

**CALENDAR ITEM
INFORMATIONAL**

90

A Statewide

06/19/14
S. Pemberton
M. Moser

S Statewide

LEGISLATIVE UPDATE

INTRODUCTION:

The purpose of this informational 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-four 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-four bills of interest, 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.

June 27, 2014 is the last day for policy committees to meet and report bills, and 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: Would delete the requirement that the City of Eureka pay to the Controller a specified amount of the money deposited by the city into the Humboldt Bay Fund during the preceding fiscal year and would instead require, on June 30, 2015, and at the end of every fiscal year thereafter, that 4% of all gross revenues generated from the trust lands be transmitted to the commission and deposited in the Kapiloff Land Bank Fund for expenditure by the commission pursuant to the act, thereby making an appropriation.

Introduced: 2/19/2014

Last Amend: 3/24/2014

Commission Position: Support

Status: Senate Natural Resources and Water 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: 5/22/2014

Status: Senate Governance and Finance 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: 5/19/2014

Status: Assembly Jobs, Economic Development, and the Economy 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: 5/28/2014

Commission Position: Support

Status: Assembly Natural Resources and Assembly Local Government Committees

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. 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: 6/10/2014

Status: Senate Natural Resources and Water 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: Senate Natural Resources and Water Committee

[AB 1699](#) (Bloom D) Waste management: microplastics.

Summary: Would prohibit, on or after January 1, 2016, the sale or promotion of personal care products containing microplastic and make legislative findings about the negative impacts on to the marine environment from microplastic particles.

Introduced: 2/13/2014

Last Amend: 5/20/2014

Status: Senate Environmental 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: State Lands Commission: State Air Resources Board.

Summary: Would modernize and improve the State Lands Commission's granted public trust lands and oil spill prevention programs by aligning the financial reporting due dates with local auditing timeframes and harmonizing the definition of "marine waters" in the Government and Public Resources Code. The bill would also make improvements and code cleanup changes to a statute addressing cession of concurrent criminal jurisdiction to the United States, and modify the terms of a grant to Orange County to better ensure that the County is complying with the terms of its granting statute.

Introduced: 3/27/2014

Last Amend: 6/11/2014

Commission Position: Sponsor

Status: Senate Environmental Quality 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 property known as the Martin's Beach 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 negotiations fail, the Commission would be required to use eminent domain to acquire a right-of-way or easement to restore access to the beach.

Introduced: 2/10/2014

Last Amend: 6/9/2014

Status: Assembly Natural Resources 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 State Lands 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: 6/9/2014

Status: Senate Appropriations Committee

AB 2677 (Rodriguez D) Oil spill: contingency plan: railroad.

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 address inland oil spill prevention by expanding the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act and the Administrator's responsibilities relating to oil spills to cover all waters of the state. The bill would direct the Governor to require the Administrator to amend the California oil spill contingency plan to provide for the best achievable protection of all state waters, not solely coastal and marine waters, and to submit the plan to the Governor and the Legislature on or before January 1, 2017. Additionally, the bill would impose an oil spill prevention and administration fee in an amount determined by the Administrator to be sufficient to implement oil spill prevention activities, but not to exceed 6.5 cents per barrel of crude oil or petroleum products and to an amount not to exceed five cents on persons owning crude oil or petroleum products at a marine terminal.

Introduced: 2/21/2014

Last Amend: 6/9/2014

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)

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 quarterly, 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 agencies and private entities, including the State Lands Commission, to provide to the agency, by July 1, 2015, and, beginning January 1, 2016, on a quarterly basis thereafter, sea level rise planning information that is under the control or jurisdiction of the public agencies or private entities.

Introduced: 2/21/2014

Last Amend: 5/7/2014

Commission Position: Support

Status: Senate Natural Resources and Water 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, in consultation with other appropriate state agencies and departments, on or before January 1, 2019, and every 5 years thereafter, to prepare a climate change strategy that evaluates climate change risks to the state. The bill would require the strategy to identify mitigation measures that increase climate change resiliency. The bill would require the Natural Resources Agency to identify possible funding for mitigation measures identified in the strategy.

Introduced: 2/20/2014

Last Amend: 5/27/2014

Status: Assembly Natural Resources 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

Commission Position: Oppose

Status: Senate Commerce, Science, and Transportation Committee.