CALENDAR ITEM
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A Statewide 04/23/14

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LEGISLATIVE UPDATE

INTRODUCTION:
The purpose of this calendar item is to update the State Lands Commission on proposed state and federal legislation that are relevant to the Commission's authority and jurisdiction.

BACKGROUND:
There are currently twenty-two bills of interest for the second year of the 2013-14 State legislative session and one item of interest for the 113th United States Congress. The accompanying exhibit to this staff report lists and summarizes the proposed legislation organized by area of interest.

Staff recommends the Commission adopt a position on seven of the twenty-two bills of interest. The seven items are briefly discussed below for informational purposes, but are addressed in separate staff reports on the consent agenda.

- **AB 1943 (Chesbro)** – Consider supporting state legislation that would eliminate a payment obligation of the City of Eureka to the State Controller resulting from an agreement for the State's assistance in litigation of tidelands boundary settlements in the 1970s.

- **AB 2516 (Gordon)** – Consider supporting state legislation that would require the Natural Resources Agency to create and maintain a sea level rise planning database on its website and require various state and local entities, including the State Lands Commission to submit information monthly for inclusion in the database.

- **AB 2764 (Assembly Committee on Natural Resources)** – Consider sponsoring state legislation that would make technical and clarifying changes to existing statutes involving the due date for granted public trust land financial statements and the definition of marine waters as it relates to the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act.

- **SB 270 (Padilla)** – Consider supporting state legislation that would prohibit stores that have a specified amount of dollar sales or retail floor space from providing a single-use carryout bag to a customer, with certain exceptions and subject to various conditions.

- **SB 1184 (Hancock)** – Consider supporting state legislation that would require the San Francisco Bay Conservation and Development Commission, in collaboration with various other state, regional, and local government agencies, to take action to protect San Francisco Bay area residents from sea level rise by preparing a regional resilience strategy for adapting to rising sea levels in the San Francisco Bay, containing specified components.

- **SB 1424 (Wolk)** – Consider supporting state legislation that would repeal a legislative trust grant of three parcels to the City of Martinez (City) and enacts a new grant of tide and submerged lands to the City that includes the three previously granted parcels and a fourth are, which is generally known as the Martinez Marina.

- **S. 2094 (Begich)** – Consider opposing federal legislation that would preempt States' authority to address vessel discharges and eliminate the long-standing ability of States to protect unique State waters from invasive species.

EXHIBIT

A. Legislative Report

Legislative Report

Granted Public Trust Lands

AB 1943 **(Chesbro D) Tidelands: City of Eureka**
Summary: Would eliminate a payment obligation from the City of Eureka to the State resulting from an agreement for the State's assistance in litigation of tidelands boundary settlements in the 1970s. The bill would also require that 4% of all gross revenues generated from the City's trust lands be transmitted to the Commission and deposited in the Kapiloff Land Bank Fund for management of its granted lands program.
Link to Calendar Item
Introduced: 2/19/2014
Last Amend: 3/24/2014
Status: Approved by the Assembly Local Government Committee on 4/2/14 on a vote of 9-0. Currently in the Assembly Appropriations Committee

AB 2292 **(Bonta D) Infrastructure financing districts: City of Oakland: freight rail.**
Summary: Would authorize an infrastructure financing district within the Oakland Army Base, the Howard Terminal, or the Coliseum City in the City of Oakland to finance public capital facilities or projects that include freight rail. This bill would require the governing board of the City of Oakland to establish a commission to advise the city on the safety concerns regarding development on the Howard Terminal.
Introduced: 2/21/2014
Last Amend: 3/28/2014
Status: Assembly Local Government Committee

AB 2764 **(Committee on Natural Resources): State Lands Commission.**
Summary: Current law requires that every local trustee of granted public trust lands, as defined and except as provided, file with the State Lands Commission, on or before October 1 of each year, a detailed statement of all revenues and expenditures relating to its trust lands and trust assets, as prescribed, including obligations incurred, but not yet paid, covering the fiscal year preceding the submission of the statement. This bill instead would require the statement to be filed with the Commission on or before December 31 of each year. This bill contains other related provisions and other existing laws.
Link to Calendar Item
Introduced: 3/27/2014
Status: Assembly Natural Resources Committee

SB 511 **(Lieu D) Trade promotion of California ports.**
Summary: Would require the Director of the Governor's Office of Business and Economic Development to convene, no later than February 1, 2015, a statewide business partnership for the promotion of trade for California ports and to explore greater utilization of California ports, that would be required to advise the director for those purposes, as prescribed.
Introduced: 2/21/2013
Last Amend: 1/22/2014
Status: Assembly Desk

