

**CALIFORNIA COASTAL COMMISSION**

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**Th-18c**

June 10, 2004

**TO:** Coastal Commissioners and Interested Public

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

**SUBJECT:** LEGISLATIVE REPORT FOR JUNE 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](http://www.coastal.ca.gov)

**Legislative Calendar**

May 14	Last day for policy committees to meet prior to June 1
May 21	Last day for fiscal committees to hear and report first house bills to the floor
May 28	Last day for Senate, Assembly to pass first house bills
June 15	Budget bill must be passed by midnight
June 25	Last day for policy committees to meet and report second house bills
July 2	Summer recess begins on adjournment
Aug. 2	Legislature reconvenes
Aug. 13	Last day for fiscal committees to meet and report second house bills
Aug. 16-31	Floor session only. No committees may meet
Aug. 31	Last day to pass any non-urgency bill

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

## **PRIORITY LEGISLATION**

### **AB 90 (Wyland) Coastal Commission: Membership**

This bill would fix terms for all coastal commissioners at 4 years, but provide that the Governor's appointees continue to serve at the pleasure of the Governor.

Introduced                    01/08/03  
Status                         Failed to meet Legislative deadline

### **AB 105 (Wiggins) Agriculture Land Preservation**

This bill would repeal the provisions establishing the Coastal Farmland Preservation Program and the California Environmental Quality Revolving Loan Program. Amendments taken on 07/02 state that it is the intent of the Legislature to appropriate \$48,000,000 from Proposition 40 funds to the Department of Conservation and the Wildlife Conservation Board for grants under the California Farmland Conservancy Program for the purpose of protecting grazing lands and grasslands.

Introduced                    01/10/03  
Status                         Concurrence in Senate Amendments pending  
Last Amended                09/08/03

### **AB 204 (Nation) Motor Vehicles**

This bill would authorize the Coastal Conservancy to establish the Transportation Fund for Clean Water Subaccount, for the acquisition of open space, and the protection, restoration, and enhancement of streams, creeks, wetlands and watersheds. The bill would impose a fee of up to \$6, to be collected by the Department of Motor Vehicles, upon the registration or renewal of registration of every motor vehicle registered in the county of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, or Sonoma for purposes of funding the account, should at least three of those counties choose to participate in the program. Ten percent of the funds collected would go to the Regional Water Quality Control Board to fund transportation-related water quality projects.

Introduced                    01/28/03  
Status                         Passed Assembly Floor. Referred to Senate Transportation.  
Last Amended                01/22/04

### **AB 586 (Koretz) Litter and Marine Debris**

This bill would impose a 2-cent fee on retailers who provide disposable plastic bags or cups made from less than 40% recycled material, and require that commercial establishments that encourage smoking outside their facilities provide ashtrays for cigarette butts. The fees would be divided between the Coastal Commission, Department of Parks and Recreation, Department of Conservation, CalTrans, for the purpose of providing grants to local governments and non-profit organizations for project related to recycling, litter control and reducing marine debris and litter.

Introduced                    02/18/03  
Status                         Failed to meet Legislative deadlines  
Last Amended                04/22/03

**AB 947 (Jackson) Ocean Resources**

This bill would require all state agencies to follow five priorities when planning and constructing coastal erosion projects in the following order: hazard avoidance, restoring natural sand supplies, beach nourishment, structure relocation, hard structure development. The bill would also require applicable state agencies, including the Coastal Commission, to complete a Coastal Sediment Management Master Plan within two years.

Introduced 02/20/03  
Status Failed to meet Legislative deadlines.  
Last Amended 04/22/03

**AB 974 (Nation) Coastal Zone: Native American Sites**

This bill would amend section 30244 of the Coastal Act to require avoidance and mitigation measures for new development that would adversely impact archeological and paleontological resources, protect Native American cultural sites and sacred sites from significant disturbance, and require local governments, when processing a major amendment to their LCP, to include ordinances and procedures that implement these policies.

