

**STAFF REPORT
INFORMATIONAL
84**

A	Statewide	10/18/18
S	Statewide	S. Pemberton

**LEGISLATIVE REPORT PROVIDING INFORMATION AND A STATUS UPDATE
CONCERNING STATE AND FEDERAL LEGISLATION
RELEVANT TO THE COMMISSION**

INTRODUCTION:

The 2017-18 legislative session adjourned on August 31, 2018. This Staff Report updates the Commission about the disposition of legislation the Commission sponsored, supported, or that was directly relevant to the Commission's authority and jurisdiction. The attached exhibit summarizes legislation that staff monitored during the 2017-18 session.

SPONSORED LEGISLATION

AB 1759 (McCarty): Public trust lands: City of Sacramento

This bill grants in trust to the City of Sacramento title to parcels of land associated with the Sacramento Downtown Railyards Title Settlement and Land Exchange Agreement. It also repeals two legislative grants of tide and submerged land made to the City of Sacramento in the 1970s.

Status: Signed into law. Chapter 250, Statutes of 2018.

AB 2404 (O'Donnell): Oil Trust Fund

This bill would have removed the \$300 million cap on the amount of revenue deposited into the Oil Trust Fund, which is for the State's share of future abandonment costs of the West Wilmington and Long Beach Unit oil operations in the city of Long Beach. Existing law establishes the Oil Trust Fund in the State Treasury to fund removal of oil and gas facilities, remediation, and plugging and abandonment of wells when the City of Long Beach oil operations cease. The Oil Trust Fund, financed by monthly contributions from revenue generated from the oil operations, is statutorily capped at \$300 million. The cap was reached in June 2014. Since then, the interest earned, a total of \$4.4 million, has been transferred to the General Fund. According to the City of Long Beach Gas and Oil Department, the State's share of the abandonment liability is estimated to be approximately \$836 million, leaving a funding shortfall of \$536 million.

Status: Held in the Senate Appropriations Committee.

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AB 2549 (Stone): Tidelands and submerged lands: exchange agreements

This bill would have authorized the Commission, regarding land exchanges involving lands that a local jurisdiction holds under a legislative grant, to convey lands acquired in an exchange to a local jurisdiction subject to the Public Trust and conditions in the existing granting statute. The bill would also have required that the Commission make those exchange agreements, including descriptions of any land or interest in lands granted to conveyed to a local jurisdiction by the Commission, available on its website.

Status: Held in the Senate Natural Resources and Water Committee.

AB 2646 (Gonzalez-Fletcher): The San Diego Unified Port District: trust lands

This bill grants the San Diego Unified Port District land in the city of Chula Vista that the Commission acquired in a 2010 land exchange. The grant would be subject to the terms and conditions in the Port's existing statutory trust grant and the common law Public Trust Doctrine.

Status: Signed into law. Chapter 192, Statutes of 2018.

SB 1493 (Senate Committee on Natural Resources and Water): Public Resources

This bill repeals an obsolete land grant to the Metropolitan Water District of Southern California, clarifies the process by which the Commission submits reports to the Legislature, modernizes the Marine Invasive Species Act to reflect current biofouling management practices, and makes other non-substantive changes to the Commission's governing statutes.

Status: Signed into law. Chapter 742, Statutes of 2018.

SUPPORTED LEGISLATION

AB 2441 (Frazier): Sacramento-San Joaquin Delta Abandoned Vessel Removal Account: removal of abandoned commercial vessels

This bill requires the Commission, in consultation with other relevant state and local agencies directly involved in the removal of abandoned vessels, by July 1, 2019, to develop a plan for the removal of abandoned commercial vessels. The plan must prioritize vessel removal based on risk to the environment and the health and safety of the public. The Commission is required to implement the plan if the Legislature appropriates funding appropriated by the Legislature or if it receives federal or private funds for this purpose. The bill's original language would have diverted revenue generated from leases in the Delta from the General Fund into a special fund that would have been used for removing abandoned commercial vessels. When the bill was approved in the Senate Appropriations Committee, the revenue redirection for abandoned vessel

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removal was deleted, and the bill was amended just to require that the Commission develop a plan for removing abandoned vessels.

Status: Signed into law. Chapter 540, Statutes of 2018.

AB 2578 (Chiu): Infrastructure financing districts: City and County of San Francisco

This bill would have created a funding mechanism to repair the Embarcadero Seawall situated on granted Public Trust lands along the Northern San Francisco waterfront.

Status: Held in the Senate Appropriations Committee.

