



**COUNTY OF SANTA BARBARA
LEGISLATIVE PROGRAM COMMITTEE**

AGENDA

Date: Monday, June 1, 2015
Time: **10:30AM to Noon**
Place: **Board of Supervisors Conference Room, Fourth Floor**
105 E. Anapamu Street, Santa Barbara

Committee Members: Salud Carbajal, First District Supervisor
Doreen Farr, Third District Supervisor
Mona Miyasato, County Executive Officer
Robert Geis, Auditor-Controller
Mike Ghizzoni, County Counsel

Public Comment

Agenda Items:

1. Approve minutes from the May 4, 2015, meeting. (*Agenda Item 1: May 4, 2015 Meeting Minutes*)
2. Receive an update on Federal issues of interest to the County and direct staff to take action as necessary. (*Agenda Item 2: Report from Thomas Walters & Associates*)
 - 2A. Advocacy letters sent last month. (*Agenda Item 2A: Copies of letters*)
3. Receive report on State issues of interest to the County and direction staff to take action as necessary. (*Agenda Item 3: Update from Governmental Advocates*)
 - 3A. Advocacy letters sent last month. (*Agenda Item 2A: Copies of letters*)
4. Consider taking a position on:
 - 4A. **SB 122 (Jackson)** California Environmental Quality Act: record of proceedings. (*Agenda Item 4A: SB 122 Legislative Language*)
 - 4B. **SB 233 (Hertzberg)** Marine resources and preservation. (*Agenda Item: 4B: SB 233 Legislative Language and Bill Analysis*)
 - 4C. **SB 658 (Hill)** Automated external defibrillators. (*Agenda Item 4C: SB 658 Legislative Language and Bill Analysis*)
 - 4D. **SB 788 (McGuire)** California Coastal Protection Act of 2015. (*Agenda Item: 4D: SB 788 Legislative Language and Fact Sheet*)
 - 4E. **AB 361 (Achadjian)** California Emergency Services Act: nuclear powerplants. (*Agenda Item: 4E: AB 361 Legislative Language*)
 - 4F. **SB 657 (Monning)** Public Utilities Code: Diablo Canyon Units 1 and 2: enhanced seismic studies and review: independent peer review panel (*Agenda Item: 4F: SB 657 Legislative Language and Fact Sheet*)
5. Consider new Committee business for future meetings.

Next meeting: Scheduled for **Monday, July 6, 2015**

"Writings that are a public record under Government Code § 54957.5(a) and that relate to an agenda item for open session of a regular meeting of the County Legislative Program Committee and that are distributed to a majority of the members of the County Legislative Program Committee less than 72 hours prior to that meeting shall be available for public inspection at Santa Barbara County Clerk of the Board at 105 E. Anapamu Street, 4th Floor in Santa Barbara, and also on the County's website at: <http://www.countyofsb.org/ceo/legislative/agendas.sbc>



**COUNTY OF SANTA BARBARA
LEGISLATIVE PROGRAM COMMITTEE**

MINUTES

Date: Monday, May 4, 2015
Time: **10:30AM to Noon**
Place: **Board of Supervisors Conference Room, Fourth Floor**
105 E. Anapamu Street, Santa Barbara

Committee Members: Salud Carbajal, First District Supervisor - Present
Doreen Farr, Third District Supervisor - Present
Mona Miyasato, County Executive Officer - Present
Robert Geis, Auditor-Controller - Absent
Mike Ghizzoni, County Counsel - Present

Public Comment

Member of the public spoke on climate action.

Agenda Items:

1. Approve minutes from the April 7, 2015, meeting. ***(Motion to approve minutes made by Mona Miyasato, second by Supervisor Farr; 4-0).***
2. Receive an update on Federal issues of interest to the County and direct staff to take action as necessary. ***(Motion to approve made by Supervisor Farr, second by Mona Miyasato; 4-0).***
3. Receive report on State issues of interest to the County and direction staff to take action as necessary. ***(Motion to approve made by Supervisor Carbajal, second by Supervisor Farr; 4-0).***
4. Staff Reports:
 - 4A. Consider taking a position on AB 3 (Williams) Isla Vista Community Services District. ***(Directed staff to take item to the BOS with a recommendation of Support and Watch. Motion to approve made by Supervisor Farr, second Supervisor Carbajal; 4-0).***
 - 4B. Consider taking a position on AB 203 (Oberholte) State responsibility areas: Fire prevention fees. ***(Motion to support made by Supervisor Carbajal, second Supervisor Farr; 4-0).***
 - 4C. Consider taking a position on AB 741 (Williams) Comprehensive mental health crisis services. ***(Motion to support made by Supervisor Carbajal, second Supervisor Farr; 4-0).***
 - 4D. Consider taking a position on AB 1074 (Garcia) Alternative fuels: infrastructure. ***(Note unintended consequences of reduced road funding from alternative vehicles. Motion to support, made by Supervisor Farr, second Supervisor Carbajal; 4-0).***
 - 4E. Consider taking a position on AB 1347 (Chiu) Public contracts: claims. ***(Motion to oppose made by Supervisor Carbajal, second Supervisor Farr; 4-0).***
 - 4F. Consider taking a position on SB 32 (Pavley) California Global Warming Solutions Act of 2006: emissions limit. ***(Directed staff to take item to the BOS without a recommendation on May 19th to coincide with the P&D Greenhouse Gas report. Motion to approve made by Supervisor Carbajal, second Supervisor Farr; 4-0).***

