

# *Legislative Report*

## 2011



*Marina Recreation Association*

---



# Table of Contents

---

State Budget.....1-3

The Future.....3,4

On to Boating.....4-7

- *Vessel Sales Tax Issue*
- *Our Biggest Issue of the Year*
- *“Wetfish” Legislation*
- *Don’t Panic...The Boating and Waterways Commission is not Going Away*
- *Even the Little Bills Need Some Attention*

Possible Challenges Next Year.....7,8

- *DBW Elimination*
- *Money, Money, Money*
- *Ocean Regulations*
- *Grassroots Advocacy!*

Legislation.....9-18

- *Chaptered*
- *Vetoed*
- *“Two-Year” Bills*

This year was much like previous years in that the Legislature was unable to find a way to solve our long-term problems. Some of our challenges can be attributed to the economic challenges in the rest of the nation, and the world for that matter, but California's problems are particularly acute. We have systemic problems that given the nature of our politics we can't seem to easily fix.

We are facing chronic budget shortfalls, never-ending political battles and diametrically opposed political views among legislators that makes it virtually impossible to find common ground to solve our very uncommon problems.

It is often said around the Capitol "If you are not at the table you are the one being eaten!" We have maintained our seat at the table and at the end of another year I am glad to report that we find ourselves in pretty good shape, considering the crisis we face. The following sections talk about our activities for the year and general information about various political issues, starting with the state budget.

## ***The State Budget and its Politics...***

*"If you read those numbers carefully, you will notice they did not add up."*

The best place to start an overview of what occurred in Sacramento this year is the state budget. The budget is the largest issue of any year and has been of profound focus over the last few years due to our struggling economy and, frankly, a Legislature that has struggled to face the reality of the situation.

First, by the numbers: The Governor proposed in his January budget a plan that accounted for a projected deficit of about \$25 billion dollars. However, when he offered his revised budget in May, which is done each year after the April tax season to reflect a more accurate view of actual receipts, our budget deficit was reduced to just \$9.6 billion. How did that happen? Between the January budget and the May revised budget, the Legislature took \$13.6 billion in "revenue actions." Those "revenue actions" included modest program cuts, internal borrowing and revenues transfers, in addition to \$6 billion in new revenue.

If you read those numbers carefully, you noticed they did not add up. Here is the break down: We had a \$25 billion problem in January, with that problem shrinking to \$9.6 billion after the May revised budget. That means we "found" just over \$15 billion. However, the "revenue actions" were \$13.6 billion plus increased revenues of \$6 billion, all of which add up to "new" money of nearly \$20 billion. We only needed \$15 billion but "created \$20 billion? The difference in those numbers was used to increase spending of nearly another \$5 billion. This increased spending is just another example of a lack of restraint in Sacramento.

This effort to find additional revenue happened in March as a stop-gap measure heading into the real budget discussions that would happen after the tax season. Unfortunately, we got caught up in that frenzy. Part of the internal borrowing and transfers mentioned above was a \$17 million loan from the Harbors and Watercraft Revolving Fund to the General Fund that must be paid

back by 2014. Although we opposed this effort, the political inertia for all of this borrowing and transfers was just too much to overcome. The good news is the wording of the language. The bill says that the loan shall be repaid by June 30, 2014. That is firm language and we will work to hold them to it when the time comes.

Regarding the so-called “revenue actions” in general, it is important to note that it is very unlikely that all of the projected savings and income will come to fruition. Studies have shown that, depending on the year, California has a track record of only realizing between 70 and 90 percent of the projected savings or increased revenue.

This, of course, begs the question: If we are operating on a cash basis and have run these shortfalls for years, and the efforts to balance the budget always fall short, where are we getting the money to operate? That is the big question. The short answer is creative book keeping and short and long-term borrowing.

The problem is severe and the plan to solve it this year is the same as previous years: The Governor and the Democrats wanted to extend some business taxes for 5 years and the Republicans always oppose all tax increases. This historical impasse has never been breached as Democrats have needed Republican votes to reach the 2/3 vote required to raise taxes, which never materializes.

To address this nearly unfixable impasse, Democratic interests sought passage of a ballot measure to change the vote requirement to pass a budget from 2/3 to a simple majority. That was Proposition 25 and it passed last November. However, a 2/3 vote is still required to raise taxes. This change now gives Democrats control and responsibility for the budget process. Proposition 25 also included provisions that stated legislators would lose their pay until a budget is passed and that any budget passed would need to be balanced. These provisions were added as “sweeteners” to get voter support.

The politics of this maneuver became more complicated when business and Republican interests made a move of their own. When they saw the majority-vote budget initiative was headed for the ballot they promoted their own initiative, eventually becoming Proposition 26 that narrowed the definition of taxes and fees.

The definition of “taxes” and “fees” is critical in the context of the state budget because the majority has liberally interpreted the definition of a “fee” to raise revenue. The key here is that a “fee” only requires a majority vote of the Legislature. A cynic might speculate that the majority pursued authority for a majority-vote budget with the idea in mind that it could be combined with a “loose” interpretation of what a fee is to take total control of the fiscal picture. The Republicans, along with the business community, saw this coming and narrowed their authority.

Although a bit complicated in practice, generally a fee is supposed to be a specific fee for a specific service related to that fee. A tax is a general assessment to cover various government services. What has happened in the past is that fees were collected from a specific group and while not used for the General Fund, were spread to areas beyond the group from which it was collected. This approach has slowly expanded to various parts of the government. One can see

how votes for taxes could be avoided altogether using enough “creativity.” Proposition 26 clarified the law and made sure the use of fees and taxes maintained their traditional definitions and uses.

Although the majority now has more control, they are in more of a bind politically because it still takes 2/3 vote to raise taxes, which is their preferred method of solving the problem. This limitation becomes even more challenging as the fiscal crisis deepens and necessary cuts become even more onerous. It was the reality of these severe cuts that lead the majority to take “revenue actions” that will not likely amount to much to meet the technical requirement of a balanced budget.

So here is the dynamic. The Democrats must take responsibility for the budget, but do not have the tools to raise revenues, and their ability to “find” revenue is limited by the stricter definitions of fees and taxes. And with the loss of pay during any late budget, Legislators are motivated to get a budget passed before the deadline. This scenario is clearly not the best for Democrats. Their frustration showed as the final budget was being put together this summer. They attempted to show that Republicans were causing the problem by not voting for new taxes, and that may be true to many observers, but the fact was they never got Republican votes and were forced to pass a majority-vote budget without any new resources. As you can imagine, while this is supposed to be an “all cuts” budget, it was clear to everyone that it did not pass muster and only kicked the problem down the road.