VETOED LEGISLATION

AB 2534 (Limon): Public resources: environmental education: grant program: Hollister Ranch

This bill would have facilitated public access to an 8.5 mile stretch of coastline at Hollister Ranch in Santa Barbara, a coastal subdivision where property owners have blocked public access to state lands for decades. This bill would also have created an outdoor equity grants program to make it easier for underserved and at-risk people to participate in outdoor environmental educational opportunities at state parks and on other public lands.

Status: Vetoed by the governor.

OTHER RELEVANT LEGISLATION

AB 1423 (Chiu): Tidelands and submerged lands: City and County of San Francisco: seawall lots: affordable housing

This bill revises the definition of affordable housing for a project in San Francisco located on Seawall Lot 322-1, and for just this project, provide that an affordable housing project includes other uses in the structure if they are incidental or ancillary to the primary purpose of providing low or moderate-income housing or are consistent with the Public Trust and the Burton Act trust and if the port provides timely notification to the Commission of those uses.

Status: Signed into law. Chapter 526, Statutes of 2018.

AB 1775 (Muratuschi)/SB 834 (Jackson): State lands: leasing: oil and gas

These bills would prohibit the Commission or a local trustee of granted lands from issuing a lease authorizing new construction of oil- and gas-related infrastructure on tidelands and submerged lands within state waters associated with Outer Continental Shelf leases issued after January 2018. They also impose additional conditions on the Commission or a local trustee before it can approve or disapprove a lease renewal, extension, amendment or modification that would

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authorize new construction of oil- and gas-related infrastructure associated with new federal leases.

Status: Signed into law. Chapter 309/Chapter 310, Statutes of 2018.

SB 1147 (Hertzberg): Offshore oil and gas wells

This bill requires the Commission and the Division of Oil, Gas, and Geothermal Resources (DOGGR) to seek additional bonds, securities, or other financial assurance to cover the cost of decommissioning offshore oil and gas wells. This bill also requires the Oil and Gas Supervisor to estimate the costs to decommission offshore oil and gas wells under its jurisdiction by July 1, 2020.

Status: Signed into law. Chapter 607, Statutes of 2018.

SB 129 (Roth): Water Conveyance: use of facility with unused capacity

This bill would have prohibited a transferor of water from using a water conveyance facility that has unused capacity to transfer water from a groundwater basin underlying desert lands in the vicinity of a national monument, a national preserve, a national park, a state or federal wilderness area, or state lands to outside the basin unless the State finds that the transfer will not adversely affect the natural or cultural resources, including groundwater resources or habitat, of those lands.

Status: Held in the Senate Appropriations Committee pursuant to Senate Rule 29.10.

EXHIBIT:

A. Legislative Report

2018 Legislative Summary

Exhibit A

Abandoned Vessels

AB 2175 (Aguiar-Curry D) Vessels: removal.

Introduced: 2/12/2018

Location: A. CHAPTERED – [Chapter 341, Statutes of 2018](#)

Summary:

This bill would authorize a peace officer or marine safety officer, while engaged in the performance of official duties, to remove a vessel from, and, if necessary, store a vessel removed from, public property within the territorial limits in which the officer may act, under specified circumstances relating to the use of the vessel in the commission of a crime. The bill would authorize a court to order a person convicted of a crime involving the use of a vessel that is removed and impounded pursuant to these provisions to pay the costs of towing and storage of the vessel and any related administrative costs imposed in connection with the removal, impoundment, storage, or release of the vessel.

AB 2441 (Frazier D) Sacramento-San Joaquin Delta Abandoned Vessel Removal

Account: removal of abandoned commercial vessels.

Introduced: 2/14/2018

Location: A. CHAPTERED – [Chapter 540, Statutes of 2018](#)

Summary:

Current law authorizes the Commission to take immediate action, without notice, to remove from areas under its jurisdiction a vessel that is left unattended and is moored, docked, beached, or made fast to land in a position as to obstruct the normal movement of traffic or in a condition as to create a hazard to navigation, other vessels using a waterway, or the property of another. This bill would require the Commission, upon receipt by the commission of funds appropriated by the Legislature and any federal or private funds for this purpose, in consultation with other relevant state and local agencies directly involved in the removal of abandoned vessels, by July 1, 2019, to develop a plan for the removal of abandoned commercial vessels.

Coastal Conservancy

SB 1365 (Hueso) D) Salton Sea: Office of Salton Sea Restoration: design-build contract: reorganization.

Introduced: 2/16/2018

Location: A. **DEAD**

Summary:

This bill would establish in the Department of Water Resources the Office of Salton Sea Restoration, which would be under the administration and direction of the Director of Salton Sea Restoration. The bill would also provide for the establishment, within the office, of the Salton Sea Restoration Board, as provided. The bill would reorganize existing responsibilities of state agencies under the Salton Sea Restoration Act by requiring, on or before June 30, 2020, that projects under the supervision, direction, or control of those agencies, and associated authorities, responsibilities, and functions of those agencies, be transferred to the office.