- 4G. Consider taking a position on SB 122 (Jackson) California Environmental Quality Act: record of proceedings.
- 4H. Consider taking a position on SB 233 (Hertzberg) Marine resources and preservation.
- 4I. Consider taking a position on SB 658 (Hill) Automated external defibrillators.

Items 4G, 4H, and 4I moved to be continued to the June 1 Legislative Program Committee agenda. Motion to approve made by Supervisor Farr, second by Supervisor Carbajal; 4-0).

- 5. Consider new Committee business for future meetings. – no new items.

Next meeting: Scheduled for **Monday, June 1, 2015**

Motion to adjourn meeting at 12:15PM made by Supervisor Farr, second by Supervisor Carbajal; 4-0).

Washington Update

COUNTY OF SANTA BARBARA

May 26, 2015

FY 2016 APPROPRIATIONS - HUD

As the House Appropriations Committee continued to move forward in drafting its FY 2015 funding bills, we reiterated our advocacy in support of housing and community development programs of significance to the County. Prior to the Memorial Day recess, the committee approved its version of the *FY 2016 Transportation, Housing and Urban Development (HUD), and Related Agencies Appropriations* bill. The measure would provide \$3 billion for the Community Development Block Grant (CDBG) and \$900 million for the HOME Program, the same levels as in FY 2015. Homeless Assistance grants would be increased by \$50 million to \$2.185 billion, and Section 8 voucher funding would be increased by \$614 million to \$19.92 billion. Housing for People with AIDS (HOPWA) would receive \$332 million, and funding for elderly housing would fall slightly from \$420 million to \$414 million. The full House is tentatively scheduled to take up the measure early in June.

OLDER AMERICANS ACT

In conjunction with the Older Americans Act Week of Action coordinated by the National Association of Area Agencies on Aging (N4A) beginning on May 18, we contacted the House Education and the Workforce Committee to reiterate the County's support for reauthorization and funding of the Act's programs, emphasizing the wide range of critical services OAA supports for the elderly population in Santa Barbara County. We also asked the local House delegation to urge the committee to take action on reauthorization. While S. 192, the *Older Americans Act Reauthorization Act*, was approved by the Senate committee of jurisdiction early in the year and is currently awaiting floor consideration, the House committee has not yet started work on its measure.

MAP-21 REAUTHORIZATION

Existing authority for surface transportation programs under MAP-21 is scheduled to expire on May 31, and little progress has been

made on legislation to reauthorize the programs, largely because of the lack of an acceptable funding mechanism. Senate Finance Committee Chairman Hatch (R-UT) proposed an extension of existing authority through December, 2015, but Congressional leadership in both the House and Senate has expressed concern over both the length of the extension and in finding offsets for the \$11 billion in associated costs. Subsequently, House Ways and Means Committee Chairman Ryan (R-WI) and Transportation Committee Chairman Shuster (R-PA) introduced H.R. 2353, the *Highway and Transportation Funding Act of 2015*, to provide for a two-month "patch" through July 31. The full House overwhelmingly approved the measure on May 19, and the Senate followed suit before the Memorial Day recess. The Senate Environment and Public Works Committee has announced that it will release and begin marking up its MAP-21 reauthorization legislation in June.

PUBLIC SAFETY FUNDING

The Bureau of Justice Assistance (BJA) recently released its solicitation for applications under the FY 2015 Edward Byrne Memorial Justice Assistance Grant (JAG) Program, which we provided to the County for action. Under BJA's allocation for JAG, Santa Barbara County is eligible for a total of \$66,325, in conjunction with the City of Santa Maria. JAG may be used for a variety of activities to improve or enhance law enforcement programs related to criminal justice.