SB 1424 **(Wolk D) State property: tidelands transfer: City of Martinez**
Summary: Would repeal a grant of trust lands to the City of Martinez and would instead provide for a new grant of trust land to the City of Martinez that would include an additional 4th parcel. The bill would require the trust lands to be held by the city, as trustee, for the benefit of all the people of the state for purposes consistent with the public trust doctrine, including the protection of maritime or water dependent commerce, navigation, and fisheries, and the preservation of the lands in their natural state for scientific study, open space, wildlife habitat, and water-oriented recreation.
Link to Calendar Item
Introduced: 2/21/2014
Last Amend: 4/8/2014
Status: Senate Natural Resources & Water Committee

Legislative Report

Sovereign and School Lands

AB 1102 **(Allen R) Beach burning: coastal development permit: South Coast Air Quality Management District.**
Summary: Would, retroactive to March 1, 2014, make inoperative an open burning rule that restricts the use or location of a beach fire ring adopted by the south coast district until a public agency with jurisdiction over the area obtains and implements an approved coastal development permit, as specified. The bill would require the public agency to take all necessary steps to ensure that a coastal development permit is obtained and require the coastal development permit be obtained and implemented no more than 2 years after the enactment of the open burning rule. This bill contains other related provisions and other existing laws.
Introduced: 2/22/2013
Last Amend: 1/17/2014
Status: Senate Environmental Quality Committee

AB 1506 **(Perea D) San Joaquin River Conservancy: adoption of regulations: violations: penalties.**
Summary: Would make a person who violates any of the posted regulations adopted by the San Joaquin River Conservancy governing lands owned or managed by the conservancy guilty of an infraction punishable by a maximum fine not exceeding $250.
Introduced: 1/14/2014
Status: Approved by the Natural Resources Committee on 4/7/14 by a vote of 9-0. Currently in the Assembly Appropriations Committee.

AB 2392 **(Gatto D) Recycling: plastic containers.**
Summary: Would increase the recycling rate that a product-associated, or single resin type, rigid plastic packaging container is required to meet under specified criteria to 75%, thereby imposing a state-mandated local program by changing the definition of a crime. The bill would also delete obsolete provisions and make conforming and non-substantive changes.
Introduced: 2/21/2014
Status: Assembly Natural Resources Committee

SB 270 **(Padilla D) Solid waste: single-use carryout bags.**
Summary: Would, as of July 1, 2015, prohibit stores that have a specified amount of sales in dollars or retail floor space from providing a single-use carryout bag to a customer, with specified exceptions. The bill would also prohibit those stores from selling or distributing a recycled paper bag at the point of sale unless the store makes that bag available for purchase for not less than $0.10. The bill would also allow those stores, on or after July 1, 2015, to distribute compostable bags at the point of sale only in jurisdictions that meet specified requirements and at a cost of not less than $0.10.
Link to Calendar Item
Introduced: 2/14/2013
Last Amend: 3/27/2014
Status: Assembly Rules Committee

SB 968 **(Hill D) Public lands: Martin's Beach property: access road.**
Summary: Would require the State Lands Commission to consult, and enter into any necessary negotiations, with the owners of the Martin's Beach property in the unincorporated area of the County of San Mateo, to acquire a right-of-way or easement for the creation of a public access route to and along the shoreline, including the sandy beach. If the commission is unable to reach an agreement to acquire a right-of-way or easement by January 1, 2016, the bill would require the commission to acquire the right-of-way or easement by eminent domain.
Introduced: 2/10/2014
Last Amend: 4/9/2014
Status: Approved by the Senate Natural Resources & Water Committee on 4/8/2014 by a

vote of 7-2. Currently in the Senate Judiciary Committee.

SB 1086 **(De León D) The Safe Neighborhood Parks, Rivers, and Coastal Protection Bond Act of 2014.**
Summary: Under current law, various measures have been approved by the voters to provide funds for park, river, and coastal protections and programs. This bill would enact the Safe Neighborhood Parks, Rivers, and Coastal Protection Bond Act of 2014, which, if adopted by the voters, 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.
Introduced: 2/19/2014
Status: Approved by the Senate Natural Resources and Water on 4/8/14 by a vote of 7-1. Currently in the Senate Governance and Finance Committee

SB 1289 **(Fuller R) Off-highway motor vehicle recreation: land transfer.**
Summary: Would authorize the State Lands Commission to transfer to the Department of Parks and Recreation, certain unspecified parcels of land owned by the State that are adjacent to the Johnson Valley Off-Highway Vehicle Recreation Area for use for off-highway vehicle recreation.
Introduced: 2/21/2014
Status: Senate Natural Resources & Water Committee

Marine Facilities

AB 2677 **(Rodriguez D) Oil Spill Response Trust Fund.**
Summary: Current law establishes the Oil Spill Response Trust Fund in the State Treasury. Moneys in the fund are continuously appropriated to the administrator generally for the purposes of covering costs of response, containment, and cleanup of oil spills into marine waters. This bill would prohibit the use of moneys in the fund for any purpose other than the oil spill response and cleanup activities authorized by the administrator pursuant to these provisions.
Introduced: 2/21/2014
Status: Assembly Natural Resources Committee

SB 1319 **(Pavley D) Oil spills: oil spill prevention and response.**
Summary: Would, under the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act, reduce the time period for which the administrator is authorized to issue a certificate of financial responsibility based on the lesser showing to a maximum of 2 years. The bill would require the committee to monitor and evaluate the modes of transportation of oil into and within the state and the properties of the oil to identify necessary changes in oil spill response and preparedness programs.
Introduced: 2/21/2014
Last Amend: 4/2/2014
Status: Approved by the Senate Natural Resources and Water Committee on 4/8/14 by a vote of 7-1. Currently in the Senate Environmental and Water Committee.