Granted Lands

AB 734 (Bonta D) California Environmental Quality Act: Oakland Sports and Mixed-Use Project.

Introduced: 2/15/2018

Location: A. CHAPTERED – [Chapter 959, Statutes of 2018](#)

Summary:

This bill would establish specified procedures for the administrative and judicial review of the environmental review and approvals granted for the Oakland Sports and Mixed-Use Project, as defined, located in the City of Oakland that is certified by the Governor as meeting certain requirements. Because a public agency would be required to comply with those new procedures, this bill would impose a state-mandated local program.

AB 1423 (Chiu D) Tidelands and submerged lands: City and County of San Francisco: seawall lots: affordable housing.

Introduced: 2/17/2018

Location: A. CHAPTERED – [Chapter 526, Statutes of 2018](#)

Summary:

Under current law, the Burton Act and the Burton Act transfer agreement, the interest of the state in and to the Harbor of San Francisco was transferred in trust to the City and County of San Francisco. Current law authorizes the port to provide a rent credit or other waiver or deferral of rent in connection with a nontrust lease of seawall lot 322-1 that results in an effective rent to the port below fair market value, if the commission finds, among other things, that the nontrust lease is for affordable housing. Current law imposes certain requirements on the port with regard to the construction of affordable housing on seawall lot 322-1. This bill would revise the definition of “affordable housing” to mean, specifically for seawall lot 322-1, a structure that provides housing for persons and families of low or moderate income, as defined, persons and families from very low income households, as defined, or persons and families from extremely low income households.

AB 2464 (Harper R) California Coastal Act of 1976: Port of Newport Beach.

Introduced: 2/14/2018

Location: **A. DEAD**

Summary:

This bill would add the City of Newport Beach municipal harbor to the list of ports (Los Angeles, Long Beach, San Diego and Port Hueneme) authorized to prepare and implement a Port Master Plan. This bill would thus create the Port of Newport Beach. Once certified, the City of Newport Beach would no longer need to obtain a coastal development permit from the California Coastal Commission for development in the harbor, an area that includes tide and submerged lands granted in trust to the city of Newport Beach.

AB 2549 (Stone, Mark D) Tidelands and submerged lands: exchange agreements.

Introduced: 2/15/2018

Location: **S. DEAD**

Summary:

Current law authorizes the State Lands Commission to enter into an exchange, with any person or public entity, of filled or reclaimed tidelands and submerged lands or beds of navigable waterways, or interests in these lands, that are subject to the public trust for commerce, navigation, and fisheries, for other lands or interests in lands, if the commission finds that specified conditions are met. This bill would expressly authorize the commission, with regard to the above described exchange that involves a grantee, to convey lands or interest in lands in that exchange in trust to, and held in title by, the grantee subject to the same public trust requirements and terms and conditions prescribed in the statute providing for the grant of lands or interest in lands to the grantee.

AB 2567 (Eggman D) Port of Stockton: tidelands and submerged lands: land grants.

Introduced: 2/15/2018

Location: **A. DEAD**

Summary:

Would grant in trust specified tidelands and submerged lands held by the state to the Port of Stockton, as described, and would require that, on and after January 1, 2022, the use of those trust lands conform to an approved trust lands use plan, prescribed by the bill, and that all leases or agreements proposed or entered into by the Port of Stockton, as trustee of those lands, also be consistent with the public trust doctrine, and conform to the plan.

AB 2578 (Chiu D) Infrastructure financing districts: City and County of San Francisco

Introduced: 2/15/2018

Location: **S. DEAD**

Summary:

Current law authorizes the City and County of San Francisco to create infrastructure financing districts, including districts that include specified waterfront property, adopt infrastructure financing plans for those districts, and issue bonds financed by projected increases in ad valorem property taxes to fund certain public facilities, pursuant to a specified procedure. Existing law specifies the types of projects a waterfront district may finance. This bill would revise those provisions by, among other things, expanding the authorization for the creation of waterfront districts by the City and County of San Francisco to include a shoreline protection district subject to a shoreline protection enhanced financing plan.

AB 2646 (Gonzalez Fletcher D) The San Diego Unified Port District: grant: trust lands.

Introduced: 2/15/2018

Location: A. CHAPTERED – [Chapter 192, Statutes of 2018](#)

Summary:

Would grant and convey in trust to the San Diego Unified Port District all the right, title, and interest of the state, acting by and through the State Lands Commission, in specified real property in the City of Chula Vista in the County of San Diego, acquired and held by the state pursuant to a grant deed subject to certain terms and conditions. This bill contains other related provisions.