CLEAN WATER ACT REGULATIONS

We continued to monitor Congressional action in response to EPA's proposed rule, published last year, that would amend the definition of "waters of the U.S." under the Clean Water Act and expand the range of waters that fall under federal jurisdiction, with a broad range of potential impacts on local agencies such as the County. Last week, the House approved H.R. 1732, the Regulatory Integrity Protection Act, which would prevent EPA from completing

the regulatory process for the proposed rule. It would require the agency to withdraw the proposal and restart the rule-making process within 30 days of passage. The bill passed by a vote of 261-155, largely along party lines. NACo has been very engaged on this issue, calling for it to be withdrawn until further analysis and more in-depth consultation with state and local officials has taken place.

v Tom Walters v

Agenda Item 2A: Federal Advocacy Letters

SALUD CARBAJAL

First District

JANET WOLF

Second District, Vice Chair

DOREEN FARR

Third District

PETER ADAM

Fourth District

STEVE LAVAGNINO

Fifth District, Chair



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105 East Anapamu Street

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COUNTY OF SANTA BARBARA

February 23, 2015

The Honorable Dianne Feinstein
United States Senate
SH-331 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Feinstein:

I have sent the attached letters on behalf of the Santa Barbara County Board of Supervisors to Chairman Alexander and Ranking Minority Member Murray of the Senate HELP Committee to express the Board's support for reauthorization of the Older Americans Act (OAA).

The Older Americans Act provides funds for programs to support meals-on-wheels, help to prevent elder abuse and exploitation, counsel seniors on their rights, coordinate legal services for those who cannot afford representation, and support telephone hotlines. The County's phenomenal population growth over the last two decades is projected to continue and as a result, the demand for senior-related services will increase.

The County supports the reauthorization and expansion of the following programs under OAA:

- Elderly Nutrition Program
- Family Caregiver Programs (Title III E)
- Home and Community-Based Supportive Services (Title III B)

Furthermore the County supports increasing local flexibility to allow local AAAs to provide more customized support, increased authorization levels, strengthening the Long Term Care (LTC) Ombudsman Program.

Chairman Alexander and Ranking Member Murray have introduced bipartisan legislation to reauthorize OAA as S. 192. Please urge your colleagues who serve on the committee to work with them to support the County's priorities for the legislation, including efforts to maintain local control to coordinate OAA services for older Americans.

Sincerely yours,

Thomas P. Walters
Washington Representative

SALUD CARBAJAL

First District

JANET WOLF

Second District, Vice Chair

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Fourth District

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COUNTY OF SANTA BARBARA

February 23, 2015

The Honorable Lois Capps
U.S. House of Representatives
2231 Rayburn House Office Building
Washington, DC 20515

Dear Lois:

I have sent the attached letters on behalf of the Santa Barbara County Board of Supervisors to Chairwoman Foxx and Ranking Member Hinojosa of the House Education and the Workforce Subcommittee on Higher Education and Workforce Training to express the Board's support of the reauthorization of the Older Americans Act (OAA).

The County supports the reauthorization and expansion of the following programs under OAA:

- Elderly Nutrition Program
- Family Caregiver Programs (Title III E)
- Home and Community-Based Supportive Services (Title III B)

Furthermore, the County supports increasing local flexibility to allow local AAAs to provide more customized support, increased authorization levels, strengthening the Long Term Care (LTC) Ombudsman Program.

Please support the reauthorization of the OAA and support efforts to maintain local control to coordinate OAA services for older Americans.

Sincerely yours,

Thomas P. Walters
Washington Representative

SALUD CARBAJAL

First District

JANET WOLF

Second District, Vice Chair

DOREEN FARR

Third District

PETER ADAM

Fourth District

STEVE LAVAGNINO

Fifth District, Chair



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COUNTY OF SANTA BARBARA

February 23, 2015

The Honorable Lamar Alexander, Chairman
Committee on Health, Education, Labor and Pensions
United States Senate
SD-428 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Mr. Chairman:

I am writing on behalf of the Santa Barbara County Board of Supervisors to express their Board's support for the reauthorization of the Older Americans Act (OAA).

Thank you for sponsoring S. 192, which would reauthorize OAA. The Act allows the County to provide a wide range of critical services to its elderly population. It provides funds for programs to support meals-on-wheels, help to prevent elder abuse and exploitation, counsel seniors on their rights, coordinate legal services for those who cannot afford representation, and support telephone hotlines. The County's phenomenal population growth over the last two decades is projected to continue and as a result, the demand for senior-related services will increase.

The County supports the reauthorization and expansion of the following programs under OAA:

- Elderly Nutrition Program
- Family Caregiver Programs (Title III E)
- Home and Community-Based Supportive Services (Title III B)

Furthermore the County supports increasing local flexibility to allow local AAAs to provide more customized support, increased authorization levels, strengthening the Long Term Care (LTC) Ombudsman Program.

As your committee moves forward to debate and approve S. 192 please work with your colleagues to include the County's priorities for the reauthorization of OAA.

