

Legislative Report

2012



Marina Recreation Association



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2012 Legislative Report

By: Bill Krauss

It is safe to say that this year has seen the most significant impact on the boating community in decades. In 2012, the Legislature and the Governor finally succeeded at merging the Department of Boating and Waterways (DBW) in the Department Parks and Recreation (DPR).

Boating and Waterways Become Part of the Department of Parks and Recreation

Rumors began to swirl in the fall of 2011 that the Governor was working on a variety of mergers and consolidations of government agencies. Those rumors became officially true when he introduced his "Government Reform Proposal #2" (GRP) on May 3 of this year. As expected, that bill called for the merger of DBW into DPR and the elimination of the Boating and Waterways Commission (BWC), along with many other mergers, consolidations and eliminations of agencies.

Procedurally, a GRP is different than a bill. A GRP is introduced and by default becomes effective in 60 days. To stop it, either house can vote to reject it, at which point the proposal is "dead." During this 60-day period, the proposal is reviewed and public hearings are conducted by the "Little Hoover Commission" (LHC). The LHC has no other authority than to review the proposal, produce a report, and offer recommendations for future adjustments to the plan, if it so chooses. We participated in this review and hearing process and in the end their report recommended maintaining the BWC.

It became clear early on that there was little political support for going against the Governor and restoring the Department in its entirety. However, we did get strong support from the Legislature for restoring the BWC. Working with the other boating interests in Sacramento, we were able to find legislative "champions" to help in our efforts. Ultimately, a bill was introduced that restored the BWC, and within days, it reached the Governor's desk where it was signed into law.

The make-up of the new Commission is different and it will no longer be called the BWC; the enabling legislation renamed it the "Boating and Watercraft Advisory Board." A critical change is that it will no longer provide "advice and consent" on loans and grants. However, one could argue the new Commission is as good, or even better, than before. The new Commission will provide "advice and comment" on proposed loans and grants; the new boating division within DPR must now submit a report on its annual budget to the Commission for advice and comment; the Commission will continue to hold regular meetings throughout the state; it will review boating infrastructure plans that have requested loans or grants; and it must prepare a report every three years on the Division's programs and activity and discuss that report in public hearings. This level of disclosure and reporting will ensure the boating community is heard and is fully informed about what is going within the boating division and how the boaters' dollars are being spent.

In terms of the impact to boating programs now that DBW is a division of DPR, I am trying to be optimistic. While it is true that maintaining a separate department is ideal, hopefully DPR will “adopt” the new division and rather than see it as another Department to which it is in competition for funds, it will seek to protect it as “one of its own.” If not, DPR will still be required to submit budget proposals for legislative review annually, giving us the opportunity to advocate for our interests.

State Budget

The 2012 Legislative Session had the usual “questionable” budget and political intrigue, but with the added twist of confusing ballot measures and betting on the future to “balance” our state budget. As times get more desperate, those in charge must be ever more creative in their approach to finding solutions to our various problems.

As has been the case for several years, we continue to face a steady decline in our fiscal health, running deficits annually in the tens of billions of dollars. Overlaying this problem is an unemployment benefit system that has been bankrupt since January of 2009, and we are in debt to the federal government to the tune of around \$11 billion dollars as we have looked to them to cover the ongoing costs of this program. The challenges don’t stop there. Our public pension system also has unfunded liabilities of around \$500 billion.

Despite all of these challenges, and many others not mentioned, we always find new ways to “balance” the budget each fiscal year as required by the California Constitution. This year we got particularly creative. The state budget is predicated on the passage of a tax measure on the November ballot that the Administration says will raise around \$9 billion annually. If the tax measure fails, there will be automatic “trigger” cuts, mostly to education. Some of the more cynical in the Capitol are saying the “trigger” cuts are focused on education to force support for the tax measure. Boating was also caught up in this “trigger” cut maneuver. Should the measure fail, boating law enforcement will be cut by \$5 million. Either way, the measure is barely holding its own in the polls so the outcome is uncertain at best.

The fact that we are facing financial challenges is not the most surprising news. What is interesting is that the Legislature continues to increase spending in spite of our circumstances. For example, just before going on summer recess, the Legislature chose to allocate \$2.6 billion in bond funds to begin work on the high speed rail initiative. While the necessity for this rail system can be argued on both sides, from a purely budgetary perspective, the debt maintenance costs for these bonds will cost the state General Fund hundreds of millions of dollars or even more each year well into the future.

State Budget and the Department of Boating and Waterways

Given the harsh realities of our chronic fiscal state, it is not surprising the boaters took a hit as part of the final budget deal. In January, the Governor proposed a better-than-average budget for the Department of Boating and Waterways. He confirmed this financial support for the Department when he released his revised budget in May. This was certainly good news, but the cynic in me was concerned, given our State's dire circumstances.

Unfortunately, my instincts were correct; after the revised budget was released a late proposal was introduced to take \$10 million from the Harbors and Watercraft Revolving Fund (HWRF) to pay for "recreational enhancements" on the State Water Project (SWP). The SWP is the quasi-private system of dams and reservoirs that made an agreement with the State decades ago that required the State to pay for these recreational enhancements, to which the State has not been holding up its end of the bargain. This issue is not new. In fact, over the last four years the government stakeholders, namely the Governor, Legislature and state water project contractors, have been trying to negotiate a solution, and this year they finally reached a compromise, at our expense.

