

1996

Legislative Summary for the First Half of the 1995-1996 Legislative Session

Assembly Committee on Water, Parks and Wildlife

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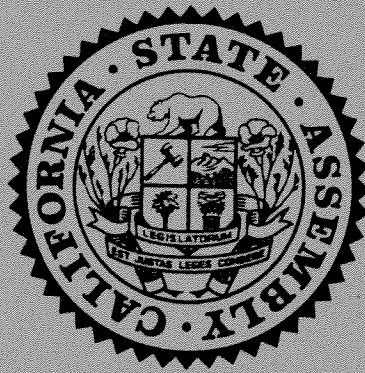
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CALIFORNIA LEGISLATURE

Assembly Committee
on
Water, Parks and Wildlife

LEGISLATIVE SUMMARY FOR THE FIRST HALF OF THE 1995-1996 LEGISLATIVE SESSION



STATE DEPARTMENT OF

MAY 09 1996

DOMINIC L. CORTESE
Chairman

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Brian Setencich
Bruce Thompson

Dan Hauser

February, 1996

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ASSEMBLY COMMITTEE

ON

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California Legislature
Assembly Committee on
Water, Parks and Wildlife

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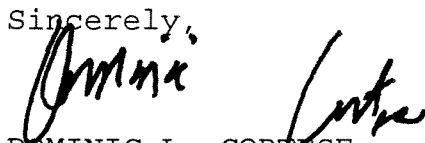
Dear Friend:

The Assembly Committee on Water, Parks and Wildlife considered nearly 105 pieces of legislation during the first half of the 1995-96 Regular Session. Included in this summary are approximately 90 of the most significant bills acted upon during that time.

The bills are listed by subject matter and the status of each bill is included. Spot bills, bills not taken up by the author, and bills which failed passage may not be listed. However, those of greatest significance have been included regardless of status.

If you have any questions regarding the summary or on specific bills, please contact the Committee staff at (916) 445-6164.

Sincerely,


DOMINIC L. CORTESE
Chairman

MAJOR LEGISLATION CONSIDERED BY THE
ASSEMBLY COMMITTEE ON WATER, PARKS AND WILDLIFE
IN THE FIRST HALF OF THE 1995-1996
LEGISLATIVE SESSION

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FISH AND WILDLIFE

Commercial Fishing

AB 25 (Hauser) - Dungeness Crab

Removes the California Seafood Council from various provisions relating the Dungeness Crab fishery. Requires individuals who take groundfish to retain a copy of a landing receipt, for a period of 15 days, for each period which identifies cumulative landings.

(Status: Approved by the Governor on October 9, 1995, Chapter 753, Statutes of 1995)

AB 76 (Morrow) - Sardines/FinFish

Increases the permissible level of incidentally taken sardines in lots or loads from 15% by weight to 18% by number and specifies that this provision is only operative when the total biomass of the northern stock of sardines is below 50,000 tons. Directs the Department of Fish and Game to establish a 12,000-ton-per-season sardine quota that may be taken under permits, unless the Department produces an estimate of the total biomass of the northern stock of sardines, a quota would be set accordingly, not to exceed 15% of the biomass.

Establishes a limited entry for the taking of finfish with traps under specified criteria. Establishes the fee for the finfish trap permit at \$110 annually. Terminates the limited entry finfish fishery on April 1, 1998. **(Status: Approved by the Governor on October 4, 1995, Chapter 619, Statutes of 1995)**

AB 77 (Morrow) - State Fish

Designates as the official state fish the Garibaldi (*Hypsypops rubicundus*). Prohibits the commercial take or possession of Garibaldi until February 1, 1999, unless a study, approved by the Department of Fish and Game shows that the take would not have a significant impact on the species. **(Status: Approved by the Governor on October 16, 1995, Chapter 948, Statutes of 1995)**

AB 229 (Burton) - Abalone

Restores to existing law the provisions governing the commercial take of abalone in specified Fish and Game District. **(Status: On the Senate Floor Inactive File)**

AB 474 (Hauser) - Pink Shrimp: Vessel Permits

Creates and authorizes the Department of Fish and Game to issue an "A" transferable Vessel Permit which entitles the individual to take pink shrimp for commercial purposes. Establishes the fee for the "A" permit at \$100 annually.

