Worked with author on amendments
Comm. Position SUPPORT

SB 48 (Sher) Public Records: Disclosure

SB 48 would allow any person who has been denied access by a state or local government to a public record to appeal that denial to the Attorney General within 20 days of the date of denial and in cases where the agency fails to provide any response. The bill would recommend the Attorney General issue a decision on the appeal within 20 days of the date of the request. If the Attorney General finds that an agency's decision to refuse disclosure was not justified under the California Public Records Act, this bill would allow the Superior Court, in its discretion, to impose a fine on the agency of not less than \$100 for each day that access to the public record was delayed, but not to exceed a total of \$10,000.

Introduced 12/07/98
Last Amend 08/18/99
Status Vetoed by Governor
Staff Involvement Worked with the author

SB 243 (McPherson) Recreational Property: Development Fees

SB 243 would require the State Board of Control to allow a claim for reasonable attorney's fees incurred by an owner of any interest in real property or a public entity as a defendant in a civil action seeking to restrict or prevent public access through the property if the owner or public entity gives permission to the public to enter the property pursuant to a specified agreement. The bill would limit the total sum of the claim for attorney's fees to \$200,000 per fiscal year. This bill would also require that moneys in the Coastal Access Account derived from the filing fees be continuously appropriated without regard to fiscal year to, and expended by, the Coastal Conservancy for grants to public agencies and private nonprofit entities or organizations.

Introduced	01/26/99
Last Amend	08/17/99
Status	Signed by Governor. Chaptered by Secretary of State, Chapter 775, Statutes of 1999
Staff Involvement	Worked with author on amendments
Comm. Position	SUPPORT

SB 1065 (Bowen) Public Records: Electronic Format

SB 1065 would require any agency that has information that constitutes an identifiable public record in an electronic format to make that information available in an electronic format, when requested by any person. The bill would require the agency to make the information available in any electronic format in which it holds the information.

Introduced	02/26/99
Last Amend	04/27/99
Status	Vetoed by Governor
Staff Involvement	None

BILL ANALYSIS

RESOURCES AGENCY

DEPARTMENT Coastal Commission	AUTHOR Nakano	BILL NUMBER AB 541
SPONSORED BY	RELATED BILLS	DATE LAST AMENDED 02/18/99

SUBJECT
Storm Water Abatement

SUMMARY: AB 541 would guarantee a per-project minimum of 5 percent and a maximum of 20 percent of federal Transportation Equity Act for the 21st Century (T21) funds for the construction, resurfacing or rehabilitation of transportation facilities, be used to reduce or mitigate the effects of polluted runoff.

BACKGROUND: AB 541 was introduced in February, 1999. It is currently in the Assembly Transportation Committee, and the author expects to amend the bill before hearing.

EXISTING LAW: Existing law limits expenditure of the funds in the State Highway Account in the State Transportation Fund to specified purposes relating to highways and public mass transit guideways. Pollution abatement and environmental degradation are among the specified purposes. Currently the law only identifies a cap for such expenditures. It does not require a minimum expenditure.

DISCUSSION: T21 funds are appropriated by Congress and passed on to states for local transportation enhancement projects. The Streets and Highways Code currently provides that "environmental restoration or pollution abatement" may not exceed 20 percent of the total cost of the roadway project. AB 541 would create a statutory minimum requirement for funding dedicated to storm water abatement. Because public road projects contribute significantly to polluted runoff, it is reasonable to require that a percentage of the mitigation funds be spent addressing the impacts of nonpoint source pollution. The author is working with staff to determine how best to structure

STAFF RECOMMENDATION

Staff is supportive of AB 541 and will continue to work with the author on amendments. Staff recommends that the Commission consider taking a position on AB 541 at the December meeting.

DEPARTMENTS THAT MAY BE AFFECTED

STATE MANDATE

GOVERNOR'S APPOINTMENT

DEPARTMENT DIRECTOR POSITION

- S O
- SA OUA
- N NP
- NA NAR
- DEFER TO _____

AGENCY SECRETARY POSITION

- S O
- SA OUA
- N NP
- NA NAR
- DEFER TO _____

GOVERNOR'S OFFICE USE

- Position approved
- Position disapproved.....
- Position Noted

DEPARTMENT DIRECTOR

AGENCY SECRETARY\

BY _____

DATE _____