The final twist came in the budget saga when the State Controller declared that the budget passed was not balanced. This was critical as under the Provisions of 25 Legislators would not get paid until they went back and passed a balanced budget. The declaration that the budget was not balanced was a gutsy move as he is a Democrat and this declaration was costing his fellow party members their salary, which cannot be reinstated. Although it was gutsy, I would say it was only “half gutsy” because he declared the budget was only out of balance by \$1.85 billion. This meant that the majority simply went back to work and “found” \$1.85 billion to “balance” the budget. In reality, some observers were saying the problem was more like \$10 billion....something about laws and sausage being made comes to mind.

## ***The Future***

*That was the bad news, the good news is it should get better (At least a little).*

Proposition 11 was passed in 2008 that created the redistricting commission. Instead of the politicians drawing their own lines, they are now drawn by an independent commission. This commission just released the new maps to be used for the next decade and most say they are generally fair. It is expected that the Democrats will pick up more seats, but those seats are likely warranted as California is increasingly moving to the left. However, as you can imagine, there is a lawsuit suggesting the maps are unconstitutional and violate several voting laws. The lawsuit is being backed by Republicans, which is not surprising as they are the party that is losing seats.

Another proposition that will improve the political landscape is Proposition 14, passed in June of 2010, which created an open primary system. Under this approach the top two vote-getters run in the general election, regardless of party affiliation. In contrast, the old system required the top vote-getters from each party to run in the general election. Many will argue that this is unfair, and I might agree from a philosophical perspective, but California's political system is so broke something needs to be done.

Watching California politics from the inside, I can easily argue that, while in some instances a voter may only have a choice between two people not of your own party in a general election, one is at least empowered to have a real choice. Although the two choices may be from the other political party, we still get to choose the best person as we see it and that vote might sway an election.

Under the old system, in those highly partisan districts, if we were in the minority party we tended to vote for our party members, regardless of their chances of winning, resulting in an effectively wasted vote. A good example is San Francisco. Any Legislator from this area is virtually guaranteed to be a Democrat. Under an open primary system even Republicans can have a say in which Democrat will represent them.

This reality forces whoever is elected to represent the whole district because everyone will have a choice in removing them at the next election. While the days of dominance by one party in a district may still remain, the dominance by an individual is over, and that can only be a good thing.

*So, Where are We?*

The budget is a mess and they can't stop spending, but the people have spoken over the last few years and have significantly changed the system for the better. District lines can no longer be blatantly rigged to serve an individual or a party and all voters will have more of a say in who represents them. While we won't see instant change, I think over time we will see a more responsive Legislature, and that is always the goal.

## ***On to Boating...***

### **Vessel Sales Tax Issue:**

California used to have a favorable tax structure to incent the purchase of vessels, particularly luxury vessels. However, in 2008 the Legislature changed, as part of the state budget, the waiting period from 90 days to one full year a purchaser must keep their boat out of the state to avoid paying any sales tax on that purchase. This has put a significant dent in the luxury vessel sales market. Since that time, we have been looking for ways to argue changing it back to a 90-day waiting period. Our challenge is that the Legislative Analysts Office (LAO), a non-partisan advisory body to the Legislature, has declared this change resulted in \$25 million more in revenue to the state.

We believe, however, that when all the real costs are considered, such as outfitting, repair and the reduction in sales, that it actually costs the state money. If we are to argue for a change we must produce proof of what we know anecdotally as it is not likely the Legislature will take our word for it over the LAO.

Tom Trainor from the California Yacht Brokers is working very hard to put together the information we need to have a fighting chance of changing the vessel tax law. Tom is doing all the work and our involvement is minimal, but it is worth noting as an important project that could affect the boating community.

### ***Our Biggest Issue of the Year***

By far our largest boating issue this year was the introduction of SB 623, by Senator Kehoe. This bill, as proposed, would have banned the use of copper-based anti-fouling paints in California by January 1, 2015.

Senator Kehoe represents San Diego, which is embroiled in a very difficult circumstance trying to deal with copper in San Diego Bay. While this bill impacted the entire state, the impetus was clearly the copper challenges in San Diego.

Obviously, we could not support and would have opposed an outright ban on the use of copper in paint in just a few years, especially with no real alternative to turn to. We brought our concerns to the author and they understood the need to work with us to craft a bill that addresses both the environmental and business concerns associated with attempting to phase out a critical product like copper-based hull paints.

After some initial discussions we took the position of “Support if Amended” and agreed conceptually with the idea of addressing the copper problem, but making it clear that the original idea of the ban was unacceptable. This position and our agreement to work cooperative as a stakeholder gave us a “seat at the table” to ensure our input was considered.

### ***The Back-Story...The Proposed Coastal Marina Permit***

Our approach to this bill was directly affected by the State Water Resources Control Board’s (SWRCB) proposed “Coastal Marina Permit” from 2009. That permit would have placed a tremendous financial burden on marina operators through the mandate of extensive water testing and monitoring. The impetus for the permit was the increased copper loading in many of our state’s harbors.

Although the boating community was able to get them to hold off on the permit, its return is always a pending threat. Our goal with SB 623 was to find a way to address the copper problem that was also acceptable to the boating community and would do enough to table the proposed Coastal Marina Permit for good.

We suggested to the author that the best solution is not an outright ban, but a mandate to transition to “low leach rate” copper paint. The paint manufacturers were also pursuing such an

approach. We were able to successfully get the outright ban removed and had it replaced with language that moves the state toward the use of this “low leach rate” paint. “Low leach rate” paint still has the benefit of cooper, but leaches much slower into the water.

As finally amended, the bill required the Department of Pesticide Regulations to determine the exact criteria for “low leach rate.” This approach has the benefit of addressing the concerns while preventing boaters from being forced to convert to non-biocide paints. Because the process of conversion requires the removal of the old paint, it is very expensive and a process we were working to avoid have mandated on the boaters.

We also suggested, and were able to get included in the bill, a mandate to create a sign that would be posted at all marinas in the coastal zone that would list the best practices for the application and use of anti-fouling paints. This amendment became a priority because we strongly believe that public awareness, and not mandates, is key to reducing environmental impacts.

The bill also includes a review in 2019 by the State Water Resources Control Board to determine if the program is working. If the low leach rate paint is not solving the problem, they would have the authority to discontinue its use.