AB 3079 (O'Donnell D) Transportation Corridors Enhancement Account: project selection: California Port Efficiency Program.

Introduced: 2/16/2018

Location: **A. DEAD**

Summary:

Would create the California Port Efficiency Program to fund projects that improve velocity, throughput, and reliability of port operations, as defined. The program would require the department to select projects proposed by port authorities and regional transportation agencies that most effectively improve velocity, throughput, and reliability of port operations.

AB 3119 (Gonzalez Fletcher D) San Diego International Airport Mobility and Sustainability Committee: airport mobility and sustainability plan.

Introduced: 2/16/2018

Location: **S. DEAD**

Summary:

This bill would create the San Diego International Airport Mobility and Sustainability Committee, consisting of 8 members, as prescribed, and would require the committee, by January 1, 2020, to prepare and submit to the governing board of the San Diego County Regional Airport Authority and the Legislature a plan to address specific issues of mobility and sustainability related to the San Diego International Airport that impact multiple public agencies, including, but not limited to, issues relating to traffic congestion, unmet transit need of airport passengers and employees, and impacts of Climate change and environmental factors.

AB 3181 (Bonta D) Bar pilots: pilotage rages.

Introduced: 2/16/2018

Location: **A. DEAD**

Summary:

Current law also establishes, in the Transportation Agency, a Board of Pilot Commissioners for Monterey Bay and the Bays of San Francisco, San Pablo, and Suisun, and prescribes the membership, functions, and duties of the board regarding the licensure and regulation of bar pilots. Current law requires that every vessel inward or outward bound from those bays pay a bar pilotage fee of \$8.11 per draft foot of a vessel's deepest draft and fractions of a foot pro rata, and an additional charge of 73.01 mills per high gross registered ton. Existing law also imposes, among other things, a board operations surcharge, of up to 7.5% of all bar pilotage fees charged by bar pilots, which is paid into the State Treasury to the credit of the Board of Pilot Commissioners' Special Fund and continuously appropriated to the board to compensate the board and the agency for their services and expenses. This bill would increase that bar pilotage fee to \$10.26 per draft foot of a vessel's deepest draft and fractions of a foot pro rata, and the additional charge to 92.43 mills per high gross registered ton.

SB 1299 (Nguyen R) Tidelands: City of Huntington Beach: Huntington Harbor.

Introduced: 2/16/2018

Location: **S. DEAD**

Summary:

This bill would grant and convey in trust to the City of Huntington Beach all of the rights, title, and interest of the state, held by the state by virtue of its sovereignty, acting by and through the commission, in specified real properties in Huntington Harbor in the County of Orange. The bill would require the City of Huntington Beach to submit to the State Lands Commission for approval a trust lands use plan, thereby imposing a state-mandated local program.

Marine Invasive Species

AB 2470 (Grayson D) Invasive species Council of California: California Invasive Species Advisory Committee.

Introduced: 2/14/2018

Location: A. CHAPTERED – [Chapter 870, Statutes of 2018](#)

Summary:

Would establish the Invasive Species Council of California, with a prescribed membership, to help coordinate a comprehensive effort to prevent the introduction of invasive species in the state and to provide for the control or eradication of invasive species already established in the state, as specified. This bill would establish the California Invasive Species Advisory Committee, with a prescribed membership, to advise the council on a broad array of issues related to preventing the introduction of invasive species and providing for their control or eradication, as well as minimizing the economic, ecological, and human health impacts that invasive species cause.

AB 3116 (Cooley D) Ballast water.

Introduced: 2/16/2018

Location: A. DEAD

Summary:

The Marine Invasive Species Act, which the Commission administers, generally applies to all vessels carrying or capable of carrying ballast water into the coastal waters of the state after operating outside of the coastal waters of the state and to all ballast water and associated sediments taken on a vessel, imposes specified requirements on the master, owner, operator, or person in charge of one of those vessels to minimize the uptake and release of nonindigenous species, including minimizing the uptake of ballast water in specified areas and under certain circumstances. This bill would also require those persons to minimize the uptake of ballast water in areas designated by the Commission.

Marine Protected Areas

AB 2369 (Gonzalez Fletcher D) Fishing: marine protected areas: violations.

Introduced: 2/14/2018

Location: A. CHAPTERED – [Chapter 189, Statutes of 2018](#)

Summary:

Under the Marine Life Protection Act, the Fish and Game Commission is authorized to regulate commercial and recreational fishing and any other taking of marine species in marine protected areas, but the taking of a marine species in a marine life reserve, a type of marine protected area, is prohibited for any purpose, including recreational and commercial fishing, except as authorized by the commission for scientific purposes. This bill would expand the applicability of a misdemeanor for a violation of this regulation from a person who holds a commercial passenger fishing boat license to a person who is operating a boat or vessel licensed as a commercial passenger fishing boat at the time of the violation. By expanding the scope of a crime, this bill would impose a state-mandated local program.

