

**CALENDAR ITEM
C73**

A Statewide
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08/15/14
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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 relevant to the Commission’s authority and jurisdiction, and which Commission staff is tracking.

BACKGROUND:

There are currently twenty-three bills of interest for the second half 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, ranging from granted public trust lands, to sea level rise, to oil and gas well stimulation methods.

At its June 2, 2014 teleconference meeting the Commission adopted a position on six of the twenty-three bills of interest, as noted within Exhibit A. Of the twenty-three bills of interest, one has been chaptered into law and seven have failed to meet legislative deadlines and are considered “dead.” Of the remaining sixteen bills all but three have passed through their house of origin and have moved on to the second house.

August 31, 2014 is the last day for each house of the State Legislature to pass bills (Art. IV. Sec. 10(c), J.R. 61(b)(17)). Final Recess begins upon adjournment (J.R. 51(b)(3)).

EXHIBIT

A. Legislative Report

Granted Public Trust Lands**AB 1943 (Chesbro D) Tidelands: City of Eureka.**

Summary: Current law requires the City of Eureka, prior to June 30 of each year, to pay to the Controller a specified amount of the money deposited by the city into the Humboldt Bay Fund during the preceding fiscal year in lieu of all obligations incurred by the city, as specified. Current law requires that the city submit to the commission, on or before September 30 of each year for the preceding fiscal year, an annual statement of financial condition and operations. This bill would instead require that the annual statement of financial condition and operations be submitted to the commission on or before December 31 of each year for the preceding fiscal year.

Introduced: 2/19/2014

Last Amend: 6/30/2014

Commission Position: Support

Status: Senate Appropriations Committee

AB 2711 (Muratsuchi D) Oil and gas: loan to City of Hermosa Beach.

Summary: Would appropriate \$11,500,000 from the General Fund, from certain oil and gas revenues deposited by the State Lands Commission, to the Controller for a loan to the City of Hermosa Beach, to be made if the city is obligated to make payment pursuant to a specified settlement agreement. The bill would require the State Board of Equalization, if the city fails to make any payment on the loan when due and upon the order of the Controller, to deduct the amount of the payment from the sales and use taxes to be paid to the city.

Introduced: 2/21/2014

Last Amend: 5/23/2014

Status: Assembly – Third Reading File

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.

Introduced: 2/21/2013

Last Amend: 7/2/2014

Status: Assembly Appropriations Committee

SB 1424 (Wolk D) State property: tidelands transfer: City of Martinez.

Summary: Current law grants to the City of Martinez all right, title, and interest of the state to 3 parcels of land in the Straits of Carquinez, to be held in trust. This bill would repeal that grant of trust lands to the City of Martinez and would instead provide for a new grant of trust lands to the City of Martinez that would include an additional 4th parcel, known as the Martinez Marina.

Introduced: 2/21/2014

Last Amend: 6/18/2014

Commission Position: Support

Status: Assembly Floor

Sovereign and School Lands**AB 1102 (Allen R) Beach fire rings: coastal development permit.**

Summary: Would require a city or county to apply for a coastal development permit to remove or restrict the use of a beach fire ring, as defined, and would require that application to include specified information. The bill would declare that these provisions do not override the applicability of a specified provision relating to ambient air quality standards, emission standards, or air pollution control programs or facilities established by the State Air Resources Board or an air pollution control or air quality management district.

Introduced: 2/22/2013

Last Amend: 7/1/2014

Status: Senate Appropriations 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: Chaptered by Secretary of State - Chapter 114, Statutes of 2014.

AB 1699 (Bloom D) Waste management: microplastics.

Summary: Would prohibit, after January 1, 2019, a person from selling or offering for promotional purposes in this state any personal care product containing plastic microbeads. The bill would exempt from this prohibition the sale or promotional offer of a product containing less than 1 part per million (ppm) by weight of plastic microbeads. This bill contains other related provisions.

Introduced: 2/13/2014

Last Amend: 6/19/2014

Status: Senate 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%. The bill would also delete obsolete provisions and make conforming and nonsubstantive changes.

Introduced: 2/21/2014

Status: Failed Deadline pursuant to Rule 61(b)(5). (Last location was Assembly Natural Resources Committee on 3/10/2014)

AB 2764 (Committee on Natural Resources) Public resources

Summary: Current law establishes the State Lands Commission in the Natural Resources Agency and prescribes the functions and duties of the commission. Under current law, the State Lands Commission cedes concurrent criminal jurisdiction to the United States with regard to specified properties. This bill would revise and recast these provisions and make technical and organizational changes. This bill contains other related provisions and other current laws

Introduced: 3/27/2014

Last Amend: 7/1/2014

Commission Position: Sponsor

Status: Senate Appropriations Committee

Legislative Report

- [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 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 requirements and at a cost of not less than \$0.10.
Introduced: 2/14/2013
Last Amend: 5/20/2014
Commission Position: Support
Status: Assembly Appropriations Committee
- [SB 968](#) (Hill D) Public lands: Martin's Beach property: access road.**
Summary: Would require the Commission to consult, and enter into any necessary negotiations, with the owners of a specified property known as the Martins Beach property, as described, in the unincorporated area of the County of San Mateo, to acquire a right-of-way or easement for the creation of a specified public access route to and along the shoreline, including the sandy beach. This bill contains other related provisions.
Introduced: 2/10/2014
Last Amend: 6/30/2014
Status: Assembly Appropriations Committee
- [SB 1086](#) (De León D) The Safe Neighborhood Parks, Rivers, and Coastal Protection Bond Act of 2014.**
Summary: 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. The bill would provide for the submission of the bond act to the voters at the November 4, 2014, statewide general election.
Introduced: 2/19/2014
Last Amend: 5/27/2014
Status: Senate – Third Reading
- [SB 1289](#) (Fuller R) Off-highway motor vehicle recreation: land transfer.**
Summary: Would authorize the Commission to transfer to the Department of Parks and Recreation, certain 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: Failed Deadline pursuant to Rule 61(b)(5). (Last location was Senate Natural Resources and Water Committee on 3/6/2014)