We worked hard on the bill all year, but our work is not done yet. The author held the bill back from final passage due to the high cost for the two state agencies involved. Any bill that costs money is in danger of being vetoed due to our budget crisis. During the interim we will be working with the author to find a way to reduce the state cost to make it acceptable to the Administration.

### ***“Wetfish” Legislation***

The one bill we took an outright position of “Oppose” on this year was AB 1299 (Huffman), which would negatively affect the “wetfish” industry. “Wetfish” are species such as sardines, mackerel and some coastal tunas, among others. The bill was attempting to add additional ecosystem management considerations when crafting the management plan for these species. The fish populations are already carefully managed and the fishing industry was concerned that the manner in which the bill was drafted would radically reduce the take of these species for no apparent environmental benefit.

Although we normally limit our legislative efforts to boating related legislation, this bill would have had a significant impact on some of our marina members so we took an “oppose” position. The wetfish industry got very organized, hired a lobbyist and aggressively opposed this measure. After their intense efforts, the bill was killed in the Senate Appropriations Committee.

### ***Don’t Panic...The Boating and Waterways Commission is not Going Away***

With a quick glance, it looks like AB 656 (Huber) eliminates the Boating and Waterways Commission. While that it “technically” true, it is not the intent of this legislation. Each year the Joint Sunset Review Committee (JSRC) sponsors a bill that eliminates a group of boards and



commission, effective at some point in the future. The JSRC then conducts a review of their effectiveness and value then runs another bill after that review to reinstate the commissions or boards they reviewed. They eventually work their way through the entire state. It is just now time for the Boating and Waterways to get their review.

I spoke to the consultant and outlined the value of Boating and Waterways Commission and I got the distinct impression they are not concerned at all or considering its permanent elimination. I will watch the process and closely and participate in the review as appropriate. However, all of our efforts were for naught as the Governor vetoed the bill saying it was his purview to decide which boards and commissions get eliminated.

### ***Even the Little Bills Need Some Attention...***

SB 152 (Pavley) was a bill that repeals a law that prevented the state from charging rent for privately owned piers on state public trust lands. A law was passed in the 1950s that specifically prevents the charging of such rents. This bill was important to us because we did not want to see any modification to the authority the State Lands Commission currently has to charge rents for commercial marinas. The way the bill was drafted, I had some concern about the vagueness of the wording. I had several conversations with the author's office to determine that the bill would not affect our membership.

## ***Possible Challenges Next Year***

### ***DBW Elimination***

It is rumored that the Governor has drafted various "reorganization" plans for various areas of state government. One of those rumored plans includes the elimination of the Department of Boating and Waterways (DBW). As you know, this comes up on a regular basis as we have seen many attempts to eliminate or change DBW in the last several years; all of which we have been able to stop. I will, of course, watch carefully for developments and respond accordingly should any thing come up.

### ***Money, Money, Money....***

We may likely see continued efforts to steal the boaters' money as the state struggles to find ways to balance its budget. In addition to the state trying to get at your money, we have also occasionally seen efforts by local agencies to steal from the Harbors and Watercraft Revolving Fund. There might be an increase in this kind of activity as the State steals more from local governments.

Also, with changes in the budget process – majority vote budget and the narrowing of the definition of fees and taxes as noted above – it is possible we will see increased use of "transferring" money from one fund to another to solve problems. That is when the HWRP is in danger as it is a special fund that is seen as "ripe for the pickin."

## ***Ocean Regulations***

While the “Marine Life Protection Act” has had an impact on ocean policy for some time, focus on regulating activities on the ocean is not going away. This year California, along with Oregon and Washington, agreed on a new plan to address ocean health. While this agreement may or may not have direct impact on the boating community, it is a clear signal the ocean is a focus and that may lead to increased regulation of boating activity. More about this agreement can be viewed at: [www.westcoastoceans.gov](http://www.westcoastoceans.gov)

## ***Grassroots Advocacy!***

It is my never-ending refrain to implore you to get to know your legislator and his or her district staff. We know that “all politics is local,” and those relationships may be critical when or if we face a vote on a serious issue, such as the elimination of the Department of Boating and Waterways. A short boat ride, lunch and a tour of your facility might be all that is needed to build that relationship.

Legislators also enjoy the Chamber of Commerce luncheon or mixer so an invitation to one of these would also give you the time to corner them and talk about the value of protecting our state’s boating programs.

## ***All Bills on Tracking***

Each year we track dozens of bills for various reasons. Many may not directly affect boating, but have subject matter that if amended could negatively affect our interests. For example, we tracked several tax bills related to sales and use taxes that could have been negatively amended to change the vessel tax laws. The following sections list all the bills we tracked this year, their status, and the position we took. For ease of reference, we put the bills in sections based on their status at the end of the session. “Chaptered” bills are those bills signed into law. Vetoed bills were rejected by the Governor. Finally, “two-year” bills are those bills that stalled in the process but could be taken up next year; the second year of the two-year session. You can go to [www.leginfo.ca.gov](http://www.leginfo.ca.gov) and check on the status of any bill of interest. On that website there will be the bill text, analysis and the vote record so you can see how your representative voted.

## Chaptered

### [AB 42\(Huffman\)](#) State parks. (C-10/04/2011 [html](#) [pdf](#))

**Status:** 10/04/2011-Chaptered by the Secretary of State, Chapter Number 450, Statutes of 2011

**Summary:** Would authorize the department to enter into an operating agreement for the development, improvement, restoration, care, maintenance, administration, or operation of a unit or units, or portion of a unit, of the state park system, as identified by the director, with a qualified nonprofit organization, as provided. This bill would require the operating agreement to include, among other things, a requirement that the nonprofit organization annually submit a report to the department, to be available on the Internet Web site of both the department and the nonprofit organization. The bill would require the nonprofit organization and the district superintendent for the department to hold a joint public meeting for discussion of the report. This bill contains other related provisions.

**Position:** watch A

### [AB 95\(Committee on Budget\)](#) Public resources. (C-03/24/2011 [html](#) [pdf](#))

**Status:** 03/24/2011-Chaptered by the Secretary of State, Chapter Number 2, Statutes of 2011

**Summary:** Would repeal that annual transfer from the General Fund and those other provisions and make related changes. This bill contains other related provisions and other existing laws.

**Position:** watch

### [AB 120\(Committee on Budget\)](#) Public Resources. (C-07/26/2011 [html](#) [pdf](#))

**Status:** 07/26/2011-Chaptered by the Secretary of State, Chapter Number 133, Statutes of 2011

**Summary:** Would provide that the fees described above shall be credited to the Department of Food and Agriculture Fund, rather than the General Fund. The bill would make related technical changes. This bill contains other related provisions and other existing laws.