Sincerely yours,

Thomas P. Walters
Washington Representative

SALUD CARBAJAL

First District

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Second District, Vice Chair

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Fourth District

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COUNTY OF SANTA BARBARA

April 8, 2015

The Honorable Ron Wyden
Ranking Minority Member
Committee on Finance
United States Senate
SD-219 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Wyden:

I am writing on behalf of the County of Santa Barbara to express the County's concern with proposals that would repeal the tax-exempt status of municipal bonds.

If the tax-exempt status of municipal bonds were removed, issuers would have to increase the rate of return on those bonds to still make it worth investors' while. That means it would cost more to borrow the same amount, which would lead to less borrowing and fewer infrastructure projects. A recent report by the National Association of Counties and National League of Cities concluded that 90 percent of municipal bond financing over the past decade nationwide went toward schools, hospitals, water infrastructure, sewer facilities, public power utilities, roads, and mass transit. In California, State and local governments have issued 4,600 bonds totaling \$232.8 billion in the last ten years.

Please support the continuation of the current tax-exempt status of municipal bonds that allow local governments, like Santa Barbara County, to continue to finance infrastructure projects in their communities.

Sincerely yours,

Thomas P. Walters
Washington Representative

SALUD CARBAJAL

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Fourth District

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COUNTY OF SANTA BARBARA

April 8, 2016

The Honorable Jeanne Shaheen
Ranking Member
Subcommittee on Homeland Security
Committee on Appropriations
United States Senate
SH-125 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Shaheen:

I am writing on behalf of the Santa Barbara County Board of Supervisors to urge you to provide adequate funding for local homeland security, bioterrorism response, and disaster preparedness efforts when you draft the *FY 2016 Homeland Security Appropriations* bill.

In California, local governments such as the County of Santa Barbara are the first responders to terrorist attacks, natural disasters, and other major emergencies. County public health, law enforcement, fire, emergency medical, and other public safety personnel, are responsible for on-the-ground response and recovery action. Counties own, operate and secure essential aspects of the nation's infrastructure, such as airports, transit systems, water supplies, and hospitals. Elected County officials and County emergency managers provide the essential regional planning and coordination in preventing, preparing for and managing the response to emergency events.

Local governments are integral components in homeland security, and the Federal government must provide significant resources to local governments so that they can prevent or respond to terrorist attacks and other major emergencies. The Board supports a regional approach to homeland security and disaster preparedness, and believes that funding needs to be provided to enable the development of adequate regional communication infrastructure. It is equally important that local governments are adequately prepared for natural disasters, and that funding is provided for comprehensive emergency management under the Emergency Management Performance Grant (EMPG) program, and for assistance to local fire departments under the Firefighter Assistance Grant Program. As your Subcommittee drafts the FY 2016 Homeland Security spending measure, please work to ensure sufficient funding to address the needs of the County of Santa Barbara and other local government entities.

Sincerely yours,

Thomas P. Walters
Washington Representative

TPW:jaw

SALUD CARBAJAL

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COUNTY OF SANTA BARBARA

April 10, 2015

The Honorable Jack Reed
Ranking Member
Subcommittee on Transportation, HUD, and
Related Agencies
Committee on Appropriations
United States Senate
SH-125 Hart Senate Office Building
Washington, DC 20510

Dear Senator Reed:

I am writing on behalf of the Santa Barbara County Board of Supervisors to express their support for the highest level of funding for housing and community development programs in the *FY 2016 Transportation, Housing and Urban Development, and Related Agencies Appropriations* bill.

For FY 2016, the Administration has proposed to fund the Community Development Block Grant (CDBG) program at \$2.8 billion – a \$200 million reduction from FY 2015. This program is vital to the County to provide increased opportunities to plan, implement, and evaluate local community development and housing assistance programs, and the County urges your support of the highest possible level of funding for CDBG program this year.

The County also urges the highest level of funding possible for the following housing and community development programs:

- HOME Investment Partnerships,
- McKinney-Vento Homeless Assistance Homeless programs – especially the Continuum of Care and Emergency Solutions Grant programs,
- Housing for People with AIDS (HOPWA); and,
- Elderly Housing.

Please work with your colleagues on the Subcommittee to ensure that housing and community development programs critical to State and local governments are funded at the highest possible level in the *FY 2016 THUD* bill.