Miscellaneous

AB 2421 (Stone, Mark D) Wildlife Conservation Board: Monarch Butterfly and Pollinator Rescue Program.

Introduced: 2/14/2018

Location: A. CHAPTERED – [Chapter 760, Statutes of 2018](#)

Summary:

Would establish the Monarch Butterfly and Pollinator Rescue Program, to be administered by the Wildlife Conservation Board, for the purpose of recovering and sustaining populations of monarch butterflies and other pollinators. To achieve these purposes, the bill would authorize the board to provide grants and technical assistance, as prescribed. The bill would require the board to develop and adopt project selection and evaluation guidelines, in coordination with the Department of Food and Agriculture, before disbursing these grants.

AB 2958 (Quirk D) State bodies: meetings: teleconference.

Introduced: 2/16/2018

Location: A. CHAPTERED – [Chapter 881, Statutes of 2018](#)

Summary:

The Bagley-Keene Open Meeting Act requires, with specified exceptions, that all meetings of a state body be open and public, and all persons be permitted to attend any meeting of a state body, except as provided. Current law, among other things, requires a state body that elects to conduct a meeting or proceeding by teleconference to post agendas at all teleconference locations, to identify each teleconference location in the notice and agenda, and to make each teleconference location accessible to the public. This bill, for a state body that is an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body, would authorize an additional way of holding a meeting by teleconference, as prescribed, provided it also complies with all other applicable requirements of the Bagley-Keene Open Meeting Act.

AB 2975 (Friedman D) Wild and scenic rivers.

Introduced: 2/16/2018

Location: A. CHAPTERED – [Chapter 221, Statutes of 2018](#)

Summary:

Would, if (1) the federal government takes action to enact a statute that, upon enactment, would require the removal or delisting of any river or segment of a river in California that is included in the national wild and scenic rivers system and not in the state wild and scenic rivers system; or (2) the secretary determines that the federal government by enactment of a statute or by executive order has exempted a river or segment of a river in California that is not in the state wild and scenic river system from the protection of certain federal provisions governing restrictions on water resources projects, require the secretary, after holding a public hearing on the issue, based on the information obtained through the public hearing, to determine whether the provision of state protection for the river or segment of the river that has been removed, delisted, or exempted from the federal wild and scenic rivers system is in the best interest of the state and, if so, to take specified actions, until December 31, 2025, to add the river or segment of a river to the state wild and scenic rivers system and to classify that river or segment of a river.

AB 3218 (Arambula D) Millerton Lake State Recreation Area: acquisition of land.

Introduced: 2/16/2018

Location: A. **VETOED**

Summary:

Would require the Department of Parks and Recreation to effectively manage lands currently within its jurisdiction in the Millerton Lake State Recreation Area adjacent to the San Joaquin River and would authorize the department to enter into an agreement with the conservancy to manage lands acquired by the San Joaquin River Conservancy adjacent to the state recreation area.

SB 1090 (Monning D) Diablo Canyon nuclear powerplant.

Introduced: 2/12/2018

Location: S. CHAPTERED – [Chapter 561, Statutes of 2018](#)

Summary:

The Diablo Canyon nuclear powerplant, composed of reactor Units 1 and 2, is operated by the Pacific Gas and Electric Company (PG&E) in the County of San Luis Obispo. The Nuclear Facility Decommissioning Act of 1985 requires each electrical corporation owning or operating nuclear facilities to establish an externally managed, segregated fund for payment of decommissioning costs of those facilities, establishes requirements for the collection of moneys for decommissioning costs in the utility's rates and charges, and requires that the expenses associated with decommissioning nuclear facilities be paid from those funds. This bill would require the commission to approve the full funding for the community impact mitigation settlement, and for the employee retention program, proposed by PG&E in a specified application submitted to the Commission.

SB 1301 (Beall D) State permitting: environment: processing procedures: dam safety or flood risk reduction project.

Introduced: 2/16/2018

Location: S. VETOED

Summary:

Would require the Office of Planning and Research to develop a joint multiagency preapplication for supplemental consultation and a model fee-for-service agreement, in consultation with a state agency with the power to issue a permit that would authorize a dam safety project or authorize a flood risk reduction project and any interested potential project applicants. The bill would authorize a project applicant to complete a joint multiagency preapplication and submit the preapplication to each state agency named in the preapplication at any time.