**Position:** watch A

### [AB 358\(Smyth\)](#) Hazardous substances: underground storage tanks: releases: reports. (C-10/08/2011 [html](#) [pdf](#))

**Status:** 10/08/2011-Chaptered by the Secretary of State, Chapter Number 571, Statutes of 2011

**Summary:** Would instead require the owner or operator to transmit certain information regarding an unauthorized release to the local agency on a written form or using an electronic format developed by the board and approved by the Secretary for Environmental Protection. The bill would require additional information to be provided to the local agency. The bill would also instead require each regional board and local agency to submit a report to the board for all unauthorized releases using the board's Internet-accessible database, thereby imposing a state-mandated local program by imposing new duties upon local agencies. The bill would require the board to annually post and update on its Internet Web site the information in those reports concerning unauthorized releases. This bill contains other related provisions and other existing laws.

**Position:** watch

### [AB 418\(Ammiano\)](#) Tidelands and submerged lands: City and County of San Francisco: Pier 70. (C-10/06/2011 [html](#) [pdf](#))

**Status:** 10/06/2011-Chaptered by the Secretary of State, Chapter Number 477, Statutes of 2011

**Summary:** Would authorize the State Lands Commission to approve an exchange of trust lands within the Pier 70 area, as defined, subject to specified conditions. The bill would provide that lands exchanged out of the trust are free from the requirements of the public trust, the Burton Act trust, and the Burton Act transfer agreement, and lands to be exchanged are subject to the requirements of the public trust, the Burton Act trust, and the Burton Act transfer agreement. This bill contains other related provisions.

**Position:** watch

### [AB 664\(Ammiano\)](#) Infrastructure financing districts: America's Cup venues. (C-09/23/2011 [html](#) [pdf](#))

**Status:** 09/23/2011-Chaptered by the Secretary of State, Chapter Number 314, Statutes of 2011

**Summary:** Would authorize the adoption under these provisions of financing plans for special waterfront districts that include the waterfront area in the City and County of San Francisco designated as the America's Cup venues, and the use of specified tax revenues produced in the districts for the construction of the Port of San Francisco's maritime facilities at Pier 27, improvement of publicly held waterfront lands used as viewing sites, and other matters, subject to specified allocation procedures. It would require the county board of supervisors to submit a fiscal analysis to the California Infrastructure and Economic Development Bank for review and approval before adopting the resolution authorizing the issuance of debt pursuant to these provisions. The bill would exempt the issuance of tax increment bonds in a waterfront district from local voter approval requirements and would authorize those bonds to be sold at a negotiated sale. The bill would enact other related provisions. This bill contains other related provisions.  
**Position:** watch

**[AB 1112\(Huffman\)](#) Oil spill prevention and administration fee: State Lands Commission. (C-10/08/2011 [html](#) [pdf](#))**

**Status:** 10/08/2011-Chaptered by the Secretary of State, Chapter Number 583, Statutes of 2011

**Summary:** Would require the administrator to develop and implement a screening mechanism and a comprehensive risk-based monitoring program for inspecting the bunkering and lightering operations of vessels at anchor and alongside a dock. The bill also would require that the administrator identify bunkering and lightering operations that pose the highest risk of a pollution incident and coordinate with the United States Coast Guard to routinely monitor and inspect those operations. The bill would require the administrator to establish regulations to provide for the best achievable protection during bunkering and lightering operations in the marine environment. The bill would repeal these provisions on January 1, 2015. This bill contains other related provisions and other existing laws.

**Position:** watch

**[SB 84\(Committee on Budget and Fiscal Review\)](#) Budget Act of 2010: revisions. (C-03/24/2011 [html](#) [pdf](#))**

**Status:** 03/24/2011-Chaptered by the Secretary of State, Chapter Number 13, Statutes of 2011

**Summary:** Would amend the Budget Act of 2010 by providing for the transfer of moneys from certain funds and accounts to the General Fund, as specified. This bill would amend the Budget Act of 2010 to authorize the Director of Finance to augment the appropriation for support of the Secretary of State by up to \$10,000,000 if the Secretary of State demonstrates why the funding is necessary to cover its costs for the statewide special election to be conducted before June 30, 2011, as specified. The bill would amend the Budget Act of 2010 to specify that certain bills of the 2011-12 Regular Session are other bills providing for appropriations related to the Budget Bill, as specified. This bill contains other related provisions.

**Position:** oppose

**[SB 152\(Pavley\)](#) Public lands: general leasing law: littoral landowners. (C-10/08/2011 [html](#) [pdf](#))**

**Status:** 10/08/2011-Chaptered by the Secretary of State, Chapter Number 585, Statutes of 2011

**Summary:** Would require the commission to charge rent for a private recreational pier, as defined, constructed on state lands and would require the rent to be based on local conditions and local fair annual rental values. The bill would except a lease in effect on July 1, 2011, for the term of that lease, and a lease for which the application and application fees were submitted to the commission prior to March 31, 2011. This bill contains other related provisions and other existing laws.

**Position:** watch A

**[SB 215\(Huff\)](#) Invasive aquatic species: mussels. (C-09/26/2011 [html](#) [pdf](#))**

**Status:** 09/26/2011-Chaptered by the Secretary of State, Chapter Number 332, Statutes of 2011

**Summary:** Would extend that repeal provision from January 1, 2012, to January 1, 2017. This bill contains other related provisions and other existing laws.

**Position:** watch A

**[SB 482\(Kehoe\)](#) Public beach contamination: standards: testing: closing. (C-10/08/2011 [html](#) [pdf](#))**

**Status:** 10/08/2011-Chaptered by the Secretary of State, Chapter Number 592, Statutes of 2011

**Summary:** Would require that the department draft regulations relating to testing of waters adjacent to public beaches, as specified. The bill would, commencing January 1, 2012, require the board to be responsible for monitoring protocols, site locations, monitoring frequency, and prescribed testing. The bill, until June 30, 2016, would provide that not more than \$1,800,000 of specified funds may be used, upon appropriation by the Legislature, as a funding source for this program. The bill would also make related changes. This bill contains other existing laws.