Sincerely yours,

Thomas P. Walters
Washington Representative

SALUD CARBAJAL

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Second District, Vice Chair

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Fourth District

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COUNTY OF SANTA BARBARA

April 13, 2015

The Honorable Richard Shelby, Chairman
Subcommittee on Commerce, Justice, Science,
and Related Agencies
Committee on Appropriations
United States Senate
SD-142 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Mr. Chairman:

I am writing on behalf of the Santa Barbara County Board of Supervisors to request that you include the highest level of funding possible in the *FY 2016 Commerce, Justice, and Science Appropriations* bill for local law enforcement needs, including:

- *Reimbursement for the costs of adjudicating and incarcerating criminal illegal aliens under the State Criminal Alien Assistance Program (SCAAP);*
- *The Edward Byrne Memorial Justice Assistance Grant Program;*
- *The COPS Community-Oriented Policing Program;*
- *Law Enforcement Technical Assistance Grants;*
- *Juvenile justice and delinquency prevention, including gang prevention;*
- *Violence against Women;*
- *Prisoner reentry, diversion, and recidivism prevention activities, including those addressing the mentally ill;*
- *Drug Courts, Mental Health Courts, and Veterans Treatment Courts; and,*
- *DNA Cold Case prosecution and forensic laboratory services.*

Federal assistance is critical to the County's efforts to effectively and efficiently implement law enforcement and public safety. Unfortunately, the Administration's Budget request proposes significant reductions or elimination of funding for several public safety programs of importance to local governments. Elimination of SCAAP funding is particularly troubling because of the impact of criminal illegal aliens on the County jail, a direct result of the Federal government's to exercise its immigration-related responsibilities. As your Subcommittee drafts the FY 2016 CJS spending measure, please work to ensure sufficient funding to address the law enforcement needs of Santa Barbara County and other local government entities.

Sincerely yours,

Thomas P. Walters
Washington Representative

TPW:jaw

SALUD CARBAJAL

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PETER ADAM

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Fifth District, Chair



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COUNTY OF SANTA BARBARA

April 15, 2015

The Honorable Jerry Moran, Chairman
Subcommittee on Agriculture, Rural Development, Food and Drug
Administration, and Related Agencies
Committee on Appropriations
United States Senate
SD-190 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Mr. Chairman:

I am writing on behalf of the Santa Barbara County Board of Supervisors to express its support for the highest level of funding possible for the following programs of critical importance to the County in the *FY 2016 Agriculture, Rural Development, and Related Agencies Appropriations bill*:

Pest Detection and Prevention, Specialty Crops, and other programs

The Section 10201 program provides funding to State and local agencies to prevent the introduction or spread of plant pests and diseases. With a total annual crop value of \$1.9 billion and protecting the County's more than 40 different crops from destructive pests and diseases is crucial. Section 10201 enables the County Agricultural Commissioner to respond quickly to prevent the spread of these harmful pests and diseases.

Other programs of importance to the County include the Specialty Crop Block Grant program, the Specialty Crop Research program, and the Food Safety & Inspection Service, as well as USDA's Rural Development programs.

Women, Infants, & Children

The County's Public Health Department operates the Women, Infants & Children (WIC) nutrition program and currently serves over 24,000 clients at nine locations. A high level of funding for WIC will allow Santa Barbara County to continue serve families that need assistance.

As your subcommittee begins its consideration of the *FY 2016 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations bill*, please support the highest level of funding possible for these programs.

Sincerely yours,

Thomas P. Walters
Washington Representative

TPW:jaw

SALUD CARBAJAL

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COUNTY OF SANTA BARBARA

April 22, 2015

The Honorable Jim Sensenbrenner, Chairman
Subcommittee on Crime, Terrorism, Homeland Security,
And Investigation
Committee on the Judiciary
U.S. House of Representatives
6340 Thomas P. O'Neill Federal Office Building
200 C Street, S.W.
Washington, D.C. 20515

Dear Mr. Chairman:

I am writing on behalf of the County of Santa Barbara to express their support for reauthorization of the Elder Justice Act, including provisions to improve the capacity of state and local adult protective services (APS) programs to respond effectively to abuse, neglect, and exploitation of vulnerable adults.

According to the most recent Census, there are over 57,000 adults age 65 or above living in Santa Barbara – 13% of the County's total population. With the increase in this population comes an increase in elder abuse related incidences. While the State mandates the reporting of elder abuse, the number of incidences in the County is still believed to be underreported. Last year, there were more than 1700 reported cases in Santa Barbara County, and this year is on pace to exceed that total.

Elders have special circumstances - such as dependency, functional disability, minority status, age, and poor social networks - that make them more vulnerable to violence. In Santa Barbara County, the District Attorney's Elder/Dependent Adult Abuse Unit coordinates with Adult Protective Services, the Long-Term Care Ombudsman Office and local law enforcement agencies and resources to help victims and families cope with the effects of abuse, neglect, and exploitation.

The current authorization for the Elder Justice Act expires on September 30, 2015. Congressman King has introduced H.R. 988, the *Elder Justice Reauthorization Act*, which would provide a simple reauthorization of the Act through 2019. As your committee considers H.R. 988 or similar legislation to address elder abuse, please include provisions that would provide additional resources to local APS programs such as the County's to effectively help this vulnerable population.