Private Marina Loan Program

On a positive note, the private marina loan program was in danger of being defunded by the budget subcommittees in both houses. For some reasons, the private loan program has been under increasing scrutiny by the Legislature as the political make-up of the Legislature is increasingly skeptical of programs for private industry. However, we were able to successfully demonstrate the importance of the program, which is confirmed by the very low default rate and the funding was kept intact.

Elections

Although DBW merger/funding are the public policy development we see today, it is the electoral process that sets the stage for future policies, making it worth a note or two. Three big changes have happened lately to the political process that have had and will continue to have implications for the boating community: The majority vote budget; the open primary system; and an increased use of the initiative process.

Majority Votes Budget

As we saw this year, the recent change to a majority vote budget, meaning no votes from the minority party are needed, has resulted in on-time budgets. An on-time budget is positive, but a majority vote approach has serious implication for the State. First, even though there is a requirement for a balanced budget, the Legislature self-declares that it is "balanced," which can lead to obvious problems. This year's budget is a good example. The Governor openly declared,

and the Legislature agreed, that the budget will be balanced only with the passage of a tax increase on the November ballot, meaning at the time of passage it was not technically “balanced;” some would argue in violation of the State Constitution. Although this new arrangement increases efficiency, it removes a significant “check” on the system. On the other hand, this new approach prevents the parties from blaming each other for the problems. From a boating perspective, a majority vote budget eliminates our opportunity to argue our case to the minority party who could leverage our interests in the budget negotiations.

Open Primary

This will play out over the next few election cycles, but is expected to result in more competitive seats and a more responsive Legislature. We just had our first “open primary” election and here are some interesting facts: 101 of the 103 candidates from the majority parties advanced to the General Election. However, 42% faced challenges from within their own party; as compared to about 18% normally. The open primary is significant in that it will force office holders to respond to their districts out of fear of a challenger from within their own party. This dynamic is confirmed by the statistic that 20 elections in November will have two candidates from the same party.

What does this mean for boating? I think a Legislature less concerned about Sacramento politics and more concerned about the interests of their constituents will be more supportive of boating. We have a good story to tell about the economic and social value of boating; and when we can get individuals to listen, we get support.

Initiative Process

With a gridlocked legislative process, interest groups and even the Legislature and the Governor are turning to the ballot to promote their agenda. The Legislature voted again this year to bump the “water bond” to the 2014 ballot. It was originally slated for the 2010 ballot and was subsequently moved to 2012 due to fear that it will fail at the polls. As noted before, the Governor is looking to balance the budget with the ballot and there is another tax increase measure on the November ballot that could further complicate the situation if passed by the voters.

Excessive use of the ballot can also lead to voters not necessarily knowing what they are voting for. In the recent June election, the voters approved Proposition 28, which “shortens” term limits from a current maximum 14 years to 12 years. However, the practical implication is that time served by individual members will likely increase. Here’s how: Before the passage of Proposition 28, the limit was three, two-year terms in the Assembly and two, four-year terms in the Senate. This meant that technically a member could spend 6 years in the Assembly then move to the Senate for another 8, for a grand total of 14 years.

However, because of all the “seat jumping” efforts by current members looking to maximize their time as elected officials, it was common for members to not serve to the limit in each house. Here’s how: An open Senate seat, for example, right at the end of the six-year limit of an Assembly Member might not be available. That sitting Assembly Member might leave the Assembly after just two or four years to fight for that open Senate seat. It was also common for a sitting legislator to simply not have a chance at the other house due to overlapping districts and competition from a more popular Legislators taking the other house seat they were looking at, limiting their time in the Legislature to just the limit of their original house.

Now, with Proposition 28, a member can serve the full 12 years in one house. This will likely see the return of the strong “Willie Brown” style Assembly Speakers and longer overall time served in the Legislature in the aggregate as members choose to make a career in one house rather than risk a jump to the other house. My guess is many voters thought they were voting to shorten term limits, but in fact the opposite is likely true.

Ah, but what a tangled web we weave....

The bottom line is that there are a lot of moving parts and the parts get more complicated over time. In a simpler time, the process was more straight-forward: budgets were based on real numbers and were really balanced each year, coupled with a prudent reserve. Now, budgets are “sketchy” to be kind, complex ballot measures are used as a means to an often hidden “end;” and the public is not always sure what they are getting. However, in all of this complexity we continue to generally hold our own. DBW is now a division of Parks, but their budget will remain a public process, which allows us to continue to work to protect the boater’s dollars. We also have what I think is a new and improved Boating and Waterways Commission. Yes, the State is more complex, but that complexity can work to our advantage as well.

Legislation

On the legislative front, we had a fairly successful year. The following is a summary of the bills of interest:

AB 737 (Buchanan) – Boating and Waterways Commission – Support

This is the bill referenced in the DBW/DPR merger section that reconstituted the Boating and Waterways Commission.

AB 2005 (Garrick) – Vessel Regulations – Support

We supported this bill because it cut the regulatory red tape for large vessels coming to California. Under current law, large yachts between 300 and 400 tons can get caught in an inconsistency between federal and state law, resulting in significant fines. Vessels over 400 tons must have an

oil spill contingency plan under federal rules, but that mandate starts at 300 tons in California. This bill simply allowed these “gap” vessels a 14 days once they arrive to get such plans, rather than having them before they arrive in the state, before any fines can be levied. This bill was signed by the Governor.