Introduced 02/20/03  
Status Failed to pass Senate Floor. Reconsideration granted.  
Last Amended 06/02/03  
**Commission Position Support**

**AB 1466 (Koretz) Litter**

This bill would establish 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 Passed Assembly. Referred to Senate E.Q.  
Last Amended 01/14/04

**AB 1517 (Plescia) Stormwater**

This bill states that it is the intent of the Legislature to utilize science based, results oriented, cost-effective water quality programs that draw upon the strengths of municipalities and reduce duplication of state and local agencies when implementing stormwater permits.

Introduced 02/21/03  
Status Failed to meet Legislative deadlines.  
Last Amended 04/07/03

**AB 1583 (Koretz) Public beaches: smoking**

This bill would add Section 30238 to the Coastal Act, prohibiting the smoking of cigarettes, cigars and pipes on all public coastal beaches. Fine for violation would be \$250.

Introduced 02/21/03  
Status Referred to Senate NR&W.  
Last Amended 06/01/04

**AB 1808 (Yee) Beach smoking**

This bill would prohibit smoking or disposal of tobacco products on or within 20 feet from any beach operated by the Department of Parks and Recreation. The bill would impose a mandatory fine of between \$150-\$1,000 for violation, and the optional penalty, imposed by the courts, of requiring beach litter removal.

Introduced 01/13/04  
Status Referred to Assm. Appropriations Committee  
Last Amended 05/28/04

**AB 1876 (Chan) Beach Sanitation**

This bill would extend 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  
Last Amended 03/18/04  
Status Passed ES&TM, Referred to H&HS Committee

**Commission Position: Support**

**AB 1991 (Lowenthal) Petroleum infrastructure projects**

This bill would give the Energy Commission exclusive jurisdiction over the siting of petroleum infrastructure projects, which include construction or modification of refineries, pipelines, tanker terminals and marine terminals. The bill would establish a \$100,000 fee for the application for certification of a petroleum infrastructure project, and an \$15,000 annual fee for a certified project.

Introduced 02/13/04  
Last Amended 03/18/04  
Status Hearing cancelled at request of author

**AB 2093 (Nakano) Cruise ships: graywater**

This bill would prohibit 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  
Last Amended 03/22/04  
Status Referred to Senate E.Q.

**Commission Position: Support**

**AB 2305 (Richman) Petroleum infrastructure: permitting process**

This bill would require the Energy Commission to make recommendations on how to streamline the permitting process for petroleum infrastructure projects.

Introduced 02/19/04  
Status Hearing cancelled at request of author

**AB 2434 (Bates) Public Utilities Commission: Railroad crossings**

This bill would require the PUC to approve specified railroad crossings for pedestrian access to the beach in the City of San Clemente on or before June 30, 2004. This is an urgency bill.

Introduced 02/19/04  
Last Amended 03/24/04  
Status Referred to Transportation Committee

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

This bill would raise the fee for personalized license plates, including the Whale Tail plate, from \$25 to \$30.

Introduced 02/20/04  
Last Amended 05/20/04  
Status Referred to NR Committee

**AB 2529 (Kehoe) Marine Managed Areas**

This bill would establish 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 would require the SWRCB to appoint a marine water quality task force for the purpose of recommending projects.

Introduced 02/20/04  
Last Amended 05/20/04  
Status Senate Rules Committee

**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 would require 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 require 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.

Introduced 02/20/04  
Last Amended 04/20/04  
Status Senate Rules Committee

**Commission Position: Support**

**AB 2702 (Steinberg) Housing: second units**

This bill further limits local governments' discretion over the mandate to allow the construction magisterially 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  
Last Amended 05/25/04  
Status Senate Rules Committee

**AB 2725 (Laird) Ex parte communications**

This bill would prohibit communications between commissioners and interested parties on issues pertaining to litigation and certain enforcement actions.

Introduced 02/20/04  
Status Senate Rules Committee

**AB 2918 (Laird) Desalination facilities: electricity rates**

This bill would direct the Public Utilities Commission to initiate rate setting proceedings to determine the feasibility of establishing a separate rate class for desalination plants operated by public agencies or by regulated utilities, which are placed in service after January 1, 2006. The bill would only apply to electrical corporations serving more than 1,000,000 customers.