Marine Facilities

- [AB 380](#) (Dickinson D) Spill response for railroads.**
Summary: Would require a rail carrier, as defined, to report specified information regarding the transportation of hazardous materials, beginning no later than January 31, 2015, to the Office of Emergency Services on a quarterly basis. The bill would require each rail carrier to maintain a response management communications center, as specified. This bill contains other related provisions and other existing laws.
Introduced: 2/14/2013
Last Amend: 6/16/2014
Status: Senate Appropriations Committee
- [AB 2677](#) (Rodriguez D) Oil spill: contingency plan: railroad.**

Legislative Report

Summary: Would require the California Environmental Protection Agency, on or before January 1, 2017, and in consultation with specified entities, to develop and submit to the Governor and the Legislature a report containing recommendations for a comprehensive and coordinated oil spill contingency plan designed to address inland oil spills resulting from the transportation of crude oil by railroad.

Introduced: 2/21/2014

Last Amend: 4/21/2014

Status: Failed Deadline pursuant to Rule 61(b)(5). (Last location was Assembly Natural Resources Committee on 4/29/2014)

SB 1319 (Pavley D) Oil spills: oil spill prevention and response.

Summary: Would expand the regional and local planning element of the California oil spill contingency plan to include the identification and mitigation of public health and safety impacts from an oil spill in waters of the state. The bill would authorize the administrator for oil spill response to obtain confidential and other information from the Office of Emergency Services, the State Energy Resources Conservation and Development Commission, and other regulators, as necessary, in order for the administrator to carry out his or her duties, and would require the administrator to develop procedures in handling the obtained information.

Introduced: 2/21/2014

Last Amend: 7/1/2014

Status: Assembly Natural Resources 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, including fracking.

Introduced: 2/21/2014

Status: Failed Deadline pursuant to Rule 61(b)(6). (Last location was Lt. Governor on 5/1/2014)

SB 1096 (Jackson D) Coastal sanctuary: State Lands Commission: oil and gas leases.

Summary: The California Coastal Sanctuary Act of 1994 authorizes the State Lands Commission to enter into a lease for the extraction of oil or gas from state-owned tide and submerged lands in the California Coastal Sanctuary if the commission determines that the oil or gas deposits are being drained by means of producing wells upon adjacent federal lands and the lease is in the best interest of the state. This bill would delete this authorization.

Introduced: 2/19/2014

Last Amend: 7/3/2014

Status: Assembly Appropriations Committee

Legislative Report

[SB 1132](#) **(Mitchell D) Oil and gas: well stimulation treatments.**

Summary: Would revise the definition of "well stimulation treatment" and ban all fracking and well stimulation in California, both on and offshore. The bill would require a scientific study to be conducted and completed no later than June 30, 2016 that would have to consider various elements including, evaluating various potential direct, indirect, and cumulative health and environmental effects of onshore and offshore well stimulation and well stimulation treatment-related activities.

Introduced: 2/20/2014

Last Amend: 5/27/2014

Status: Failed passage on the Senate Floor, thereby failing to meet the Deadline pursuant to Rule 61(b)(11). (Last location was Senate – Third Reading on 5/27/2014)

Sea Level Rise and Climate Change

[AB 2348](#) **(Stone D) Natural Resources Climate Improvement Program.**

Summary: Would establish the Natural Resources Climate Improvement Program, which would be administered by the Natural Resources Agency, in coordination with the state board, to assist in the development and implementation of natural resources projects selected by state conservancies and the Wildlife Conservation Board that maximize greenhouse gas emission reductions or sequestration. This bill would authorize moneys from the Greenhouse Gas Reduction Fund to be available, upon appropriation by the Legislature, to implement the Natural Resources Climate Improvement Program.

Introduced: 2/21/2014

Last Amend: 4/22/2014

Status: Failed Deadline pursuant to Rule 61(b)(8). (Last location was Assembly Appropriations Committee – Held on the Suspense File on 5/23/2014)

[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 biannually, and post on an 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.

Introduced: 2/21/2014

Last Amend: 6/30/2014

Commission Position: Support

Status: Senate Appropriations 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.

Introduced: 2/20/2014

Last Amend: 3/24/2014

Status: Failed Deadline pursuant to Rule 61(b)(8). (Last location was Senate Appropriations – Held on the Suspense File on 5/23/2014)

Legislative Report

[SB 1217](#) ([Leno D](#)) **Climate change: preparedness.**

Summary: Would require the Natural Resources Agency on or before July 1, 2018, and every 3 years thereafter, to prepare a California climate risk assessment that provides original research on regionally appropriate climate risk vulnerabilities, risk management options, and other needed scientific research to support California's development of informed climate policy and actions to address climate change. The bill would require the Natural Resources Agency, on or before January 1, 2019, and every 5 years thereafter, to update the Safeguarding California Plan to reduce risks to California from the impacts of climate change.

Introduced: 2/20/2014

Last Amend: 7/2/2014

Status: Assembly Appropriations Committee

Federal

[S. 2094](#) ([Begich D-AK](#)) **Vessel Incidental Discharge Act.**

Summary: On July 23, 2014, the Senate Committee on Commerce, Science, and Transportation met in an executive session and passed S 2094, the Vessel Incidental Discharge Act that would preempt a States' authority to address vessel discharges, including ballast water, within state waters. The bill will now go to the Senate floor for a vote at a later date to be determined.

Introduced: 3/6/2014

Commission Position: Oppose

Status: Senate Floor