AB 1540 (Buchanan) – South American Spongeplant – Support

South American Spongeplant, which is an invasive species, is becoming more of a concern in the Delta. This bill added this plant to the list of plants that are under the purview of DBW to control. I am glad to report this bill as well was signed into law.

AB 1963 (Huber) and AB 2540 (Gatto) – Service Tax – Oppose

As usually is often the case, there are bills that we must oppose in defense of our interests. These two bills were significant in that they would have placed “service” tax on many industries, including marina services and boat repair, in addition to many other industries. We joined with other Sacramento interests killing both of these bills.

AB 2082 (Atkins) – State Lands Commission – Neutral

This bill was sponsored by the State Lands Commission (SLC) for the purpose of better enforcing their leases. Under current law, the SLC must go to court to get an illegal structure removed from land under their jurisdiction. This bill was crafted to enable them to have enforcement authority over these lands, which is consistent with other government agencies. As originally drafted, the bill did not have sufficient due process as part of its enforcement authority and went too far in some instances.

We were able to secure all the amendments we requested, including the most significant change, which was the removal of language that would allow them to take “ownership” of a structure it deemed out of compliance.

AB 2443 (Williams) – Quagga Mussel Program Funding – Oppose

The one challenging bill that did not go our way places a fee on vessel registration of up to \$10 annually to pay for Quagga Mussel programs, which would primarily be allocated to grants to local governments. We opposed this bill because the HWRF is already funding some of these efforts to the tune of over \$6 million annually, and we reasoned this was our “fair share” of the cost. The Governor signed this bill.

SB 623 (Kehoe) – Copper Anti- Fouling Hull Paint – Oppose unless Amended

On a positive note, the copper hull paint bill, which would have banned anti-fouling paints due to copper in the water, has been dropped by the author. This bill saw extensive activity in

Sacramento and at the local level as all the stakeholders have attempted to work through the complex issues. Although we may see a bill next year, the good news is there are ongoing discussions and reviews of the existing and emerging science of the impact of copper on aquatic species, which should lead to a better bill.

Next Year

While it is important to review the previous year, it is just as important to begin to think about what we may be facing in the coming year.

Copper Anti-Fouling Hull Paint Legislation

Rumor has it we will see another bill related to copper anti-fouling hull paints. Copper continues to be a major issue at both the state and federal level. Because of this ongoing activity, legislators will likely take a role in shaping the outcome. We have already begun discussion with other stakeholders and expect to hear more as the issue develops

State Budget

It is almost not worth mentioning the obvious fact that the State will continue to face fiscal challenges. The defining issue will be whether or not Proposition 30, which is the initiative sponsored by the Governor to raise taxes, is passed by the voters. If it fails at the polls, the fiscal hole will be just that much deeper.

DBW / DPR Merger

In 2013 we will begin to see the beginnings of the efforts to merge these two departments. Technically, the merger happens on July 1, 2013, but it likely the full integration will take significantly longer.

Shelter Island Yacht Basin "Delisting" Process

A group of San Diego stakeholders will be working to get the Shelter Island Yacht Basin "delisted" from the federal "impaired" water body list. The issue of copper in San Diego Bay has been a significant driver for the copper related legislation, so these stakeholders will be working on this in the coming year to help deal with this challenge.

CHAPTERED

[AB 45](#) (Hill D) Charter-party carriers of passengers: open containers.

Current Text: Chaptered: 9/23/2012 [pdf](#) [html](#)

Summary:

Would require the charter-party carrier of passengers to ask the chartering party, as defined, to disclose at the time transportation service is prearranged or the contract of carriage is made and, upon being asked, would require the chartering party to disclose (1) if alcoholic beverages will be served by the chartering party, as defined, or be transported in the passenger compartment of the vehicle during transportation and (2) if any member of the party to be provided with transportation services will be under 21 years of age. The bill would require the charting party to designate a designee, as defined, and would impose different requirements for a designee of the chartering party and the driver of the vehicle depending upon the presence of specified circumstances. The bill would make the designee or, when present, the parent or legal guardian legally responsible for any reasonably foreseeable personal injury or property damage that is proximately caused by a violation of laws prohibiting the consumption of alcoholic beverages by a person under 21 years of age when alcoholic beverages are consumed during the provision of transportation services under certain circumstances. The bill would make failure to comply with certain of its requirements a misdemeanor and would make any violation of its requirements by a charter-party carrier of passengers or its driver subject to civil penalties imposed by the commission. The bill, by creating a new crime, would impose a state-mandated local program. This bill contains other related provisions and other current laws.

Position: watch A

[AB 737](#) (Buchanan D) Boating and Waterways: Harbors and Watercraft Commission.

Current Text: Chaptered: 7/17/2012 [pdf](#) [html](#)

Summary:

Current law establishes the Department of Boating and Waterways in the Natural Resources Agency and charges the department with duties related to beach erosion, harbors, and recreational boat trails. Current law establishes the Boating and Waterways Commission to provide advice to that department. This bill would instead place the commission in the Department of Parks and Recreation within the Division of Boating and Waterways, and would prescribe the membership, functions, and duties of the commission. This bill contains other related provisions and other current laws.

Position: watch A

[AB 1465](#) (Committee on Budget) Transportation.