**Position:** watch

**[SB 551\(DeSaulnier\)](#) State property: tidelands transfer: City of Pittsburg. (C-10/02/2011 [html](#) [pdf](#))**

**Status:** 10/02/2011-Chaptered by the Secretary of State, Chapter Number 422, Statutes of 2011

**Summary:** Would repeal the existing codified legislative grant to the City of Pittsburg and would enact a new uncodified grant of tidelands and submerged lands, as described, to the City of Pittsburg. The bill would require the trust lands to be held by the City of Pittsburg, as trustee, for the benefit of all the people of the state for purposes consistent with the public trust doctrine, including the protection of maritime or water dependent commerce, navigation, and fisheries, and the preservation of the lands in their natural state for scientific study, open space, wildlife habitat, and water-oriented recreation. This bill contains other related provisions and other existing laws.

**Position:** support

**[SB 595\(Wolk\)](#) Tidelands and submerged lands: removal of vessels. (C-10/08/2011 [html](#) [pdf](#))**

**Status:** 10/08/2011-Chaptered by the Secretary of State, Chapter Number 595, Statutes of 2011

**Summary:** Would eliminate the authority of any employee or officer of the State Lands Commission designated by the commission, while engaged in the performance of official duties, to remove and, if necessary, store a vessel removed from a public waterway. This bill contains other related provisions and other existing laws.

**Position:** watch A

**[SB 860\(Committee on Natural Resources and Water\)](#) Tidelands and submerged lands: public trust lands: mineral rights. (C-10/02/2011 [html](#) [pdf](#))**

**Status:** 10/02/2011-Chaptered by the Secretary of State, Chapter Number 429, Statutes of 2011

**Summary:** Would clarify that the term lands, as used in this reservation by the state, refers to lands that are to be impressed with the public trust. This bill contains other related provisions and other existing laws.

**Position:** watch

**[SB 909\(La Malfa\)](#) Treated wood waste: disposal. (C-10/08/2011 [html](#) [pdf](#))**

**Status:** 10/08/2011-Chaptered by the Secretary of State, Chapter Number 601, Statutes of 2011

**Summary:** Would specify the Internet Web site and the toll-free telephone number that are to be included in the posted message. The bill would extend the June 1, 2012, inoperative date and the January 1, 2013, repeal date to June 1, 2017, and January 1, 2018, respectively. The bill would delete other obsolete language. By extending a crime, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**Position:** watch

## ***Vetoed***

**[AB 656\(Huber\)](#) Committees and commissions: repeal. (V-10/03/2011 [html](#) [pdf](#))**

**Status:** 10/03/2011-Vetoed by the Governor

**Summary:** Would as of January 1, 2014, abolish the Credit Union Advisory Committee and the Boating and Waterways Commission and the duties and responsibilities carried out by each. The bill would make these changes operative with respect to each entity only if, prior to January 1, 2014, a review of that entity

is conducted by the Joint Sunset Review Committee and the Joint Sunset Review Committee has notified the Secretary of State of this review. This bill contains other related provisions and other existing laws.  
**Position:** watch A

**[AB 1429\(Chesbro\)](#) Disaster relief: March 2011 tsunami. (V-10/04/2011 [html](#) [pdf](#))**

**Status:** 10/04/2011-Vetoed by the Governor

**Summary:** Would add the effects of the tsunami that occurred in Del Norte County in March 2011, to the list of events for which the state share of state eligible cost is up to 100% and exempt the county from a specified planning requirement as a condition of receiving this level of assistance. This bill contains other related provisions.

**Position:** watch

## ***Two-Year Bills***

**[AB 45\(Hill\)](#) Charter-party carriers of passengers: alcoholic beverages: open containers. (A-06/14/2011 [html](#) [pdf](#))**

**Status:** 08/26/2011-Failed Deadline pursuant to Rule 61(a)(11). (Last location was PUB. S. on 6/21/2011)

**Summary:** Would expand the application of those alcoholic beverage provisions concerning passengers under 21 years of age by applying those requirements, except as specified, to the driver of any vehicle providing charter bus transportation for hire operated by a permitted or certificated carrier when the driver knows, or has reasonable reason to believe, that alcoholic beverages are, or will be, transported on the bus and accessible to passengers. The bill would authorize a driver that terminates a contract of hire because of a minor's consumption of alcohol, rather than dropping off the offending passengers and their party at the point of origin of the ride, to drop the offending passengers and their party off at the customer's home, nearest police station, or any other point mutually agreed to by both parties, as long as the conditions are safe for the driver. The bill would subject the driver providing charter bus transportation to existing open container prohibitions and make the 3rd or subsequent violation of a specified open container prohibition by a driver of any vehicle used in the transportation of passengers for hire operating under a valid certificate or permit a misdemeanor. The bill, by creating a new crime, would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**Position:** watch A

**[AB 206\(Harkey\)](#) Fireworks displays: California Environmental Quality Act: California Coastal Act of 1976. (A-03/24/2011 [html](#) [pdf](#))**

**Status:** 05/10/2011-Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 4/26/2011)

**Summary:** Would exempt a municipal fireworks display, as defined, from the provisions of CEQA. Because a lead agency would have to determine the applicability of the exemption and to take certain specified action upon a determination of exemption, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**Position:** watch

**[AB 260\(Cedillo\)](#) Vehicles: driver license compact. (I-02/07/2011 [html](#) [pdf](#))**

**Status:** 05/13/2011-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/7/2011)

**Summary:** Under existing law, the Driver License Compact requires the licensing authority of a party state to report each conviction of an offense related to the use or operation of a vehicle of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee. This bill would make technical, nonsubstantive changes to the definition of licensing authority with regard to that compact.

**Position:** watch

**[AB 380\(Chesbro\)](#) Resources: watersheds. (A-06/22/2011 [html](#) [pdf](#))**

**Status:** 08/26/2011-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 7/11/2011)

**Summary:** Would require the department and the board, when implementing a pilot project to protect and restore the riparian zone in watersheds with listed anadromous salmonids, among other things, to provide the industry, agencies, and the public with the opportunity to participate in the development of the pilot project in a transparent manner and to ensure that the pilot project has certain goals. The bill would also require certain documents to be publicly available on the board's Internet Web Site and all documents that form the basis for the pilot projects to be posted on the department's Internet Web site. This bill contains other related provisions.

**Position:** watch

**[AB 442\(Silva\)](#) Public lands: lease. (A-03/31/2011 [html](#) [pdf](#))**

**Status:** 05/10/2011-Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 5/3/2011)

**Summary:** Would also provide that rent shall not be charged for a cantilevered deck extending over state waterways for the use of a littoral landowner.