SB 1493 (Committee on Natural Resources and Water) Public resources.

Introduced: 2/21/2018

Location: S. CHAPTERED – [Chapter 742, Statutes of 2018](#)

Summary:

The California Cultural and Historical Endowment Act establishes the California Cultural and Historical Endowment in the Natural Resources Agency. Among other things, the act authorizes the endowment to create a competitive grant program to support small capital projects in museums, as specified. The act also authorizes the endowment to adopt regulations as necessary or convenient for carrying out the purposes of the act, including, but not limited to, establishing grant application criteria and procedures. This bill would additionally include exhibits, educational programs, outreach programs, public programs, curriculum, marketing, and collections care as purposes for which the endowment is authorized to create a competitive grant program.

AB 1097 (Levine D) State beaches and parks: smoking ban.

Introduced: 2/17/2017

Location: **A. VETOED**

Summary:

Would make it an infraction for a person to smoke, as defined, on a state coastal beach or in a unit of the state park system or to dispose of used cigar or cigarette waste on a state coastal beach or in a unit of the state park system, with certain exceptions, as specifically provided. The bill would establish a state-mandated local program by creating a new crime.

AB 2191 (O'Donnell D) Ocean Protection Council: White Shark Population Monitoring and Beach Safety Program.

Introduced: 2/12/2018

Location: **S. DEAD.**

Summary:

Would require the Ocean Protection Council, upon the appropriation of funding by the Legislature, to develop and implement a White Shark Population Monitoring and Beach Safety Program to award grants to academic institutions, public agencies, and nonprofit corporations engaged and experienced in, and local agencies assisting with, research regarding white sharks and to local agencies engaged in operations to promote public safety on California's beaches.

AB 2379 (Bloom D) Waste management: polyester microfiber.

Introduced: 2/14/2018

Location: **A. DEAD**

Summary:

This bill would require that new clothing made from fabric that is composed of more than 50 percent synthetic material bear a conspicuous label that is visible to the consumer at the point of sale, in the form of a sticker, hang tag, or any other label type, with specified information, including a statement that the garment sheds plastic microfibers when washed. The bill would require new clothing with that material composition, if a care label is required pursuant to federal law, to include additional information on the care label, including that same statement.

AB 2779 (Stone, Mark D) Recycling: single-use plastic beverage container caps.

Introduced: 2/16/2018

Location: **A. DEAD**

Summary:

Would prohibit a retailer from selling or offering for sale a single-use plastic beverage container with a cap that is not tethered to or contiguously affixed to the beverage container on and after January 1, 2022, for beverage containers containing water. The bill would provide that these prohibitions do not apply for beverage containers manufactured by small bottlers, which the bill would define as a bottler with less than unspecified amounts of sales and employees. The bill would define terms for purposes of these provisions.

AB 2921 (Low D) Expanded Polystyrene Food Service Packaging Recovery and Recycling Act.

Introduced: 2/16/2018

Location: A. DEAD

Summary:

This bill would enact the Expanded Polystyrene Food Service Packaging Recovery and Recycling Act, which would authorize expanded polystyrene food service packaging (PFP) manufacturers and polystyrene resin producers to form or designate an organization consisting of PFP manufacturers and resin producers, to be known as the Expanded Polystyrene Food Service Packaging Recycling Organization. If the PFP manufacturers and resin producers form or designate a PFP Recycling Organization, the bill would require each PFP manufacturer or resin producer that formed or designated the organization that sells expanded polystyrene food service packaging or polystyrene resin in this state to pay to the PFP Recycling Organization the expanded polystyrene food service packaging assessment fee established by the PFP Recycling Organization.

SB 1263 (Portantino D) Ocean Protection Council: Statewide Microplastics Strategy.

Introduced: 2/15/2018

Location: S. CHAPTERED – [Chapter 609, Statutes of 2018](#)

Summary:

Would require the Ocean Protection Council, to the extent funds are available from bonds or other sources, to adopt and implement a Statewide Microplastics Strategy related to microplastic materials that pose an emerging concern for ocean health and that includes specified components, as provided. The bill would authorize the council, in collaboration with the State Water Resources Control Board, the Office of Environmental Health Hazard Assessment, and other interested entities, to enter into one or more contracts with marine research institutes in the state for the provision of research services that would contribute directly to the development of the Statewide Microplastics Strategy.

Oil and Gas

AB 1775 (Muratsuchi D) State lands: leasing: oil and gas.