Current Text: Chaptered: 6/27/2012 [pdf](#) [html](#)

Summary:

Current law imposes an excise tax on motor vehicle fuel (gasoline). Current law, as a result of the elimination of the sales tax on gasoline effective July 1, 2010, provides for a commensurate increase in the excise tax on gasoline. Article XIX of the California Constitution requires gasoline excise tax revenues from motor vehicles traveling upon public streets and highways to be deposited in the Highway Users Tax Account, for allocation to city, county, and state transportation purposes. Current law generally provides for statutory allocation of gasoline excise tax revenues attributable to other modes of transportation, including aviation, boats, agricultural vehicles, and off-highway vehicles, to particular accounts and funds for expenditure on purposes

associated with those other modes. Expenditure of the gasoline excise tax revenues attributable to those other modes is not restricted by Article XIX of the California Constitution. This bill, with respect to the increase in gasoline excise taxes as a result of the elimination of the sales tax on gasoline, would instead transfer the revenues attributable to aviation, boats, agricultural vehicles, and off-highway vehicles to the General Fund, commencing July 1, 2012, and ending June 30, 2015. The bill, with respect to these revenues already transferred to the particular nonhighway accounts and funds in the 2010-11 and 2011-12 fiscal years, would also transfer those revenues to the General Fund. Commencing July 1, 2015, the bill would instead transfer these revenues to the Highway Users Tax Account for allocation to state and local transportation purposes. Because that account is continuously appropriated, the bill would make an appropriation. This bill contains other related provisions and other current laws.

Position: watch A

[AB 1540](#) (Buchanan D) Sacramento-San Joaquin Delta: South American Spongeplant.

Current Text: Chaptered: 8/27/2012 [pdf](#) [html](#)

Summary:

Current law designates the Department of Boating and Waterways as the lead agency in cooperating with other agencies in controlling water hyacinth (*Eichhornia crassipes*) and Brazilian elodea (*Egeria densa*) in the Sacramento-San Joaquin Delta, its tributaries, and the Suisun Marsh. This bill would additionally designate the department as the lead agency in cooperating with other agencies in controlling South American spongeplant (*Limnobium laevigatum*) in the delta, its tributaries, and the marsh.

Position: support

[AB 1566](#) (Wieckowski D) Aboveground storage tanks: enforcement.

Current Text: Chaptered: 9/25/2012 [pdf](#) [html](#)

Summary:

Would revise the definition of "aboveground storage tank" to include tanks in an underground area, as defined. The bill would also make conforming changes to the definition of the term "tank facility." The bill would require the UPAs to implement the act in accordance with the regulations adopted by the Office of the State Fire Marshal and would authorize the Office of the State Fire Marshal to adopt these regulations, thereby imposing a state-mandated local program by imposing new requirements upon local agencies with regard to the act. The bill would require the office to establish an advisory committee and take other actions with regard to ensuring compliance with local, state, and federal requirements. The bill would also require the office to interpret the act and oversee the implementation of the act by the UPAs and would make conforming changes in that regard. This bill contains other related provisions and other current laws.

Position: watch A

[AB 1656](#) (Fong D) San Francisco Bay Restoration Authority.

Current Text: Chaptered: 9/25/2012 [pdf](#) [html](#)

Summary:

The San Francisco Bay Restoration Authority Act establishes the San Francisco Bay Restoration Authority to raise and allocate resources for the restoration, enhancement, protection, and enjoyment of wetlands and wildlife habitat in the San Francisco Bay and along its shoreline. Current law repeals the act on January 1, 2029. This bill would revise that definition of the East Bay, for purposes of that appointment, to provide that it consists of the whole Contra Costa County, as well as that specified portion of Alameda County, excluding the Delta primary zone, as defined. This bill contains other related provisions and other current laws.

Position: watch

[AB 1701](#) ([Wieckowski](#) D) **Underground storage tanks: local agencies.**

Current Text: Chaptered: 9/25/2012 [pdf](#) [html](#)

Summary:

Would revise the term "local agency" for purposes of the underground storage tank requirements to mean the unified program agency with regard to the implementation of certain provisions regulating underground storage tanks and a city or county for purposes of provisions authorizing corrective action to releases from those tanks. The bill would impose a state-mandated local program by imposing new duties upon local agencies with regard to the implementation of those requirements. This bill contains other related provisions and other current laws.

Position: watch

[AB 1715](#) ([Smyth](#) R) **Underground storage tanks: tank case closure.**

Current Text: Chaptered: 9/7/2012 [pdf](#) [html](#)

Summary:

Would require the manager, upon a determination that closure of the tank case is appropriate based upon that review, to provide a review summary report to the applicable regional board and local agency and provide opportunity for comment. The bill would prohibit the regional board or local agency from issuing a corrective action directive or enforcing an current corrective action directive for a tank case for which the manager has provided this review summary report, until the board issues a decision regarding the closure of the tank case, except as specified. The bill would specify that the \$10,000 limit for corrective action costs after tank closure includes costs for groundwater monitoring. This bill contains other related provisions.

Position: watch

[AB 1847](#) ([Lowenthal](#), [Bonnie](#) D) **City of Long Beach: grant of public trust lands.**

Current Text: Chaptered: 7/13/2012 [pdf](#) [html](#)

Summary:

Current law grants to the City of Long Beach specified tide and submerged lands, bordering upon and under the Pacific Ocean or along the coastline within the territory of the City of Long Beach, subject to specified conditions. This bill would grant and convey in trust to the City of Long Beach in the County of Los Angeles all the right, title, and interest of the State of California, subject to the city's statutory trust, acquired and held by the state pursuant to a specified agreement approved by the State Lands Commission, as described. This bill contains other related provisions.