Creates and authorizes the Department to issues a nontransferable "B" permit. Limits a pink shrimp vessel to one permit per vessel. (Status: Assigned to Senate Committee on Natural Resources and Wildlife)

AB 666 (Hauser) - Dungeness Crab

Prohibits the commercial landing of Dungeness Crab in Fish and Game District 10 (San Mateo County) by out-of-state vessels if the state has delayed the opening of crab season. Further expands and defines the criteria for eligibility for a Dungeness Crab vessel permit. (Status: Approved by the Governor on October 16, 1995, Chapter 947, Statutes of 1995)

AB 704 (Hauser) - Penalties: Finfish

Clarifies that any person issued a commercial fishing license would not be subject to any new penalties if they take no more than 1,000 pounds of finfish over authorized limits. (Status: Approved by the Governor on October 12, 1995, Chapter 828, Statutes of 1995)

AB 718 (Hauser) - Sea Urchin

Continues the one-cent per pound additional landing tax on commercial take of sea urchin until January 1, 2002. Increases the deductible from one-quarter to one-half cent for each pound landed and revises the distribution of these funds to 60% for enhancement and 40% for management. (Status: Approved by the Governor on October 4, 1995, Chapter 615, Statutes of 1995)

SB 39 (Thompson) - Hook and Line Fishery

Places gear and area restrictions on the commercial hook and line fishery. Limits the gear and area restrictions out to one mile in Fish and Game Districts 6, 7, and 10 (Oregon border to Pigeon Point, San Mateo County). Regulates the number of lines and hooks that may be used commercially within San Francisco and San Pablo Bays primarily for the California halibut fishery. (Status: Pending in the Assembly Committee on Appropriations)

SB 458 (Beverly) - Shark Fishery

Makes it unlawful to sell, purchase, possess or deliver for commercial purposes on any commercial fishing vessel any shark fin or tail that has been removed from the carcass. Authorizes the use of round haul nets to take live bait in Fish and Game District 19A

(Santa Monica Bay). Provides for the taking of sharks other than thresher, shortfin mako, and great white sharks in near shore waters using drift gillnets during the shark and swordfish season. (Status: Approved by the Governor on August 3, 1995, Chapter 371, Statutes of 1995)

SB 746 (Hayden) - White Croaker

Prohibits the take of sport caught white croaker within specified closed areas. Specifies that the closure on the sport take of white croaker is terminated if the Director of the Office of Environmental Health Hazard Assessment (D-OEHHA) determines that there is no longer a health risk. Requires commercial passenger fishing vessels (party boats) to post warning signs aboard their boats informing passengers on the white croaker closure. (Status: Pending in the Assembly Committee on Water, Parks and Wildlife)

SB 1176 (Mello) - Hook and Line Fishery

Places gear and area restrictions on the commercial hook and line fishery. Specifies that the restrictions apply from the mainland shore in specified Fish and Game Districts. Terminates the gear restrictions on January 1, 1999. Extends the statute on ocean ranching for an additional five years, from January 1, 1996, to January 1, 2001. (Status: Approved by the Governor on October 8, 1995, Chapter 677, Statutes of 1995)

Endangered and Threatened Species

AB 137 (Olberg) - Just Compensation

Removes the authority of the Fish and Game Commission to list a species and instead places that authority with the Legislature. Deletes the Commission's authority to adopt emergency regulations for purposes of listing a species. Requires just compensation to be paid to landowners whose fair market property values decline by 20% or more due to listing or other endangered species actions. (Status: Pending in the Senate Committee on Natural Resources and Wildlife)

AB 350 (Bustamante) - Petition/Listing Process

Requires scientific peer review of a petition, if any person files such a request with the Fish and Game Commission within 30 days of the Commission's acceptance of the petition. Prohibits the Department of Fish and Game from determining a species to be threatened or endangered unless the cumulative population is threatened or endangered over the entire extent of the range. Requires the Department to prepare a detailed plan including alternative strategies for recovery and delisting. (Status: Pending in the Senate Committee on Natural Resources and Wildlife)

AB 428 (Olberg) - Habitat

Makes legislative findings that management of habitat for endangered species should entail the management of habitat that the species in fact inhabits. Redefines phrases contained in existing law which relate to different types of habitats. **(Status: Died in the Assembly Committee on Water, Parks and Wildlife)**

AB 874 (Campbell) - Public Notice

Requires that all notices required relative to the listing/delisting process be expressed in clear, common, ordinary language capable of being understood by a reasonable person. Requires the Fish and Game Commission to notify by mail all counties and cities, and to the extent possible, public agencies, special districts, if their boundaries may fall within a proposed habitat management area. **(Status: Died in the Assembly Committee on Water, Parks and Wildlife)**

AB 1086 (Katz) - Judicial Review

Specifies that any individual may obtain judicial review of any final decision regarding a listing/delisting of any species. Specifies that any action must be filed within 60 days after the action has become final. **(Status: Died in the Assembly Committee on Water, Parks and Wildlife)**

AJR 16 (Setencich) - Federal Endangered Species Act

States that the federal act has hurt the health, safety, and economic well-being of communities and affected local communities have not had an opportunity to present evidence regarding those impacts. Recognizes that the proposed revisions pending in Congress to the act would alleviate the economic and social impact of the act by requiring a report of the social and economic impacts of a listing be included along with scientific data. **(Status: Pending in the Senate Committee on Natural Resources and Wildlife)**

SB 1120 (Costa) - Accidental Taking

Provides that the accidental take of a candidate, threatened or endangered species which results from an inadvertent or ordinary negligent act that occurs during an otherwise lawful activities is exempt from criminal prosecution or the imposition of a fine. **(Status: Assembly Floor Inactive File)**