Introduced: 1/4/2018

Location: A. CHAPTERED – [Chapter 310, Statutes of 2018](#)

Summary:

Would prohibit the State Lands Commission or a local trustee of granted public trust lands from entering into any new lease or other conveyance authorizing new construction of oil- and gas-related infrastructure upon tidelands and submerged lands within state waters associated with Outer Continental Shelf leases issued after January 1, 2018. The bill would provide that these provisions do not prevent specified activities, including, among others, issuance by the commission of leases pursuant to exceptions applicable to the California Coastal Sanctuary described above. The bill would authorize the commission to establish regulations for the implementation of these provisions.

AB 2404 (O'Donnell D) Oil Trust Fund

Introduced: 2/14/2018

Location: **S. DEAD**

Summary:

Current law requires the State Lands Commission to expend the money in the Oil Trust Fund to finance the costs of well abandonment, pipeline removal, facility removal, remediation, and other costs associated with removal of oil and gas facilities from the Long Beach tidelands. Current law prohibits the total amount deposited in the fund from exceeding \$300,000,000 and requires all interest earned on money in the fund after the balance in the fund totals \$300,000,000 to be transferred to the General Fund. This bill would delete the provisions relating to the limit on the total amount deposited in the fund.

AB 2534 (Limón D) Parks: environmental education: grant program.

Introduced: 2/14/2018

Location: **A. VETOED**

Summary:

Would require the Director of Parks and Recreation to establish the Outdoor Equity Grants Program, to increase the ability of underserved and at-risk populations to participate in outdoor environmental educational experiences at state parks and other public lands where outdoor environmental education programs take place. The bill would require the director to, among other things, give priority for funding to outdoor environmental education programs that primarily provide outreach to and serve students who are eligible for free or reduced-price meals, foster youth, or pupils of limited English proficiency.

AB 2828 (Friedman D) Waste discharge requirements: produced water: oil and gas operations.

Introduced: 2/16/2018

Location: **A. DEAD**

Summary:

This bill would authorize a regional board to approve a waste discharge requirement for the use or reuse of produced water from an oil and gas operation for agriculture purposes or for groundwater recharge, only if, after a public hearing, it finds that the California Council on Science and Technology has reviewed the best available independent scientific evidence and has found the use will not pose a significant risk to the public from any contaminants in the produced water.

AB 3146 (Holden D) Oil and gas: well records and testing requirements.

Introduced: 2/16/2018

Location: A. DEAD

Summary:

Current law requires an owner or operator of an oil and gas well to keep, or cause to be kept, and requires the operator to file with the district deputy at specified times, a careful and accurate log, core record, and history of the drilling of the well. Current law provides that a person who fails to comply with specific laws relating to the regulation of oil or gas operations, including failing to furnish a report or record, or rendering a false report, is guilty of a misdemeanor. This bill would additionally require the owner or operator to keep, or cause to be kept, a history of the maintenance and repair of the well.

SB 834 (Jackson D) State lands: leasing: oil and gas.

Introduced: 1/4/2018

Location: S. CHAPTERED – [Chapter 309, Statutes of 2018](#)

Summary:

Would prohibit the State Lands Commission or a local trustee of granted public trust lands from entering into any new lease or other conveyance authorizing new construction of oil- and gas-related infrastructure upon tidelands and submerged lands within state waters associated with Outer Continental Shelf leases issued after January 1, 2018.

SB 1147 (Hertzberg D) Offshore oil and gas wells.

Introduced: 2/14/2018

Location: S. CHAPTERED – [Chapter 607, Statutes of 2018](#)

Summary:

Current law requires a person engaging in the drilling, redrilling, or deepening, or in any operation permanently altering the casing, of one or more wells located in submerged lands under ocean waters within the jurisdiction of the state to file with the State Oil and Gas Supervisor a blanket indemnity bond for a specified amount to cover all of the operator's operations in any of those wells. Current law requires a person who operates one or more of those wells to provide an additional amount of security acceptable to the supervisor covering the full costs of plugging and abandoning all of the operator's wells. Current law requires the supervisor to determine the additional amount of the security required of each operator based on his or her determination of the reasonable costs of that plugging and abandonment. This bill would require the supervisor to provide the operator with an opportunity to submit a cost estimate for his or her consideration before he or she determines the requisite additional amount of the security.

SB 1489 (Stern D) California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018: water recycling.

Introduced: 2/16/2018

Location: **S. DEAD**

Summary:

If approved by the voters at the June 5, 2018, statewide primary election as Proposition 68, the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018 would authorize the issuance of bonds in the amount of \$4,100,000,000 for the purpose of financing a drought, water, parks, climate, coastal protection, and outdoor access program. This bill, operative only if Proposition 68 is approved by the voters at the June 5, 2018, statewide primary election, would add language to the provisions enacted by the proposition to eliminate this prohibition on using this \$100,000,000 in bond funds for the purpose of water recycling for projects that augment surface water reservoirs that supply water directly to treatment facilities that serve domestic uses.