Mineral Resources Management

AB 2420 **(Nazarian D) Well stimulation treatments: local prohibition.**
Summary: Would authorize a city or county to adopt and enforce a local ordinance prohibiting well stimulation treatments.
Introduced: 2/21/2014
Status: Assembly Local Government Committee

SB 1132 **(Mitchell D) Oil and gas: well stimulation treatments.**
Summary: Would impose a moratorium of an indefinite length on all well stimulation treatments, include fracking, both on and offshore until a scientific study finds that well

stimulation treatments do not impair public health and welfare or the environmental and economic sustainability of the State, and the Governor reviews the certified study and makes further specific findings that well stimulation poses no risk or impairment.
Introduced: 2/20/2014
Last Amend: 3/27/2014
Status: Approved by the Senate Natural Resources & Water Committee on 4/8/14 by a vote of 5-2. Currently in the Senate Environmental Quality Committee.

Sea Level Rise and Climate Change

AB 2035 **(Chesbro D) State lands: revenue.**
Summary: Current law requires the State Lands Commission to deposit in the General Fund all revenue, money, and remittances received by the commission, with the exception of revenue derived from state school lands and other specified sources. This bill would require that an unspecified amount of those moneys be made available for deposit into the State Coastal Conservancy Fund to fund the preservation and protection of coastal lands.
Introduced: 2/20/2014
Status: Assembly Natural Resources Committee

AB 2348 **(Stone D) Natural Resources Climate Improvement Program.**
Summary: Would establish the Natural Resources Climate Improvement Program to assist in the development and implementation of highly-leveraged, regionally integrated natural resources projects that maximize greenhouse gas emissions reductions or sequestration. This bill would authorize moneys from the Greenhouse Gas Reduction Fund to be available, upon appropriation by the Legislature, to the state board to implement the Natural Resources Climate Improvement Program.
Introduced: 2/21/2014
Status: Approved by the Assembly Natural Resources Committee on 4/7/14 by a 6-3 vote. Currently in the Assembly Appropriations Committee.

AB 2516 **(Gordon D) Sea level rise planning: database.**
Summary: Would require, on or before January 1, 2016, the Natural Resources Agency, in collaboration with the Ocean Protection Council, to create, update monthly, and post on its Internet Web site a Planning for Sea Level Rise Database describing steps being taken throughout the state to prepare for, and adapt to, sea level rise. The bill would require various public and private entities to provide, by July 1, 2015, and on a monthly basis thereafter, information to the Natural Resources Agency to be included in the database, including descriptions of projects that address or prepare for sea level rise that are within the entity's control or jurisdiction.
Link to Calendar Item
Introduced: 2/14/2013
Last Amend: 4/9/2014
Status: Assembly Natural Resources Committee

SB 1184 **(Hancock D) San Francisco Bay Conservation and Development Commission: sea level rise: regional resilience strategy.**
Summary: Would require the San Francisco Bay Conservation and Development Commission, in collaboration with various other state, regional, and local government agencies, to take action to protect San Francisco Bay area residents from potential inundation and flooding resulting from sea level rise by preparing a regional resilience strategy for adapting to rising sea levels in the San Francisco Bay, containing specified components.
Link to Calendar Item
Introduced: 2/20/2014
Last Amend: 3/24/2014
Status: Senate Natural Resources & Water Committee

SB 1217 **(Leno D) State lands: land use revenue.**

Legislative Report

Summary: Current law requires the State Lands Commission to deposit in the General Fund all revenue, money, and remittances received by the commission, with the exception of revenue derived from state school lands and other specified sources. This bill would require that at least $10,000,000, but no more than $15,000,000, of those moneys be transferred each year into the Coastal Adaptation Fund, which the bill would create in the State Treasury, for use for the preservation and protection of coastal lands, subject to an appropriation for that purpose in the annual Budget Act.
Introduced: 2/20/2014
Status: Senate Natural Resources & Water Committee

Federal

S. 2094 **(Begich D-AK) Vessel Incidental Discharge Act.**
Summary: Would preempt states' authority to protect their waters from the threat of nonindigenous species introductions by establishing a uniform, nationwide standard for regulating discharges incidental to the normal operation of a vessel, including ballast water.
Introduced: 3/6/2014
Status: Senate Commerce, Science, and Transportation Committee.