SB 1177 (Killea) - Taking

Provides for the incidental take of a candidate, threatened, or endangered species by issuing an incidental take permit to public and private entities under specified conditions. **(Status: Pending in the Assembly Committee on Water, Parks and Wildlife)**

General

AB 87 (Cortese) - Mountain Lions

Allocates \$500,000 annually, from the Habitat Conservation Fund, to the Department of Fish and Game to manage mountain lions. Authorizes the Department to take lions for the purpose of conducting management studies and research and as part of a comprehensive plan to provide public safety or reduce property damage. Requires the Department to develop a statewide policy and procedure to remove lions which are an imminent threat to public health or safety and a public education program to reduce interactions between the public and lions. (Status: Died in the Assembly Committee on Water, Parks and Wildlife)

AB 117 (Knowles) - Proposition 117

Places a statutory initiative before the voters on the statewide ballot to repeal the \$30 million allocation for fish and wildlife habitat and state and local parks projects. Repeals the ban on sport hunting of mountain lions. Reclassifies the mountain lion as a game mammal, and authorizes the take of mountain lions under a valid sport hunting license and a mountain lion tag. (Status: Died in the Assembly Committee on Water, Parks and Wildlife)

AB 527 (Woods) - Fallow Deer

Redefines fallow deer as domesticated animals and provides the Department of Food and Agriculture with regulatory authority over fallow deer producers. (Status: Pending in the Senate Committee on Natural Resources and Wildlife)

AB 902 (Cortese) - Fish and Wildlife Pollution Cleanup and Abatement

Places recoveries from other pollution and abatement actions into the Current Fish and Wildlife Pollution Cleanup and Abatement Account. Creates four sub-accounts within the Fish and Wildlife Pollution Account with specific purposes and caps how much the sub-account how much the sub-accounts can contain. Specifies what moneys can be deposited into each account. (Status: Approved by the Governor on October 9, 1995, Chapter 720, Statutes of 1995)

AB 1000 (Horcher) - Elephants: Chaining

Prohibits the chaining of any elephant in its ermanent permitted facility. Creates an exception to the prohibition on chaining for purposes of training or veterinary care to a maximum of two hours in any 24-hour period. (Status: Died in Assembly Committee on Water, Parks and Wildlife)

AB 1363 (Knowles) - Mountain Lions: Study

Authorizes any nonstate entity to conduct scientific studies of the regional and statewide mountain lion population. Specifies that the studies may be conducted in cooperation with private experts, including the Federal Fish and Wildlife Service. **(Status: Pending assignment in the Senate Committee on Rules)**

AB 1533 (Cortese) - Instream Flows

Defines the terms "instream flow reservation" and "instream flow dedication." Provides that the provisions in the bill do not alter or amend any prior action affecting any instream flow dedication or reservation, and that nothing in the bill is intended to alter or restrict the authority of any court or state agency under other provisions of the law. **(Status: Pending assignment in the Senate Committee on Rules)**

AB 1636 (Cortese) - Aquaculture

Clarifies and reiterates that aquaculture products are exempt from the licensing requirements for commerce in wild caught fish. Establishes a requirement that all fish for stocking urban lakes be purchased from California aquaculturists if healthy fish are available from private growers. Clarifies that an aquaculture registration is not a project pursuant to the California Environmental Quality Act. **(Status: Approved by the Governor on October 12, 1995, Chapter 810, Statutes of 1995)**

AB 1737 (Katz) - California Marine Mammal Protection Act

Declares it to be unlawful to display any live cetacean or pinniped that does not meet specific criteria as established by the National Marine Fisheries Service. **(Status: Died in the Assembly Committee on Water, Parks and Wildlife)**

SB 28 (Leslie) - Mountain Lions

Places an initiative measure on the March 26, 1996, Primary Election Ballot which would allow any provision of Proposition 117 that regulates the take, injury, possession, transport, import or sale of the mountain lion to be amended or repealed by the Legislature, by a majority vote of the membership of both houses. Deletes the classification of the mountain lion as "specially protected." Appropriates from the Habitat Conservation Fund an amount to be appropriated in the annual Budget Act as necessary to pay the Department of Fish and Game's cost of preparing the management plan, not to exceed \$250,000 for each of fiscal years 1996-97, 1997-98 and 1998-99, and \$100,000 for each fiscal year thereafter. **(Status: Approved by the Governor on October 12, 1995, Chapter, Statutes of 1995)**

SB 123 (Thompson) - Poaching: Penalties

Increases the fine from \$5,000 to \$30,000 for any individual convicted of commercially fish and wildlife. Prohibits a convicted violator from further take of fish or wildlife for up to one year, and revokes any previously issued license, permit, license tag or stamp, unless of a commercial nature. (Status: Approved by the Governor on October 12, 1995, Chapter 827, Statutes of 1995)