Position: watch

[AB 1886](#) ([Chesbro](#) D) **Aquaculture.**

Current Text: Chaptered: 9/13/2012 [pdf](#) [html](#)

Summary:

Current law establishes within the Department of Fish and Game an aquaculture coordinator to perform prescribed duties relating to the aquaculture industry. This bill would include in the duties of the coordinator the requirement to coordinate with the Aquaculture Development Committee. The bill, until January 1, 2018, would increase those registration, renewal, surcharge, and penalty fees, as prescribed. The bill would require the department to provide an accounting of the aquaculture program account balance and expenditures upon request of the Aquaculture Development Committee or the Joint Committee on Fisheries and Aquaculture. The bill would restrict the use of these fee revenues to paying the costs of the administration and enforcement of the department's aquaculture program. The bill would require the department to prepare and submit to the Legislature, on or before February 1, 2017, a report regarding the aquaculture program.

Position: watch

AB 1961 (Huffman D) Coho salmon: habitat.

Current Text: Chaptered: 9/25/2012 [pdf](#) [html](#)

Summary:

Would appropriate \$37,500 from the Hatchery and Inland Fisheries Fund to the department to fund an engineer position employed on a half-time basis for the remainder of the 2012-13 fiscal year to review projects under the act. This bill contains other current laws.

Position: watch

AB 2005 (Garrick R) Oil spills: contingency plans and financial responsibility.

Current Text: Chaptered: 9/25/2012 [pdf](#) [html](#)

Summary:

The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act generally requires the administrator for oil spill response, acting at the direction of the Governor, to implement activities relating to oil spill response. The act requires a nontank vessel to submit to the administrator specified documents and evidence of financial responsibility. This bill would specifically require, until January 1, 2014, the owner or operator of a nontank vessel within a specific range of gross tonnage that is not used for commercial purposes to submit, as specified, evidence of financial responsibility, payment of the applicable fee, graywater information, sewage information, and vessel particulars at least 96 hours prior to the vessel's arrival in the marine waters of the state, and to submit other required documents within 14 days after the arrival of the vessel. This bill would exempt from these requirements a vessel with insufficient graywater and sewage holding capacity to store graywater and sewage while the vessel is in marine waters of the state and any vessel for which a contingency plan has previously been denied or revoked. This bill contains other related provisions.

Position: support

AB 2046 (Allen D) Property taxation: change in ownership: exclusion: floating homes.

Current Text: Chaptered: 9/30/2012 [pdf](#) [html](#)

Summary:

Would provide that a transfer of a floating home marina, as defined, to a nonprofit corporation, stock cooperative corporation, limited equity stock cooperative, or other entity formed by the tenants of a floating home marina for the purpose of purchasing the floating home marina does not constitute a change in ownership, provided that a specified condition is met. This bill would also provide that, if the transfer of a floating home marina has been excluded from a change in ownership and the floating home marina has not been converted, as specified, any transfer of shares of the voting stock of, or other ownership or membership interests in, the entity that acquired the floating home marina shall be a change in ownership of a pro rata portion of the real property, as defined, of the floating home marina. This bill would require a floating home marina that does not utilize recorded deeds to transfer ownership interest in the berths to file a report with the county assessor's office, as specified. This bill would require the new resident owner or other purchaser or transferee of a floating home within a floating home marina that does not utilize recorded deeds to transfer ownership interest in the berths to file a specified change in ownership statement, which is required to be filed under penalty of perjury, within 30 days of a change in ownership. This bill contains other related provisions and other current laws.

Position: watch

AB 2082 (Atkins D) Public lands: State Lands Commission: violations.

Current Text: Chaptered: 9/7/2012 [pdf](#) [html](#)

Summary:

Current law establishes the State Lands Commission in the Natural Resources Agency. Under current law, the commission classifies state land for its different possible uses and has jurisdiction over various state lands. This bill would prohibit a person from constructing, placing, maintaining, owning, using, or possessing a structure or facility

on land that is under the commission's jurisdiction and owned by the state, without first obtaining all necessary easements, leases, or permits from the commission that authorize the construction, design, placement, maintenance, ownership, use, or possession of the structure or facility, except for specified facilities owned by an electrical corporation, as defined, or a gas corporation, as defined. This bill contains other related provisions.

Position: Neutral

AB 2443 (Williams D) Quagga and Zebra Mussel Infestation Prevention Program.

Current Text: Chaptered: 9/23/2012 [pdf](#) [html](#)

Summary:

Current law establishes various programs administered by, among other agencies, the Department of Fish and Game and the State Lands Commission, to prevent aquatic invasive species introduction and manage the spread and impacts of aquatic invasive species in state waters. Current law prohibits, except as authorized by the Department of Fish and Game, a person from possessing, importing, shipping, or transporting in the state, or from placing, planting, or causing to be placed or planted in any water within the state, dreissenid mussels, which are regulated by the department as an invasive species. This bill would impose an additional fee in specified amounts, as determined by the department, on a vessel required to pay that registration fee. The bill would require the department, in determining the fee, to consult with a technical advisory group, which would be established by the department. The bill would require funds from the fee to be used to, among other things, implement and administer dreissenid mussel monitoring, inspection, and infestation prevention programs, as prescribed. The bill would require the department to adopt an emergency regulation to prescribe procedures for the collection and use of the fee. This bill contains other current laws.