**Position:** watch

**[AB 484\(Alejo\)](#) Land use: natural resources: transfer of long-term management funds. (A-05/27/2011 [html](#) [pdf](#))**

**Status:** 07/08/2011-Failed Deadline pursuant to Rule 61(a)(10). (Last location was N.R. & W. on 6/8/2011)

**Summary:** Would authorize funds set aside for the long-term management of any lands or easements conveyed to a nonprofit organization pursuant to the above provisions to also be conveyed to the nonprofit organization as specified. The bill would also require the nonprofit organization to hold, manage, invest, and disburse the funds in furtherance of managing and stewarding the land or easement for which the funds were set aside.

**Position:** watch

**[AB 546\(Perea\)](#) Sales and use taxes. (I-02/16/2011 [html](#) [pdf](#))**

**Status:** 05/13/2011-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/16/2011)

**Summary:** Would make various technical, nonsubstantive changes to this requirement.

**Position:** watch

**[AB 550\(Huber\)](#) Sacramento-San Joaquin Delta: peripheral canal. (I-02/16/2011 [html](#) [pdf](#))**

**Status:** 05/13/2011-Failed Deadline pursuant to Rule 61(a)(3). (Last location was W.,P. & W. on 3/25/2011)

**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 576\(Dickinson\)](#) Delta Stewardship Council: Delta Plan: financing. (A-03/31/2011 [html](#) [pdf](#))**

**Status:** 05/10/2011-Failed Deadline pursuant to Rule 61(a)(2). (Last location was W.,P. & W. on 4/4/2011)

**Summary:** Would require the council to develop a long-term finance plan to pay for the costs of implementing the Delta Plan by January 1, 2013. The bill would prohibit the council from adopting new fees for these purposes unless authorized by statute. The bill would authorize the council, before adopting and collecting long-term revenue sources, to seek to obtain early funding contributions from

entities that may benefit from implementation of the Delta Plan and to track those contributions to provide credit against future funding requirements.

**Position:** watch A

**[AB 590\(Cedillo\)](#) Sales and use taxes. (I-02/16/2011 [html](#) [pdf](#))**

**Status:** 05/13/2011-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/16/2011)

**Summary:** The Sales and Use Tax Law excludes from the definition of "storage" and "use" specified actions done with respect to tangible personal property for the purpose of transporting that property outside the state for use solely outside the state. This bill would make a technical, nonsubstantive change to this provision.

**Position:** watch

**[AB 752\(Brownley\)](#) Tidelands and submerged lands: sea level action plan. (A-05/27/2011 [html](#) [pdf](#))**

**Status:** 07/08/2011-Failed Deadline pursuant to Rule 61(a)(10). (Last location was N.R. & W. on 6/8/2011)

**Summary:** Would specify that the preparation of a sea level action plan for all of its legislatively granted public trust lands shall be among the management priorities of a local trustee of granted public lands, as defined. The bill would require a local trustee whose gross public trust revenues, as defined, exceed \$250,000 to prepare a sea level action plan for those lands by July 1, 2013, but would specify that all other local trustees may, but are not required to, prepare a plan. The bill would require the plan to include, among other things, an assessment of the impact of a range of sea level rise on granted public trust lands, an estimate of the financial cost of this impact, and strategies to prevent or mitigate damage to development and infrastructure and to protect and enhance habitat. This bill contains other related provisions.

**Position:** watch

**[AB 780\(Calderon, Charles\)](#) Public contracts: fixed price contracts: sales and use taxes rate changes: transactions and use taxes. (A-07/12/2011 [html](#) [pdf](#))**

**Status:** 08/26/2011-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/15/2011)

**Summary:** Would provide, for a fixed price contract, as specified, between a government entity and a contractor, that the contractor is entitled to an increase in payment for a change in the contract price that is attributable to an increase in the taxes imposed by the Sales and Use Tax Law, and the government entity is entitled to a reduction in payment for a change in the contract price that is attributable to a decrease in the taxes imposed by the Sales and Use Tax Law, with the increase or decrease paid in accordance with the contract terms or as agreed to by the parties, as prescribed. The bill would also authorize the government entity to require the contractor to submit invoices for specified items consumed solely for use in the public work pursuant to the contract entered into by the government entity and the contractor. By placing new duties on local officials with respect to their contract practices, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**Position:** watch

**[AB 787\(Chesbro\)](#) Marine protected areas: California Native American tribes. (A-07/06/2011 [html](#) [pdf](#))**

**Status:** 08/26/2011-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. on 7/6/2011)

**Summary:** Would require a member of a federally recognized Native American tribe in California who engages in noncommercial fishing, gathering, or other traditional cultural practices within the North Coast Study Region, as designated pursuant to the act, to possess a valid tribal identification card and comply with the plan for Native American fishing and gathering approved by the commission.

**Position:** watch A

**[AB 859\(Jones\)](#) Vehicles: registration fees. (I-02/17/2011 [html](#) [pdf](#))**

**Status:** 05/13/2011-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/17/2011)

**Summary:** Existing law requires a registration fee of \$31 to be paid to the Department of Motor Vehicles for the registration of every vehicle or trailer coach of a type subject to registration under the Vehicle



Code, except those vehicles that are expressly exempted under that code from the payment of registration fees. This bill would make a technical, nonsubstantive change to these provisions.

**Position:** watch

**[AB 903\(Berryhill, Bill\)](#) Sacramento-San Joaquin Delta: dredging. (A-04/12/2011 [html](#) [pdf](#))**

**Status:** 05/10/2011-Failed Deadline pursuant to Rule 61(a)(2). (Last location was W.,P. & W. on 4/13/2011)

**Summary:** Would make legislative findings relative to the importance of dredging in the Sacramento-San Joaquin Delta, and would require the State Water Resources Control Board to provide priority review for dredging permits in the Delta.

**Position:** watch

**[AB 907\(Ma\)](#) Harbors and ports: Monterey Bay and the Bays of San Francisco, San Pablo, and**

**Suisun: pilotage.** (A-06/08/2011 [html](#) [pdf](#))

**Status:** 07/08/2011-Failed Deadline pursuant to Rule 61(a)(10). (Last location was G.O. on 6/14/2011)

**Summary:** Would increase those rates, with additional increases effective January 1, 2013, January 1, 2014, and January 1, 2015. This bill also would delete obsolete rate increases in those provisions. The bill would establish a fuel surcharge for each movement of a vessel using pilot services which would be determined by the board's executive director according to specified criteria. This bill contains other related provisions and other existing laws.