SB 157 (Kelley) - Grass Carp

Authorizes the Department of Fish and Game to adopt regulations that allows the use of grass carp for the control of aquatic plant pests. Until January 1, 1999, prohibits the use of grass carp, located within condominium areas of any residential area, except at three locations within the permitting area. Requires the user of grass carp to provide specified information to the Department. (Status: Approved by the Governor on August 1, 1995, Chapter 249, Statutes of 1995)

SB 1258 (Johannessen) - Accidental Killing of Mammals

Specifies that the accidental killing of a bird, mammal, reptile, or amphibian by collision with a motor vehicle being operated lawfully on a road or highway is not a violation of the Fish and Game Code. Clarifies that possession of any bird, mammal, reptile, or amphibian accidentally killed by collision with a motor vehicle is not authorized. (Status: Approved by the Governor on October 9, 1995, Chapter 694, Statutes of 1995)

Habitat

AB 363 (Cannella) - Wetlands

Corrects a technical deficiency contained in AB 389 (Cannella), Chapter 928, Statutes of 1995, in which two words "habitat and" were inadvertently removed from existing law. (Status: Pending assignment in the Senate Committee on Rules)

AB 450 (Hauser) - Pollution: State Waters

Authorizes the use of creosote for any structures in whole or in part in contact with waters of the state if the structure was in existence on January 1, 1996. Allows a person to proceed with the installation of new or replacement structures treated with creosote that are in whole or part in contact with waters of the state if all applicable permits have been approved by January 1, 1996. (Status: Pending in the Senate Committee on Natural Resources and Wildlife)

AB 1630 (Olberg) - Environmental Fees

Exempts from the filing fee projects whose boundaries are within a valid and existing habitat conservation plan or natural community conservation plan that results from actions taken under the California Environmental Quality Act or federal and state endangered species acts. Clarifies that a project must be in compliance with the terms and conditions of the approved HCP or NCCP in order to qualify for the fee exemption. **(Status: Pending in the Senate Committee on Natural Resources and Wildlife)**

SB 649 (Costa) - State Waters: Pollution

Specifies that placing oil and chemical wastes and materials deleterious to fish and wildlife in waters of the state is not a crime unless the person committed the act in a knowing or negligent manner and the discharge causes significant harm. Specifies that discharges or releases whether deleterious or not to fish and wildlife would be exempt from both criminal and civil prosecution if the discharger complies with a permit or authorization granted or issued by the State Water Resources Control Board, a regional water board or a publicly owned treatment works. **(Status: Pending in the Assembly Committee on Water, Parks and Wildlife)**

SBX1 11 (Mello) - River Maintenance

Requires state agencies with responsibility for the cleanup and maintenance of rivers and flood control channels to cooperate with each other and with any appropriate federal and local agencies and to take appropriate action in order to ensure the timely cleanup and ongoing maintenance of the Pajaro, Salinas and Carmel Rivers. Authorize streambed alteration agreements between the Department of Fish and Game and a public or private entity to be entered into for any period of time agreed to by the Department and the project proponent. Specifies the membership, powers, objective and boundaries of the Pajaro River Basin Flood Control Authority, if created. The Authority would have the ability to levy assessments and special taxes and to issue bonds, in accordance with existing law. **(Status: Pending in the Assembly Committee on Appropriations)**

Sport Fishing

AB 347 (Woods) - Private Ponds

Authorizes an individual or his/her guest, who owns property that totally encloses a lake or pond and is located offstream and not hydrologically connected to any permanent or intermittent waterway, to take fish for purposes other than profit without a sportfishing license. **(Status: Approved by the Governor on October 9, 1995, Chapter 744, Statutes of 1995)**

AB 1916 (Harvey) - Miscellaneous Provisions

Creates a nonresident 10-day sport fishing license and sets the fee for the license at \$23.75. Expands the definition of devices used by the disabled to include "other mobility-related" devices, in addition to wheelchair, walker, or forearm crutches for those individuals applying for a free sport fishing license. (Status: Approved by the Governor on August 2, 1995, Chapter 293, Statutes of 1995)

Sport Hunting

AB 1305 (Bowler) - Shotguns

Clarifies existing law relative to the possession and use of shotguns for the taking of any mammal or bird. Authorizes the Fish and Game Commission to adopt regulations after a public hearing that may be more restrictive relative to the ammunition capacity of shotguns or if necessary to conform state law to federal law. (Status: Approved by the Governor on August 3, 1996, Chapter 321, Statutes of 1995)

PARKS AND RECREATION

AB 108 (Hannigan) - Winters: Swimming Pool

Appropriates \$500,000 from the Public Resources Amount to the Department of Parks and Recreation for a grant to the City of Winters for public swimming pool improvements. **(Status: Failed passage in Assembly Committee on Appropriations)**