Position: oppose

AB 2649 (Ammiano D) Tidelands and submerged lands:

Current Text: Chaptered: 9/29/2012 [pdf](#) [html](#)

Summary:

Would, similarly, declare that, upon the State Lands Commission making specified findings, certain seawall lots are free from the use requirements of the public trust, the Burton Act trust, and the Burton Act transfer agreement, and would authorize the port to lease these lots, subject to certain requirements and conditions. The bill would authorize the port to provide a rent credit or other waiver or deferral of rent in connection with either a nontrust lease of these seawall lots that result in an effective rent to the port for below fair market value, if the State Lands Commission finds that certain conditions are met. This bill contains other current laws.

Position: watch

SB 1018 (Committee on Budget and Fiscal Review) Public resources.

Current Text: Chaptered: 6/27/2012 [pdf](#) [html](#)

Summary:

Current law establishes the Office of Education and the Environment in the California Environmental Protection Agency to implement the statewide environmental educational program and, in cooperation with the State Department of Education and the State Board of Education, develop and implement a unified education strategy on the environment for elementary and secondary schools in the state. This bill would establish the office in the Department of Resources Recycling and Recovery instead and make conforming changes. This bill contains other related provisions and other current laws.

Position: oppose

SB 1360 (Simitian D) Vessels.

Current Text: Chaptered: 9/7/2012 [pdf](#) [html](#)

Summary:

Current law requires, until January 1, 2014, the owner or operator of a large passenger vessel to notify the California Emergency Management Agency immediately, but not longer than 30 minutes, after the discovery of a release of sewage from a large passenger vessel into the marine waters of the state or a marine sanctuary. Current law requires the owner or operator to notify the agency immediately, but not longer than 30 minutes, after the discovery of a release of graywater from a large passenger vessel into the marine waters of the state. Current law imposes on a person who violates the prohibition a civil penalty of not more than \$25,000 for each violation. This bill would extend the prohibition and notification requirement indefinitely. The bill would expand the prohibition to sewage releases into a marine sanctuary. The bill would additionally require the owner or operator of a large passenger vessel to notify the agency upon the discovery of a release of graywater into a marine sanctuary. This bill contains other related provisions and other current laws.

Position: watch

SB 1495 (Wolk D) Sacramento-San Joaquin Delta Reform Act of 2009.

Current Text: Chaptered: 9/25/2012 [pdf](#) [html](#)

Summary:

The Sacramento-San Joaquin Delta Reform Act of 2009 defines "covered action" to mean a plan, program, or project that meets specified conditions. This bill would exclude from the definition of "covered action" specified leases approved by the Port of Stockton or the Port of West Sacramento and routine dredging activities, as defined, necessary for maintenance of facilities operated by the Port of Stockton or the Port of West Sacramento.

Position: watch

SB 1577 (Committee on Natural Resources and Water) Resources: public trust lands:

Current Text: Chaptered: 9/7/2012 [pdf](#) [html](#)

Summary:

Current law grants to the City of Newport Beach all tide and submerged lands, whether filled or unfilled, bordering upon and under the Pacific Ocean or Newport Bay, as described, subject to specified conditions. This bill would grant and convey in trust to the City of Newport Beach in the County of Orange all the right, title, and interest of the State of California, subject to the city's statutory trust, acquired and held by the state pursuant to a specified agreement approved by the State Lands Commission, as described. This bill contains other related provisions.

Position: watch A

SJR 17 (Corbett D) Coastal resources: San Francisco Bay.

Current Text: Chaptered: 8/16/2012 [pdf](#) [html](#)

Summary:

This measure would declare the Legislature's endorsement of S. 97 and H.R. 3034, and would urge the United States Congress to enact the San Francisco Bay Restoration Act at the earliest possible time.

Position: support

VETOED

AB 1963 (Huber D) Income taxes: sales and use taxes: Legislative Analyst's Office:

Current Text: Vetoed: 9/29/2012 [pdf](#) [html](#)

Summary:

Current law imposes taxes based upon taxable income, at specified rates, and imposes state sales and use taxes on retailers and on the storage, use, or other consumption of tangible personal property in this state. This bill would require the Legislative Analyst's Office to assess potential changes to the laws described above in order to reduce revenue volatility and to provide a report including these assessments to the Legislature on or before July 1, 2013. This bill also would repeal obsolete provisions requiring a report by the Legislative Analyst to the Legislature in 2004.

Position: oppose

SB 1063 (Gaines R) Bear Lake Reservoir: recreational use.

Current Text: Vetoed: 9/25/2012 [pdf](#) [html](#)

Summary:

Current law, with certain exceptions, prohibits recreational use in which there is bodily contact with water in a reservoir in which water is stored for domestic use, and establishes water standards for those exempted reservoirs. This bill would, in addition, exempt from this prohibition recreational activity in which there is bodily contact with water by any participant in the Bear Lake Reservoir, and would establish standards in this regard, including water treatment, monitoring, and reporting requirements. The bill would require the State Department of Public Health to annually review specified data to ensure compliance, and would provide that the exemption granted pursuant to these provisions would cease upon a finding of noncompliance. This bill would also provide that, upon a finding of noncompliance, the Lake Alpine Water Company would be subject to suspension or revocation of any permit issued pursuant to specified provisions, and that failure to comply with these provisions would be deemed a violation subject to specified penalties. By expanding the definition of a crime, this bill would create a state-mandated local program. This bill would provide that these provisions would remain in effect only until January 1, 2016.