Oil Spills

AB 2864 (Limón D) Coastal resources: oil spills.

Introduced: 2/16/2018

Location: A. CHAPTERED – [Chapter 311, Statutes of 2018](#)

Summary:

The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act provides that the administrator for oil spill response, subject to the Governor, has the primary authority to direct prevention, removal, abatement, response, containment, and cleanup efforts with regard to all aspects of any oil spill in waters of the state, in accordance with any applicable facility or vessel contingency plan and the California oil spill contingency plan. This bill, for spills affecting coastal resources, would require the administrator to invite the California Coastal Commission or the San Francisco Bay Conservation and Development Commission, as applicable according to jurisdiction, to participate in the natural resource damage assessment process regarding injuries to coastal resources and potential restoration and mitigation measures for inclusion in the damage assessment and restoration plan.

Public Lands

AB 3160 (Grayson D) Fire safety.

Introduced: 2/16/2018

Location: **S. DEAD**

Summary:

Current law requires that upon the next revision of the housing element of the plan on or after January 1, 2014, the safety element be reviewed and updated as necessary to address the risk of fire for land classified as state responsibility areas, as defined, and land classified as very high fire hazard severity zones, as defined. This bill would instead require that the above-described safety element be reviewed and updated as necessary to address that fire risk concurrent with each revision of the housing element of a plan on or after January 1, 2019 and would authorize a local jurisdiction to review and update the safety element upon being classified as a very high fire hazard severity zone without revision of the housing element.

[AB 2434](#) (Bloom D) Strategic Growth Council: Health in All Policies Program.

Introduced: 2/14/2018

Location: **S. DEAD**

Summary:

Would, until January 1, 2024, establish the Health in All Policies (HiAP) Program, to be administered by the Strategic Growth Council, for the purposes of incorporating health, equity, and sustainability considerations into decision-making across sectors and policy areas, as specified. The bill would require the council, by October 1, 2019, to develop a report of recommendations for programs, policies, and practices that state agencies can undertake to advance health, equity, and specified goals of the HiAP Program.

[AB 2528](#) (Bloom D) Climate adaptation.

Introduced: 2/14/2018

Location: **A. VETOED**

Summary:

Current law requires the Natural Resources Agency by July 1, 2017, and every 3 years thereafter, to update the state's climate adaptation strategy to identify vulnerabilities to climate change by sectors, including the biodiversity and habitat sector, and priority actions needed to reduce the risks in those sectors. As part of the update, current law requires the Natural Resources Agency to coordinate with other state agencies to identify a lead agency or group of agencies to lead adaptation efforts in each sector. This bill would add 3 new sectors to the climate adaptation strategy: the land use and community development sector, the climate justice sector, and the parks, recreation, and California culture sector.

[AB 3015](#) (Caballero D) Marine terminal operations.

Introduced: 2/16/2018

Location: **A. DEAD**

Summary:

Would require the state freight plan submitted on or before December 31, 2024, to contain additional specified elements relating to the development of transportation infrastructure to support the introduction of intermodal zero-emission and near-zero-emission cargo handling equipment at California seaports and rail yards. The bill would require the Transportation Agency to undertake certain activities with respect to the development of those additional elements.

SB 1072 (Leyva D) Regional Climate Collaborative Program: technical assistance.

Introduced: 2/12/2018

Location: S. CHAPTERED – [Chapter 377, Statutes of 2018](#)

Summary:

Current law creates the Transformative Climate Communities Program, which is administered by the Strategic Growth Council. This bill would, until October 1, 2029, establish a regional climate collaborative program, to be administered by the council, to assist under-resourced communities, as defined, in a region to access statewide public and other grant moneys for climate change mitigation and adaptation projects by establishing collaboratives. The bill would authorize the council to award specified annual grants to collaboratives for specified activities.

SB 1350 (Stern D) Climate change: research, development, and demonstration: financial assistance.

Introduced: 2/16/2018

Location: **S. DEAD**

Summary:

Would state the intent of the Legislature to enact legislation to establish a new model for providing agile financial assistance for research, development, and demonstration of climate change mitigation technologies with transformational potential. This bill contains other existing laws.

SB 1401 (Wieckowski D) Climate change: climate adaptation information: clearinghouse.

Introduced: 2/16/2018

Location: **A. DEAD**

Summary:

Current law requires the Office of Planning and Research to coordinate with appropriate entities to establish a clearinghouse for climate adaptation information for use by state, regional, and local entities. The bill would require the office to seek feedback from entities that use the clearinghouse to maximize the efficacy and usefulness of the clearinghouse.