AB 234 (Cortese) - Parks and Recreation: Youth Programs

Makes findings regarding the importance of providing constructive activities for youth during their discretionary time (primarily after school hours). Establishes a task force of members of the law enforcement, education and park and recreation community to promote the sharing of resources and expertise to maximize efficiency and reduce state expenditures. Requires there be no cost to the state and that the task force present a report to the Governor and legislature and sunset in 1999. **(Status: Vetoed by the Governor October 9, 1995)**

AB 316 (McDonald) - City of Long Beach Parklands Conversion

Authorizes the City of Long Beach to convert up to 25 acres of parkland at Shoreline Aquatic Park to a different use. Requires the City of Long Beach to develop substitute parkland and recreational facilities that are equal in area and of equal or greater fair market value. Requires the City of Long Beach to provide specified information to the Department of Parks and Recreation and to conduct a public hearing. **(Status: Approved by the Governor on October 9, 1995, Chapter 735, Statutes of 1995)**

AB 443 (Goldsmith) - Off-Highway Vehicle Park: San Diego County

Appropriates \$2,775,000 from the Off-Highway Vehicle Trust Fund to the Department of Parks and Recreation to implement cooperative agreements with federal land management agencies. **(Status: Approved by the Governor on October 4, 1995, Chapter 617, Statutes of 1995)**

AB 504 (Kuykendall) - State Park System: state beaches: Los Angeles County: State Lands Commission revenues: Sea Grant College Program: Funds abolishment: watermaster service areas

Requires the Director of the Department of Parks and Recreation to grant to the County of Los Angeles specified state beach lands with specific requirements. Requires revenues, moneys and remittances received by the State Lands Commission to be deposited in the General Fund. Makes technical and conforming changes to the Sea Grant College Program. Abolishes the Capitol Outlay Fund for Public Higher Education, the Energy and Resources fund, the Special

Account for Capitol Outlay in the General Fund and the State Construction Program Fund and requires the unencumbered balance of the funds to be placed in the General Fund.

Requires the owners of the rights to divert or store water within the service area to pay the total cost of administration of the service area and the distribution of water therein. **(Status: Assembly refused to concur in Senate amendments. Died on the Assembly Floor)**

AB 639 (Campbell) - Historic Building: "Hard House"

Declares the historical significance of the Roswell Butler Hard Home in Antioch (Contra Costa County) and appropriates \$350,000 from the Public Resources Account for a grant to the City of Antioch for preservation of the building. **(Status: Failed passage in Assembly Committee on Appropriations, reconsideration granted. Died)**

AB 956 (Ducheny) - State Coastal Conservancy: State Grants

Authorizes the State Coastal Conservancy to permit use for the construction of facilities related to the South Bay Ocean Outfall Project a portion of the property with the Tijuana River National Estuarine Research Reserve in part with funds granted to the Conservancy pursuant to specified conditions. Authorizes the Conservancy to request the Department of General Services to retain, reserve, transfer or convey to a public entity or nonprofit interest in the Cascade Ranch in San Mateo County. **(Status: Pending in the Senate Committee on Natural Resources and Wildlife)**

AB 1188 (Takasugi) - Oxnard State Beach: Grant

Authorizes the Director of Parks and Recreation to grant, in trust, and subject to specified conditions, all of the rights, title and interest of the state in all lands located within the boundaries of Oxnard State Beach to the City of Oxnard in Ventura County. **(Status: Approved by the Governor on October 9, 1995, Chapter 741, Statutes of 1995)**

AB 1234 (Cortese) - California Parks, Recreation and Wildlife Act of 1996

States the intent of the Legislature to support parks, recreation and wildlife through a proposed act. **(Status: Died in the Assembly Committee on Appropriations)**

AB 1395 (Poochigian) - Kings River Regional Park Land Sale

Allows the proceeds from the authorized sale of a portion of the Kings River Regional Park to be retained by the county as compensation for holding land of equivalent value for future land acquisition, development or restoration of land exchange for those purposes as prescribed. **Status: Approved by the Governor on September 2, 1995, Chapter 464, Statutes of 1995)**

AB 1887 (McPherson) - State Park System: Concession Contracts

Extends the maximum term for state park concessions authorized by the Director of the Department of Parks and Recreation from five to ten years. **(Status: Approved by the Governor on October 9, 1995, Chapter 737, Statutes of 1995)**

AJR 24 (Cannella) - Cultural Antiquities: Sale and trafficking: Assyrian artifacts

Memorializes the President and Congress of the United States to take measures to halt the illicit sale and trafficking of cultural antiquities , including Assyrian artifacts and to support the efforts of UNESCO to combat this serious problem. **(Status: Chaptered September 13, 1995, Res. Chapter 90, Statutes of 1995)**