Sincerely yours,

Thomas P. Walters
Washington Representative

TPW:jaw

SALUD CARBAJAL

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Fifth District, Chair



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COUNTY OF SANTA BARBARA

May 20, 2015

The Honorable Lois Capps
U.S. House of Representatives
2231 Rayburn House Office Building
Washington, DC 20515

Dear Lois:

I have sent the attached letters on behalf of the Board of Supervisors to Chairwoman Foxx and Ranking Member Hinojosa of the House Education and the Workforce Subcommittee on Higher Education and Workforce Training, reiterating the Board’s support of the reauthorization of the Older Americans Act (OAA).

OAA enables the County to provide a wide range of critical services to its elderly population. It provides funds for programs to support meals-on-wheels, help to prevent elder abuse and exploitation, counsel seniors on their rights, coordinate legal services for those who cannot afford representation, and support telephone hotlines. The County’s population growth over the last two decades is projected to continue and as a result, the demand for senior-related services will increase.

The County supports the reauthorization and expansion of the following programs:

- Elderly Nutrition Program
- Family Caregiver Programs (Title III E)
- Home and Community-Based Supportive Services (Title III B)

Furthermore the County supports increasing local flexibility to allow local AAAs to provide more customized support, increased authorization levels, and strengthening the Long Term Care (LTC) Ombudsman Program.

Please urge your colleagues who serve on the subcommittee to take action on reauthorization of the Older Americans Act.

Sincerely yours,

Thomas P. Walters
Washington Representative

TPW:jaw

Attachments

SALUD CARBAJAL

First District

JANET WOLF

Second District, Vice Chair

DOREEN FARR

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PETER ADAM

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Fifth District, Chair



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COUNTY OF SANTA BARBARA

May 21, 2015

The Honorable Dianne Feinstein
United States Senate
SH-331 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Feinstein:

I have sent the attached letters to Chairman Grassley and Ranking Minority Member Leahy of the Senate Judiciary Committee, advocating the County of Santa Barbara's support for reauthorization of the Juvenile Justice and Delinquency Prevention Reauthorization Act, including adequate Federal resources to assist local agencies address juvenile justice and delinquency prevention needs in the community.

California counties such as Santa Barbara have first-line responsibilities for the juvenile justice system. In addition to resources to hold violent youth accountable for their crimes, the County needs adequate resources for delinquency prevention and diversion activities so that it can provide a full range of prevention, early intervention and community-based options, as well as resources for the development of strategies that maximize collaborative and integrated services for at-risk youth and their families. The underpinnings of the County's juvenile justice system is an array of services that enable it to utilize the appropriate resources and responses to meet the needs of children and youth.

Chairman Grassley has introduced S. 1169, the *Juvenile Justice and Delinquency Prevention Reauthorization Act of 2015*. Please urge your colleagues to assure that the County's needs for improving the juvenile justice system are addressed as they take up S. 1169 or similar legislation, including the adequate funding of resources to enable it to meet the many challenges involved in dealing with juvenile crime.

Sincerely yours,

Thomas P. Walters
Washington Representative

TPW:jaw

Attachments

SALUD CARBAJAL

First District

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Second District, Vice Chair

DOREEN FARR

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PETER ADAM

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Fifth District, Chair



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COUNTY OF SANTA BARBARA

May 21, 2015

The Honorable Patrick Leahy
Ranking Minority Member
Committee on the Judiciary
United States Senate
SD-152 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Leahy:

I am writing on behalf of the County of Santa Barbara to advocate in support of reauthorization of the Juvenile Justice and Delinquency Prevention Reauthorization Act, including adequate Federal resources to assist local government agencies such as the County of Santa Barbara address juvenile justice and delinquency prevention needs in the community.

Thank you for co-sponsoring S. 1169, the *Juvenile Justice and Delinquency Prevention Reauthorization Act of 2015*. California counties such as Santa Barbara have first-line responsibilities for the juvenile justice system. In addition to resources to hold delinquent youth accountable for their crimes, the County needs adequate resources for delinquency prevention and diversion activities so that it can provide a full range of prevention, early intervention and community-based options, as well as resources for the development of strategies that maximize collaborative and integrated services for at-risk youth and their families. The underpinnings of the County's juvenile justice system is an array of services that enable it to utilize the appropriate resources and responses to meet the needs of children and youth.

As your Committee moves forward on the *Juvenile Justice and Delinquency Prevention Reauthorization Act of 2015*, please work with your colleagues to assure that the County's needs for improving the juvenile justice system are addressed, including the adequate funding of resources to enable it to meet the many challenges involved in dealing with juvenile crime.