Introduced 02/20/04  
Last Amended 05/17/04  
Status Senate Energy Committee

**AB 3039 (ES&TM Committee) Ocean use planning: California Coastal Act**

This bill would direct the Secretary for Environmental Protection and the Secretary of the Resources Agency to conduct a joint review of their respective regulatory programs in light of the recommendations of the report of the Pew Oceans Commission. The secretaries would report to the Legislature by April 1, 2005, with recommendations for structural or budgetary changes the Legislature should evaluate in order to ensure a coordinated coastal and marine program.

Introduced 02/26/04  
Last Amended 04/22/04  
Status Senate Rules Committee

**SB 18 (Burton) Sacred Sites**

This bill would protect Native American Cultural Sites by expanding the jurisdiction of the Native American Heritage Commission (NAHC), and requiring consultation with Native American Tribes under CEQA. This bill would create a statewide, confidential Traditional Tribal Cultural Sites (TTCS) list, and require state agencies to incorporate the final determinations of the NAHC into their findings.

Introduced 12/02/02  
Last Amended 08/25/03  
Status Assembly Inactive File

**SB 236 (Alpert) Fishing: Bottom Trawling**

This bill would prohibit the Department of Fish and Game from authorizing the use of trawl nets to take fish or other marine life from the ocean floor, unless the Fish and Game Commission determines that the operator of each vessel participates in an observer program, and that the bottom trawling does not produce a bycatch of more than 15% by weight of the target catch, and does not cause significant environmental harm to the ocean floor. The bill would allow the use of trawl nets for scientific research and to target certain fish in a manner in which the nets and related gear do not contact the ocean floor. The bill also grants authority to the Fish and Game Commission to manage all bottom trawl fisheries not currently managed by the National Marine Fisheries Service, including Halibut, Sea Cucumber, Pink Shrimp, and Ridgeback, Spot and Golden Prawns.

Introduced 02/14/03  
Status Passed Senate. Held at Assembly Desk.  
Last Amended 04/02/03  
**Commission Position Support**

**SB 318 (Alpert) Desalinated Water**

This bill would require 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 Assembly Inactive File.  
Last Amended 04/08/03

**SB 681 (Morrow) Coastal Commission: Permits**

This bill would prohibit coastal development permit conditions that require environmental mitigations for repairing or maintaining seawalls.

Introduced 02/21/03  
Status Returned to Secretary of Senate.  
**Commission Position: Oppose**

**SB 744 (Dunn) Housing**

This bill would create the Housing Accountability Committee, consisting of 5 members appointed as specified, to hear appeals of local government decisions that deny or condition affordable housing projects. It would exempt conditions or mitigation measures imposed pursuant to a coastal development permit.

Introduced 02/21/03  
Status Assembly Local Government Committee  
Last Amended 06/03/03

**SB 909 (Machado) Public Water Systems**

This bill would specify that private, for-profit water purveyors are eligible for public bond revenues, unless specifically excluded by the language of the bond.

Introduced 02/21/03  
Status Hearing cancelled at request of author.  
Last Amended 06/23/03  
**Commission Position: Oppose**

**SB 1198 (Oller) California Coastal Commission**

This bill would make technical, non-substantive changes to the Coastal Act.

Introduced 02/10/04  
Status Senate Rules Committee

**SB 1199 (Oller) California Coastal Commission**

This bill would make technical, non-substantive changes to the Coastal Act.

Introduced 02/10/04  
Status Senate Rules Committee

**SB 1318 (Burton) California Ocean Protection Act**

This bill would amend Prop 50, the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002, to authorize grants for coastal water and watershed protection to be awarded to the Ocean Protection Council. (See SB 1319)

Introduced 02/10/04  
Last Amended 04/14/04  
Status Assembly NR Committee

**SB 1319 (Burton) California Ocean Protection Act**

This bill would establish 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  
Last Amended 04/14/04  
Status Assembly NR Committee

**SB 1369 (Kuehl) Fire protection**

This bill would require 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  
Last Amended 06/01/04  
Status Assembly NR Committee

**SB 1459 (Alpert) Fishing: trawl nets**

This bill would grant 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 transfer of permits**, 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
Last Amended	05/24/04
Status	Referred to Senate Appropriations Committee

**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 1 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
Last Amended	05/13/04
Status	Assembly NR Committee