SB 190 (Costa) - San Joaquin River Conservancy: Grants

Authorizes the San Joaquin River Conservancy to award grants to public agencies and nonprofit organizations, and subject to specified conditions, to nonprofit organizations for the acquisition of real property. Authorizes the conservancy to lease, rent, sell, exchange or otherwise transfer any real property or interest in real property or option to public agencies, nonprofit organizations, individuals, and other entities for management purposes pursuant to terms and donations approved by the conservancy. Authorizes the conservancy to take part in agreement for the management of conservancy land with public agencies, nonprofit organizations, individuals and other entities. Deletes the authority of the conservancy to establish a parkway service area, subject to specified conditions, to benefit the area of the parkway no under the jurisdiction of the conservancy. **(Status: Approved by the Governor on October 4, 1995, Chapter 610, Statutes of 1995)**

SB 383 (Haynes) - Off-Highway Vehicles

Extends the repeal date of the Off-Highway Motor Vehicle Recreation Act of 1988 until January 1, 2003. Deletes the report required by the State Auditor and replaces it with an environmental review to be prepared by the Secretary of the Resources Agency and submitted to specified Legislative committees and funded from the act. Creates the Off-Highway License Fee Fund and requires the revenue

from the mandatory fee for issuance or renewal of identification for off-highway vehicles be deposited in the fund. (Status: Approved by the Governor on October 16, 1995, Chapter 970, Statutes of 1995)

SB 893 (Leslie) - Department of Parks and Recreation: Funding

Requires the Department of Parks and Recreation to submit a report to the Legislature on or before December 1 of each year, describing the allocation and expenditure of funds from the Harbors and Watercraft Revolving Fund. Specifies that the report contain itemization on specific expenditures and source of funds and relation of the project to the source of funds. (Status: Pending in the Assembly Committee on Appropriations)

SB 1264 (Peace) - Park and Open Space Lands

Authorizes San Diego County to use a portion of the lands in the Tijuana River Valley acquired by a grant from Proposition 70 for a floodway project and requires the floodway be developed in accordance with Tijuana River Valley task Force recommendations. Authorizes the City of Long Beach to convert to a different use up to 25 acres of parkland at Shoreline Aquatic Park subject to specified conditions. Status: Approved by the Governor on July 30, 1995, Chapter 231, Statutes of 1995)

SB 1280 (O'Connell) - Land and Water Conservation

Enacts the California Land and Water Conservation Act of 1995, pursuant to which the Secretary of the Resources Agency would implement a program under which property, as defined or interest in property, with a fair market value which results in aggregate tax credits not to exceed \$200 million in any year, may be contributed to the state, any local government as defined or to any nonprofit organization designated by the state or local government. Specifies allocations, requirements and recommendations for implementation. (Status: Pending in the Assembly Committee on Water, Parks and Wildlife)

SCR 3 (Petriss) - Oakland Museum of California

Expresses the Legislature's recognition of the Oakland Museum of California for its accomplishments over the past 25 years. (Status: Chaptered June 26, 1995, Res. Chapter 43, Statutes of 1995)

Boating and Waterways

AB 748 (Kuykendall) - Vessel Safety

Extends the Vessel Traffic Service (VTS) area from a radius of 20 nautical miles to a radius of 25 nautical miles from a specified point. Redefines "covered vessel" to comply with the federal definition and to include ferries which are not previously paying a required fee. Requires every vessel in the VTS area to respond promptly when hailed by the Marine Exchange, and other specified conditions. (Status: Pending assignment in the Senate Committee on Rules)

SB 654 (Craven) - Beach replenishment: boating facilities

Appropriates \$1,044,000 from the Harbor and Watercraft Revolving Fund (HWRP) for the following; \$700,000 for a grant to the San Diego Association of Governments for the United States Navy Aircraft Carrier Homeporting Project in San Diego Harbor, \$344,000 for a grant to the city of Stockton for improvements to the Buckley Cove boat launching facility. Specifies conditions for the appropriations. (Status: Approved by the Governor on October 4, 1995, Chapter 606, Statutes of 1995)

WATER

Delta

AB 360 (Hannigan) - Delta Levee Maintenance: Reimbursement

Establishes a program to reimbursing local agencies for the maintenance and rehabilitation of federally funded levees.
(Status: Pending assignment in the Senate Committee on Rules)

AB 619 (Bustamante) - Water Facilities: Environmental Bay Byway

As amended on January 3, 1996, requires the Department of Water Resources to evaluate options, including costs, for construction of an Environmental Bay Byway for the purpose of providing water from Central to Southern California.
(Status: Pending assignment in the Senate Committee on Rules)

AJR 30 (Cortese) - CAL-FED Program

Gives legislative recognition to and urges the President and Governor to commit the necessary support to ensure the success of the CAL-FED Bay Delta program in achieving a comprehensive solution to the problems in the San Francisco Bay/Sacramento-San Joaquin Delta Estuary. Requests the CAL-FED manager to report to the legislature semi-annually on the status of the project. (Status: Chaptered September 26, 1995, Res. Chapter 100, Statutes of 1995)