Sincerely yours,

Thomas P. Walters
Washington Representative

TPW:jaw

TO: Members, County of Santa Barbara Legislative Committee

FROM: Cliff Berg, Legislative Advocate
Monica Miller, Legislative Advocate

RE: May 2015 State Update

DATE: May 28, 2015

Now that it is end of May the legislature is heading into budget conference committee, house of origin deadline and many bills sitting on the floors of each house with Appropriations hearing the suspense file bills. The Governor released his May Revise on May 14, 2015 and while we are doing significantly well as a state financially, we are constitutionally required to pay Prop.98 (Education) and Prop. 2 (rainy day fund). The May Revision shows that state is up \$6.7 Billion from the release of the January budget; however we will have to pay Prop. 98 and community colleges \$5.5 billion and Prop. 2 requires that we invest \$633 million into our rainy day fund.

Some items of note in the May Revise are listed below:

The May Revise establish the state's first Earned Income Tax Credit to help the poorest working families in California. This targeted credit will provide a refundable tax credit for wages and would focus on the lowest-income Californians — households with incomes less than \$6,580 if there are no dependents or \$13,870 if there are three or more dependents. The proposed credit would match 85 percent of the federal credit at the lowest income levels, providing an average estimated household benefit of \$460 annually for 825,000 families (representing 2 million individuals), with a maximum benefit of \$2,653. It should be noted that this is only for one year; it will have to be visited each year as part of the budget discussions to determine if the State's finances can handle to additionally dollars.

When the voters passed Prop. 1 in November 2014, it provided \$7.5 billion in bonds for water storage, water quality, flood protection, and watershed protection and restoration projects. In an effort to accelerate the implementation of water infrastructure projects statewide, the May Revision includes \$1.8 billion Proposition 1 funds for the following programs:

Groundwater Contamination — \$784 million for projects that prevent or clean up the contamination of groundwater that serves as a source of drinking water.

Water Recycling — \$475 million for water recycling and advanced treatment projects to enhance local water supply resiliency.

Safe Drinking Water — \$180 million for projects, with priority given to small systems in disadvantaged communities, which help to provide clean, safe and reliable drinking water.

Wastewater Treatment Projects — \$160 million for small communities to build or upgrade their wastewater systems to meet current standards.

Stormwater Management — \$100 million for multi-benefit stormwater management projects that also contribute to local water supplies.

Groundwater Sustainability — \$60 million to support local groundwater planning efforts. Of this amount, \$50 million is available over the next three years for technical and direct assistance and grants to local agencies for groundwater sustainability governance and planning. An additional \$10 million in immediate funding will be dedicated to counties with stressed groundwater basins to update or develop local ordinances and plans that protect basins and their beneficial users and help facilitate basin-wide sustainable groundwater management under the Sustainable Groundwater Management Act, in coordination with other local water managers.

Desalination Projects — \$50 million, available over the next two years, to assist local agencies to develop new local water supplies through the construction of brackish water and ocean water desalination projects.

It should be noted that with the budget sub-committees having completed their business, all outstanding issues will not go to the budget conference committee which should start their business early next week. There will be many discussions of priorities for each house, each party and the Governor has already said he plans to blue pencil many of dollars and programs the legislature may send to him if they are not keeping the reins on spending.

The Administration also proposed a number of trailer bills related to issues like the RDA dissolution and CEQA streamlining for recycled water to name a few. They have only proposed concepts so there isn't language to review at this time. The legislature and the Governor will work out the details as conference committee works over the next two weeks and the big five meet (The Governor and legislative leaders in each house).

Bills of Interest to the County

AB 3 (Williams) This bill would express the intent of the Legislature to clarify and establish the necessary authority for the creation of the Isla Vista Community Services District within the unincorporated area of Santa Barbara County. The substance of the bill has been amended into the measure and we understand that the county is reviewing the language currently in order to provide additional input and potentially take a position. The County has not taken a position, however we continue to work with Assembly Member Williams and his staff on the legislation. The bill came out of Assembly Appropriations and is now sitting on the Assembly Floor.

AB 45 (Mullin) This bill is opposed by the County. The bill would mandate cities and counties that provide residential collection and disposal of solid waste to create a household hazardous waste (HHW) baseline and to meet an unspecified diversion requirement for HHW collection. The bill was opposed by many cities and counties. The bill is now a two-year bill, it will be taken up again in January.

AB 514 (Williams) This bill is the County sponsored bill which was introduced by Assembly Member Das Williams. This measure is an attempt to address the inadequacy of the current fines and penalties system for local governments. Under current law the violations are rather insignificant therefore people are not discouraging from violated them, we are hopeful that this will provide additional incentives to work with the locals to provide the best outcomes for our local communities. The bill has been referred to the Assembly Local Government Committee but has not been set for a hearing at this time. We are continuing to work with the author on some clarifying amendments; the bill came off of the Assembly floor 47 – 27 and is now sitting at the Senate desk awaiting a committee referral.