**Position:** watch

**[AB 937\(Mendoza\)](#) Vessels: emission reduction control. (A-04/26/2011 [html](#) [pdf](#))**

**Status:** 05/10/2011-Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 4/27/2011)

**Summary:** Would require the state board to amend those regulations to ensure that a person choosing the equivalent emission reduction compliance option is not subject to more stringent requirements than a person choosing the reduced onboard power generation option .

**Position:** watch A

**[AB 977\(Harkey\)](#) Harbors and ports: loans: OC Dana Point Harbor. (A-03/31/2011 [html](#) [pdf](#))**

**Status:** 05/10/2011-Failed Deadline pursuant to Rule 61(a)(2). (Last location was W.,P. & W. on 4/4/2011)

**Summary:** Would require the department to extend until June 30, 2016, all phases of certain loan contracts between the department and the County of Orange, OC Dana Point Harbor.

**Position:** watch A

**[AB 1002\(Butler\)](#) California Water Plan: stormwater recovery. (I-02/18/2011 [html](#) [pdf](#))**

**Status:** 05/10/2011-Failed Deadline pursuant to Rule 61(a)(2). (Last location was W.,P. & W. on 3/14/2011)

**Summary:** Would additionally require the department to include in the plan a discussion of strategies relating to stormwater recovery.

**Position:** watch

**[AB 1060\(Hernández, Roger\)](#) Crimes of violence: crimes at sea. (A-04/28/2011 [html](#) [pdf](#))**

**Status:** 07/08/2011-Failed Deadline pursuant to Rule 61(a)(10). (Last location was PUB. S. on 6/8/2011)

**Summary:** Would establish special maritime jurisdiction for crimes against persons on board a ship outside of the state under specified circumstances , including when there is a suspect on board a ship who is a citizen or resident of this state or a state which consents to the jurisdiction of this state, when the master of the ship or an official of the flag state, as defined, commits a suspect on board the ship to the custody of a law enforcement officer acting under the authority of this state, when the state where the crime occurred requests the exercise of jurisdiction by this state, when the crime occurs during a voyage on which over 1/2 of the revenue passengers on board the ship originally embarked and plan to finally disembark in this state, or where the victim is a California law enforcement officer on board the ship in connection with his or her official duties. The bill would provide that a crime against the person or property of another that is punishable by law when committed in this state shall be punishable in the same manner when committed within the special maritime criminal jurisdiction of this state, as specified. Because this

bill would expand the application of crimes to a new category of people, it would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**Position:** watch

**[AB 1064\(Furutani\)](#) Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006: shoreside electrical power infrastructure. (A-04/25/2011 [html](#) [pdf](#))**

**Status:** 05/10/2011-Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 4/25/2011)

**Summary:** Would make this prohibition inapplicable for a shoreside electrical power infrastructure project that is administered by a California port, and instead would require that the individual segments of these projects be a part of an adopted terminal plan submitted to the state board. The bill would authorize the state board for a specified purpose to allow a recipient agency for shoreside electrical power infrastructure to average vessel calls made across multiple berths within a terminal .

**Position:** watch

**[AB 1109\(Chesbro\)](#) Drinking water: point-of-use devices. (A-03/31/2011 [html](#) [pdf](#))**

**Status:** 05/10/2011-Failed Deadline pursuant to Rule 61(a)(2). (Last location was E.S. & T.M. on 4/4/2011)

**Summary:** Would limit these regulations to public water systems with less than 2,500 service connections and would permit the emergency regulations to remain in effect until the earlier of January 1, 2016, or the effective date of the required nonemergency regulations.

**Position:** watch

**[AB 1126\(Calderon, Charles\)](#) Sales and use taxes. (I-02/18/2011 [html](#) [pdf](#))**

**Status:** 05/13/2011-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/18/2011)

**Summary:** Would make various technical, nonsubstantive changes to this requirement.

**Position:** watch

**[AB 1200\(Ma\)](#) Water quality: discharges: sewer systems. (A-05/04/2011 [html](#) [pdf](#))**

**Status:** 07/08/2011-Failed Deadline pursuant to Rule 61(a)(10). (Last location was E.Q. on 6/16/2011)

**Summary:** Would require a local public agency that operates a combined sewer and stormwater system to implement a notification plan to inform the public in the event of a discharge that occurs on or near a recreational beach. The bill would require the agency, upon the occurrence of a sewer discharge on or near a recreational beach, to post notice at the beach and conduct shoreline monitoring, in accordance with a schedule determined by the appropriate California regional water quality control board. The bill would require the agency to make reasonable efforts to enter into an agreement with a nongovernmental organization for regular sampling of receiving waters affected by discharges from the combined sewer and stormwater system. By imposing new requirements on local public agencies that operate combined sewer and stormwater systems, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**Position:** watch A

**[AB 1299\(Huffman\)](#) Marine fisheries: forage species. (A-07/06/2011 [html](#) [pdf](#))**

**Status:** 08/26/2011-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/15/2011)

**Summary:** Would state that it is the policy objective of the state to ensure the conservation, sustain nable use, and, where applicable, restoration of California's forage species populations, including their habitats and associated water quality, for the benefit of all citizens of the state, and achieve ecosystem-based management of marine forage species that recognizes, prioritizes, accounts for, and incorporates the ecological services rendered by forage species, including the dependence of predator species on those forage species. The bill would define "forage species" and "ecosystem-based management" for those purposes. The bill would require new fishery management plans and amendments to existing fishery management plans for forage species completed after January 1, 2012, to be consistent with that policy, to the extent that scientific data is readily available for that purpose.

**Position:** oppose

**[AB 1336\(Fletcher\)](#) Coastal resources: local coastal programs. (I-02/18/2011 [html](#) [pdf](#))**

**Status:** 05/13/2011-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/18/2011)

**Summary:** Existing law requires each local government lying, in whole or in part, within the coastal zone to prepare a local coastal program for that portion of the coastal zone within its jurisdiction. Existing law requires that the local coastal program prepared pursuant to these provisions also contain a specific public access component to assure that maximum public access to the coast and public recreation areas is provided. This bill would make a technical, nonsubstantive change to these provisions.