SCR 20 (Kelley) - Appropriative Water Rights: Bureau of Reclamation

Request the State Water Resources Control Board to review the water rights granted by the state to the United States Bureau of Reclamation for the federal Central Valley Project to determine if the Bureau has violated any term of condition contained in a permit or license for the Central Valley Project. What, if any, enforcement action was taken by the State Water Resources Control Board. (Status: Chaptered September 12, 1995, Res. Chapter 84, Statutes of 1995)

Flood Control

AB 201 (Allen) - Flood Control Subventions: Orange County Flood Control District

Appropriates funds to reimburse the Orange County Flood Control District. (Status: Held under submission in the Senate Committee on Appropriations)

AB 386 (Alby) - Flood Control Disaster Relief

Establishes procedures for settlement of the court case brought against the Board of Control for compensation (\$24 million) by victims of the February, 1995, flooding in the areas of Sacramento and Sutter counties known as Strawberry Manor. **(Status: Died in the Assembly Committee on Appropriations)**

AB 846(Cortese) - Flood Control: Management and Subventions

Creates the \$221 million Flood Control Bond Act of 1996, to fund the state share of the non-federal costs of flood control and flood prevention. For 3 of the last 5 years the flood control subvention program has not been funded. In adopting the 1995-96 FY budget, the Legislature recognized the state's debt for the flood control subvention program and stated that the debt should be met with bond financing. Gives priority in future years to funding local projects that undertake effective floodplain management as reflected in Federal Emergency Management Agency's community rating system. **(Status: Held in the Assembly Committee on Appropriations at the request of author)**

AB 1359 (Knowles) - Auburn Dam Project

Authorizes the creation of a joint powers authority to participate in the construction of a facility on the North Fork of the American River at the El Dorado/Placer county line, if the Congress of the United States authorizes construction of a facility. This bill does not endorse or authorize state involvement in the construction of the proposed facility. **(Status: Pending assignment in the Senate Committee on Rules)**

SB 1097 (Hayden) - Los Angeles River

Prohibits the state from paying flood control subventions to Los Angeles County for any flood control project in the Los Angeles River unless the legislation finds the project is multipurpose and a citizens advisory committee has been created. **(Status: Pending in the Assembly Committee on Water, Parks and Wildlife)**

Groundwater Management

AB 1629 (Olberg) - Mojave Water Agency: Wells

Authorizes the Agency to function as the watermaster within their service area to protect water rights by monitoring use of wells and controlling abandoned wells may be polluting the groundwater basin. **(Status: Signed by the Governor on June 27, 1995, Chapter 30, Statutes of 1995)**

AB 1654 (Ducheny) - Interstate Groundwater Basin Management

As introduced, requires the Department of Water Resources to enter into an agreement with Nevada for the purposes of conducting studies and investigations of an interstate groundwater basin, the Ivanpah Basin. The Ivanpah Basin is one of more than 15 interstate groundwater basins. Following discussions in Committee, the bill was amended to authorize the Department to enter into an agreement to study, evaluate and manage interstate groundwater basins with Nevada or Oregon. (Status: Died in the Assembly Committee on Appropriations)

SB 322 (Costa) - Groundwater

Clarifies provisions of law relating to local groundwater management plans and the authority to transfer groundwater that has been recharged as part of the groundwater banking operation. (Status: Assembly Floor Inactive File)

SB 29 (Leslie) - Surprise Valley Groundwater Management District

Authorizes creation of the Surprise Valley Groundwater Management District to manage the groundwater basin in Lassen and Modoc counties. There are no existing water districts or other county agencies which can be utilized for the management of this dual county groundwater basin. (Status: Signed by the Governor on October 9, 1995, Chapter 698, Statutes of 1995)

SB 629 (Mello) - County Groundwater Ordinances

Establishes procedures and a time limit for determining the validity of a county groundwater ordinance. (Status: Pending in the Assembly Committee on Water, Parks and Wildlife)

Miscellaneous

AB 1564 (Bordonaro) - DWR: Loans & grants

Annual measure to authorize grants local water programs pursuant to voter approved bond acts. Those Acts are: the Safe Drinking Water Bond Laws of 1976, 1984, 1986, 1988, the Clean Water Bond Law of 1984, the Water Conservation and Water Quality Bond Law of 1986, and the Water Conservation Bond Law of 1988. (Status: Signed by the Governor on October 9, 1995, Chapter 716, Statutes of 1995)

AB 1594 (Hannigan) - Harbor Loans

Allows the Boating and Waterways Commission, by resolution, to determine that a private marine owner may be granted a one year extension on construction loans to complete the project. Limits the amount of funds transferred from the Harbors and Watercraft Revolving Fund to the General Fund in fiscal year 1994-95 to \$34.4

million. Appropriates \$1.7 million from the Harbors and Crafts Revolving Fund for the Suisun City Marina Project in fiscal year 1994-95. (Status: Held without recommendation in the Assembly Committee on Appropriations)

SB 818 (Hayden) - Water Quality

Requires each member of the State Water Resources Control Board and the Regional Boards to have a demonstrated knowledge and experience in the category in which they are appointed. (Status: Pending in the Assembly Committee on Water, Parks and Wildlife)