Position: support

DEAD

[AB 550](#) ([Huber D](#)) Sacramento-San Joaquin Delta: peripheral canal.

Current Text: Amended: 1/4/2012 [pdf](#) [html](#)

Summary:

Would prohibit the construction of a peripheral canal, as defined, that conveys water from a diversion point in the Sacramento River to a location south of the Sacramento-San Joaquin Delta, unless expressly authorized by the Legislature. The bill would require the Legislative Analyst's Office to complete an economic feasibility analysis prior to the enactment of a statute authorizing the construction of a peripheral canal. The bill would prohibit the construction and operation of a peripheral canal from diminishing or negatively affecting the water supplies, water rights, or quality of water for water users within the Sacramento-San Joaquin Delta watershed, or imposing any new burdens on infrastructure within, or financial burdens on persons residing in, the Delta or the Delta watershed.

Position: watch A

[AB 1060](#) ([Hernández, Roger D](#)) Crimes of violence: crimes at sea.

Current Text: Amended: 6/21/2012 [pdf](#) [html](#)

Summary:

Would require the owner or operator of a ship to preserve a crime scene and all physical evidence whenever a violent crime is reported to the owner or operator of the ship at anytime when the ship is within the jurisdiction of the state. The bill would make the owner or operator liable for a civil fine not to exceed \$50,000 in an action brought by the district attorney for a failure to satisfy the requirements of these provisions.

Position: watch

[AB 1095](#) ([Buchanan D](#)) Sacramento-San Joaquin Delta Reform Act of 2009

Current Text: Amended: 6/27/2012 [pdf](#) [html](#)

Summary:

Would exclude from the definition of "covered action" any project, as defined, as of September 30, 2009, that is within an urban or urbanizing area within the Delta's secondary zone, within the boundaries of the community's adopted sphere of influence or urban limit line and substantially conforms with an adopted general plan. This bill contains other related provisions and other current laws.

Position: watch

[AB 1601](#) ([Huffman D](#)) Oil spill prevention: certification of financial responsibility.

Current Text: Amended: 6/28/2012 [pdf](#) [html](#)

Summary:

Current law requires the administrator for oil spill response to charge a nontank vessel owner or operator a reasonable fee, to be collected with each application to obtain a certificate of financial responsibility, in an amount based on the administrator's costs related to regulating nontank vessels. Current law authorizes the use of revenue derived from the fee for specified purposes relating to oil spill prevention. This bill would, until January 1, 2018, limit the fee to an amount not to exceed \$3,500 per nontank vessel, but would allow the administrator to annually adjust the maximum fee based on the percentage increase in the California Consumer Price Index. The bill would authorize the administrator, on and after January 1, 2018,

to charge the fee in amount based on the administrator's costs related to regulating nontank vessels. The bill would allow the revenue derived from the fees to be spent for those specified purposes related to oil spill prevention .

Position: watch

AB 2000 (Huber D) Sacramento-San Joaquin Delta.

Current Text: Amended: 4/16/2012 [pdf](#) [html](#)

Summary:

Current law, the Sacramento-San Joaquin Delta Reform Act of 2009, established the Delta Stewardship Council as an independent agency of the state and required the council to consist of 7 members appointed in a specified manner. This bill would reduce the Governor's appointments to the council to 2 members, and instead provide that the Vice-Chairperson of the Delta Protection Commission and a member of the commission chosen by a majority vote of the commission will serve on the council, as prescribed. This bill contains other related provisions and other current laws.

Position: watch

AB 2178 (Jones R) Coastal resources: California Coastal Act of 1976

Current Text: Introduced: 2/23/2012 [pdf](#) [html](#)

Summary:

For purposes of the California Coastal Act of 1976, "development" is defined to mean, on land, or in water, among other things, the placement or erection of any solid material or structure, as defined. For purposes of that definition, "structure" includes, but is not limited to, any buildings, road, pipe, flume, conduit, siphon, aqueduct, telephone line, or electrical power transmission and distribution line. This bill would specify that, for purposes of the act, "structure" does not include the construction or erection of a flagpole on land or water in the coastal zone. The bill would further prohibit the construction or erection of a flagpole on land or water in the coastal zone from being determined to adversely impact the scenic or visual qualities of coastal areas.

Position: watch

AB 2211 (Jones R) Coastal resources: California Coastal Act of 1976

Current Text: Introduced: 2/24/2012 [pdf](#) [html](#)

Summary:

The California Coastal Act of 1976 makes legislative findings and declarations regarding the resolution of conflicts under the act and declares that the basic goals of the state include, among other things, assuring the orderly, balanced utilization and conservation of coastal zone resources, taking into account the social and economic needs of the people of the state. The act also specifies that the Legislature declares that, in carrying out the provisions of the act, conflicts be resolved in a manner that, on balance, is the most protective of significant coastal resources. This bill would revise the above-described goal to specify that "social and economic needs" includes both the infrastructure and development that are needed to support the continued economic and population growth of the state. The bill would instead specify that the Legislature declares that, in carrying out the provisions of the act, conflicts be resolved in a manner that balances the protection of significant coastal resources with the economic and social benefits provided by a proposed coastal development project to the community at large, which includes, but is not limited to, the economic prosperity of the region.