**Position:** watch

**[SB 167\(Huff\)](#) Sale and use tax. (I-02/03/2011 [html](#) [pdf](#))**

**Status:** 05/13/2011-Failed Deadline pursuant to Rule 61(a)(3). (Last location was RLS. on 2/17/2011)

**Summary:** Would make nonsubstantive, technical changes to this provision.

**Position:** watch

**[SB 200\(Wolk\)](#) Sacramento-San Joaquin Delta: Bay Delta Conservation Plan. (A-03/24/2011 [html](#) [pdf](#))**

**Status:** 05/10/2011-Failed Deadline pursuant to Rule 61(a)(2). (Last location was N.R. & W. on 3/24/2011)

**Summary:** Would require any state agency that is responsible for authorizing or implementing any action in implementation of the BDCP to ensure that the action is consistent with specified requirements prescribed by the bill. The bill would make related legislative findings and declarations. This bill contains other existing laws.

**Position:** watch

**[SB 385\(Gaines\)](#) Tidelands and submerged lands Lake Tahoe. (I-02/15/2011 [html](#) [pdf](#))**

**Status:** 05/13/2011-Failed Deadline pursuant to Rule 61(a)(3). (Last location was RLS. on 2/24/2011)

**Summary:** Would state the intent of the Legislature to enact legislation that would require the State Lands Commission to establish the highest level of public trust tidelands and submerged lands at Lake Tahoe to be 6,223 feet Lake Tahoe datum, the source elevation of the Truckee River, Lake Tahoe's only outlet.

**Position:** watch

**[SB 421\(Correa\)](#) Sales and use taxes: underpayment: interest. (A-05/03/2011 [html](#) [pdf](#))**

**Status:** 05/28/2011-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/16/2011)

**Summary:** The Sales and Use Tax Law imposes a use tax on the storage, use, or other consumption in this state of tangible personal property purchased from a retailer for storage, use, or other consumption in this state. That law specifies that a "purchase" means and includes, among other things, a transaction whereby the possession of tangible personal property is transferred, but the seller retains the title to the property as security for the payment of the price. This bill would make technical, nonsubstantive changes to this definition of purchase.

**Position:** watch

**[SB 501\(Harman\)](#) Tidelands and submerged lands: City of Newport Beach. (I-02/17/2011 [html](#) [pdf](#))**

**Status:** 05/10/2011-Failed Deadline pursuant to Rule 61(a)(2). (Last location was N.R. & W. on 3/3/2011)

**Summary:** Would revise that grant to the City of Newport Beach to authorize the city to lease those certain lots for those specified purposes for terms not to exceed 50 years, or until January 1, 2060, whichever comes later.

**Position:** watch

**[SB 577\(Gaines\)](#) Bear Lake Reservoir: recreational use. (A-03/22/2011 [html](#) [pdf](#))**

**Status:** 05/10/2011-Failed Deadline pursuant to Rule 61(a)(2). (Last location was E.Q. on 3/22/2011)

**Summary:** Would in addition, exempt from this prohibition recreational activity in which there is bodily contact with water by any participant in Bear Lake Reservoir and would establish standards to be met, including water treatment, monitoring, and reporting requirements. This bill contains other related provisions.

**Position:** watch

**[SB 588\(Evans\)](#) Coastal resources: California Coastal Act of 1976: enforcement: penalties. (I-02/17/2011 [html](#) [pdf](#))**

**Status:** 05/10/2011-Failed Deadline pursuant to Rule 61(a)(2). (Last location was JUD. on 3/22/2011)

**Summary:** Would provide that a person who violates the act is subject to an administrative civil penalty that may be imposed by the California Coastal Commission by a majority vote of the commissioners, upon consideration of various factors, in a public hearing, and in an amount no less than \$5,000 and no more than \$50,000 for each violation. This bill contains other related provisions and other existing laws.

**Position:** watch

**[SB 623\(Kehoe\)](#) Vessels: marine antifouling paint. (A-06/21/2011 [html](#) [pdf](#))**

**Status:** 08/26/2011-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. on 6/29/2011)

**Summary:** Would require the Department of Pesticide Regulation, by January 1, 2014, to determine the maximum allowable leach rate for low-leach rate antifouling paints. The bill would prohibit, on and after January 1, 2015, a manufacturer, wholesaler, retailer, or distributor from selling or offering for sale in California a new recreational vessel, as defined, containing antifouling paint that contains copper. The bill also would prohibit, on and after January 1, 2015, the use or application of antifouling paint that contains copper on recreational vessels, except as provided. The bill would require the State Water Resources Control board, by January 1, 2019, and biennially thereafter, to determine whether the use of low-leach rate copper-containing antifouling paints could result in the attainment of water quality objectives in marinas and harbors for dissolved copper. The bill would, on or after January 1, 2019, prohibit the use or application of antifouling paint on recreational vessels one year after a determination by the State Water Resources Control Board that the trend line of measured water quality data does not point toward attainment of the dissolved copper water quality objectives in marinas and harbors. This bill contains other related provisions and other existing laws.

**Position:** support

**[SB 655\(Steinberg\)](#) Sales and use taxes: retailer engaged in business in this state. (I-02/18/2011 [html](#) [pdf](#))**

**Status:** 05/10/2011-Failed Deadline pursuant to Rule 61(a)(2). (Last location was G. & F. on 3/3/2011)

**Summary:** Would further define a retailer engaged in business in this state as a retailer that has substantial nexus with this state and a retailer upon whom federal law permits the state to impose a use tax collection duty.

**Position:** watch

**[SB 876\(Harman\)](#) Tidelands and submerged lands: shore protection: lease of structures. (I-02/18/2011 [html](#) [pdf](#))**

**Status:** 05/10/2011-Failed Deadline pursuant to Rule 61(a)(2). (Last location was N.R. & W. on 3/10/2011)

**Summary:** Would specify the terms for a lease of structures for shore protection for private property adjacent to tidelands or submerged lands by allowing the commission to only lease these structures to a littoral owner for a term of 99 years, with the consideration for the lease adjusting no more than once for an unspecified number of years, based on any change in the California Consumer Price Index. This bill contains other existing laws.

**Position:** watch

**[SB 935\(Committee on Environmental Quality\)](#) Ballast water. (I-03/14/2011 [html](#) [pdf](#))**

**Status:** 08/31/2011-Ordered to inactive file on request of Assembly Member Charles Calderon.

**Summary:** Would define and refer to "biofouling" instead of "hull fouling" as the attachment or association of marine organisms to the "wetted," as defined, instead of "submerged" portion of a vessel or its appurtenances, including, but not limited to, sea chests, propellers, anchors, and associated chains. The bill, instead, would require the master, owner, operator, or person in charge of a vessel arriving at a California port or place to remove biofouling organisms from the hull, piping, propellers, sea chests, and other wetted portions of a vessel on a regular basis. This bill contains other related provisions and other existing laws.

**Position:** watch