Water Management/Planning

AB 868 (Katz) - State Water Resources Development

Requires the Resources Agency to identify and evaluate feasible alternatives to the State Water Project. (Status: Died in the Assembly Committee on Appropriations)

AB 1845 (Cortese) - Water Service Reliability Assessment

Requires urban water suppliers to include a supply and demand analysis in their Urban Water Management Plan. (Status: Signed by the Governor on August 3, 1995, Chapter 330, Statutes of 1995)

SB 901 (Costa) - Water Supply Assessment

Requires a city or county to determine if an EIR is required in connection with adoption of a specific plan or amendment to the general plan that will result in a net increase in density and create a new demand for water service. If the local government finds that net density is increased, it is required to request the local water supplier to prepare and approve an assessment of projected water demand associated with the project. Establishes requirements for the assessment. Requires the water supplier to submit the assessment to the local government within 30 days and limits the analysis to ten typewritten pages. Exempts the County of San Diego because of the voter approved Proposition C (1988). (Status: Signed by the Governor on October 10, 1995, Chapter 881, Statutes of 1995)

SB 1011 (Polanco) - Urban Water Management Plans

Updates, streamlines, and expands the Urban Water Management Plan requirements. Emphasizes planning and demand management and encourages efficient use of existing supplies. (Status: Signed by the Governor on October 12, 1995, Chapter 854, Statutes of 1995)

Water Quality

AB 1415 (Setencich) - Water Quality Policy Development

Authorizes any local water entity to make recommendations to the State Water Resources Control Board and the regional boards on state water quality policy. (Status: Withdrawn from enrollment, ordered returned to Senate, held at the Senate Desk)

SB 128 (Kelley) - Local Finance

Establishes a mechanism for local agencies to fund construction of water pollution control and water reclamation facilities. The financial mechanism accommodates the federal Clean Water funding requirements without involving any contribution from the state. (Status: Signed by the Governor on August 3, 1995, Chapter 370, Statutes of 1995)

SB 205 (Kelley) - General Waste Discharge Requirements

Requires the State Water Resources Control Board or each Regional Board, upon application or at the request of any state agency, to prescribe general waste discharge requirements for dischargers of dewatered, treated or chemically fixed sewage sludge and other biological solids. Specifies that regulations of the handling of sewage sludge by the Integrated Waste Management Board, the Department of Food and Agriculture, air quality agencies, and local governments are not superseded. (Status: Signed by the Governor on October 4, 1995, Chapter 613, Statutes of 1995)

SB 206 (Kelley) - Cementitious Material

Exempts cementitious material from classification and regulation as a hazardous waste if it is a non-ageous waste, is managed at the manufacturing facility where it was generated in accordance with applicable regulations, and would be classified as hazardous waste solely on the California pH test. (Status: Signed by the Governor on October 12, 1995, Chapter 847, Statutes of 1995)

SB 572 (Kelley) - General Waste Discharge Requirements

Authorizes the State Water Resources Control Board to prescribe general waste discharge requirements for different categories of discharge and prescribe criteria for the regional boards to follow in their adoption of general waste discharge requirements. (Status: Signed by the Governor on August 10, 1995, Chapter 421, Statutes of 1995)

SB 1108 (Leslie) - Abandoned Mine Cleanup

Limits the liability of public agencies in cleaning up abandoned mines that are polluting state waterways with mine waste drainage. Establishes a program that permits public agencies and cooperating private parties to reduce mine waste drainage from mines they do not own without becoming liable for other pollution impacts. Authorizes State Water Resources Control Board or the Regional Boards to approve the remediation plan. (Status: Signed by the Governor on October 13, 1995, Chapter 878, Statutes of 1995)

Water Reclamation

AB 313 (McDonald) - Graywater

Requires the Department of Water Resources, in consultation with the Department of Health Services and the Center for Irrigation Technology at the State University, Fresno, to adopt standards for graywater systems for subsurface irrigation. Allows cities and counties to adopt more stringent standards as appropriate to the local area. (Status: Signed by the Governor on October 16, 1995, Chapter 961, Statutes of 1995)

AB 1247 (Setencich) - Recycled water

Changes the term 'reclaimed' water to 'recycled' water throughout various codes including the codes for Fish & Game, Government, Health & Safety, Public Utilities, Streets and Highways and Water. (Status: Signed by the Governor on June 27, 1995, Chapter 28, Statutes of 1995)

SB 172 (Beverly) - Recycled water: Pilot Program

Extends the permissible use of recycled water to toilets in residential buildings as a pilot program in cities which provide a separate plumbing system using sea water for flushing toilet urinals. Requires the level of treatment and use of recycled water to meet the criteria of the Department of Health Services. Avalon will conduct the pilot program using local funds. (Status: Signed by the Governor on June 30, 1995, Chapter 78, Statutes of 1995)

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