Position: watch

AB 2267 (Hall D) Marine resources and preservation.

Current Text: Amended: 4/26/2012 [pdf](#) [html](#)

Summary:

The California Marine Resources Legacy Act establishes a program, administered by the Department of Fish and Game, to allow partial removal of offshore oil structures. The act authorizes the department to conditionally approve the partial removal of

offshore oil structures, if specified criteria are satisfied, including a finding that the alternative of partial removal provides a net environmental benefit and substantial cost savings compared to the alternative of full removal of these structures. The act requires the first person to file an application on and after January 1, 2011, to partially remove an offshore oil structure to pay, in addition to other specified costs, the startup costs incurred by the department or the State Lands Commission to implement the act, including the costs to develop and adopt regulations. The act requires the payment of startup costs to be reimbursed by the department, as specified. The act requires the Ocean Protection Council, for purposes of determining whether partial removal provides a net environmental benefit, to establish specified criteria, to consult with the department, the California Coastal Commission, the State Lands Commission, the California Ocean Science Trust, and other responsible agencies as to those criteria, and requires certification that partial removal complies with the California Environmental Quality Act, among other things. The act requires the State Lands Commission to determine the cost savings of partial removal, and requires the applicant, upon conditional approval for conversion, to apportion a percentage of the cost-savings funds in accordance with a prescribed schedule to specified entities and funds. The act defines "cost savings" to mean the difference between the estimated cost to the applicant of complete removal of an oil platform, as required by state and federal leases, and the estimated costs to the applicant of partial removal of the oil platform pursuant to the act, and specifically provides for the inclusion of certain costs in cost savings. This bill would specifically include certain additional costs in "cost savings" calculations for purposes of these provisions , as specified . This bill contains other related provisions.

Position: watch

[AB 2311](#) (Atkins D) Stormwater Resource Planning Act.

Current Text: Introduced: 2/24/2012 [pdf](#) [html](#)

Summary:

Under current law, the State Water Resources Control Board and the California regional water quality control boards prescribe waste discharge requirements for the discharge of stormwater in accordance with the national pollutant discharge elimination system (NPDES) permit program and the Porter-Cologne Water Quality Control Act. Current law, the Stormwater Resource Planning Act, authorizes a city, county, or special district to develop, jointly or individually, a stormwater resource plan that meets certain standards. This bill would make technical, nonsubstantive changes in these provisions.

Position: watch

[AB 2540](#) (Gatto D) Veterans' Home of California: county veterans service officers.

Current Text: Amended: 4/25/2012 [pdf](#) [html](#)

Summary:

Would continuously appropriate, on a fiscal year basis, from the General Fund, \$90 million to the Department of Veterans Affairs for the purpose of operating specified veterans' homes in California and \$15 million to the Department of Veterans Affairs for the purposes of funding county veterans service officers, thereby making an appropriation.

Position: oppose

[SB 1049](#) (Harman R) City property: leases.

Current Text: Introduced: 2/8/2012 [pdf](#) [html](#)

Summary:

Current law generally prohibits a city from leasing property that it owns or controls for a period exceeding 55 years, but permits a city to lease property that it owns or controls for a period not to exceed 99 years if specified conditions are met. This bill would make technical, nonsubstantive changes to these provisions.

Position: watch

SB 1192 (Evans D) Oil spill prevention and administrative fee.

Current Text: Amended: 8/20/2012 [pdf](#) [html](#)

Summary:

Current law imposes an oil spill prevention and administration fee in an amount determined by the administrator to implement oil spill prevention activities, but not to exceed, until January 1, 2015, \$0.065 per barrel of crude oil or petroleum products, on persons owning crude oil or petroleum products at a marine terminal. The fee is deposited into the Oil Spill Prevention and Administration Fund in the State Treasury. Upon appropriation by the Legislature, moneys in the fund are available for specified purposes, including to cover the costs incurred by the Oiled Wildlife Care Network for training and field collection, and search and rescue activities. This bill would, until January 1, 2015, increase the maximum annual assessment from \$0.065 to \$0.068 per barrel of crude oil or petroleum products. The bill would subsequently decrease the annual assessment, beginning January 1, 2015, to a maximum of \$0.050 per barrel of crude oil or petroleum products. This bill contains other related provisions and other current laws.

Position: watch

SB 1251 (Evans D) Ocean Protection Council: Aquatic Invasive Species Working Group.

Current Text: Amended: 5/1/2012 [pdf](#) [html](#)

Summary:

Would require the Ocean Protection Council and the Wildlife Conservation Board to enter into a memorandum of agreement to jointly establish an Aquatic Invasive Species Working Group for the development and implementation of an aquatic invasive species control program. The bill would require the Secretary of the Natural Resources Agency to appoint a member of the council or its executive director to chair the working group, comprised of specified members appointed by the secretary. The bill would prescribe the functions and duties of the working group with regard to the management of aquatic invasive species within different regions of the state. The bill would require the working group, no later than January 1, 2014, to prepare and submit to the Legislature a report containing recommendations for future legislation pertaining to the management of aquatic invasive species in the state.

Position: Watch-a