SB 13 (Pavley) This bill would provide a local agency or groundwater sustainability agency 90 or 180 days, as prescribed, to remedy certain deficiencies that caused the board to designate the basin as a probationary basin. This bill would authorize the board to develop an interim plan for certain probationary basins one year after the designation of the basin as a probationary basin. The bill also state that if the department determines that all or part of a basin or subbasin is not being monitored, would require the department to determine whether there is sufficient interest in establishing a groundwater sustainability plan. The bill will also serve as a vehicle for any necessary clean-up to the major ground water bill package passed and signed into law in 2014. The County does not have a position on this bill, but we are watching it as it moves through the process. This bill passed off of the Senate Floor today and now heads to the Assembly where it will be heard in the Assembly Water Parks and Wildlife Committee.

SB 122 (Jackson, Hill and Roth) This bill is a vehicle for potential CEQA reform. The bill would require the lead agency, at the request of a project applicant and consent of the lead agency, to prepare a record of proceedings concurrently with the preparation of a negative declaration, mitigated negative declaration, EIR, or other environmental document for projects. The bill would state the intent of the Legislature to enact legislation establishing an electronic database clearinghouse of notices and environmental document prepared pursuant to CEQA, establishing a public review period for a final environmental impact report, and relating to the record of proceedings for a project for which an environmental impact report is prepared pursuant to CEQA. This bill passed out of the Senate Appropriations Committee on May 28, 2015 with some amendments. It will now go to the Senate Floor, once we review the amendments we will follow-up with staff to see if the county should consider taking a position or continue to watch the bill.

SB 128 (Wolk and Monning) The bill is the End of Options Act. It is modeled after a law in Oregon that allows a person who has received a life ending diagnosis to work with their physician to determine if they would like to option to end their life in their own manner. The bill was on the Senate Suspense file, but was released on May 18, 2015 and will now go to the Senate floor for a full vote of the Senate next week. The County is supporting the bill.

Conclusion

Now the focus will shift to house of origin deadline, which is June 5, 2015. The budget conference committee will meet around the clock until the June 15, 2015 deadline, at which time the legislature will take up the final product. Once they send it to the Governor he will then have the opportunity to “blue pencil” out what he disagrees with which he uses liberally. We will work with staff to review the conference agenda to determine what the County would like to watch closely or potentially take positions on. As always, if you or your staff has any questions, please don’t hesitate to contact us.

Agenda Item 3A: State Advocacy Letters

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Second District, Chair

DOREEN FARR
Third District

PETER ADAM
Fourth District, Vice Chair

STEVE LAVAGNINO
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COUNTY OF SANTA BARBARA

April 20, 2015

Assembly Member Brian Maienschein
Committee on Local Government
Legislative Office Building
1020 N. Street, Room 157
Sacramento, CA 95814

Fax: 916-319-3959

RE: AB 45 – Household Hazardous Waste (HHW) – Oppose

Dear Assembly Member Maienschein:

While the County of Santa Barbara is a strong implementer of diversion programs and currently has an impressive diversion rate of 73%, we cannot support Speaker Pro-Tempore Mullin's current diversion legislation, AB 45, as amended on April 13, pertaining to household hazardous waste (HHW). AB 45 would mandate cities and counties that provide residential collection and disposal of solid waste to create an HHW baseline and to meet an unspecified diversion requirement for HHW collection. We believe this legislation would not only be costly, but also unfair to jurisdictions such as ours that have worked for years to establish comprehensive HHW collection programs.

The County has operated a successful HHW collection program since 1985 by first holding one-day collection events, and then in 1993 adding a permanent, year-round collection center co-located at the University of California at Santa Barbara. Additionally, the County offers electronics recycling at all of its transfer stations and through one-day events. In Fiscal Year 2013/14, the County collected 1,345,653 pounds of waste through this comprehensive program.

Up until 2008, the County also ran a curbside program for the collection of used motor oil, oil filters, and latex paint. Over the years, the program grew less utilized as additional automotive supply stores and quick lubes began accepting used oil and filters from the public. Right before the County discontinued the curbside program, our costs averaged \$9.98 per pound, compared to \$1.27 per pound for our permanent HHW facility. The volume of oil collected also differed dramatically. In Fiscal Year 2006/2007, 313 gallons of used motor oil were collected through the curbside program compared to approximately 11,000 gallons of oil collected at permanent centers.

As witnessed by our used motor oil collection program, consumers are supportive of dropping off their HHW at stores they already visit to buy new household products. The County supports this type of collection system in which retailers play a prominent role. Other types of waste that are successfully collected at the point-of-sale include paint, fluorescent bulbs, batteries, and cell phones.

SUBJECT: AB 45 – Household Hazardous Waste (HHW) – Oppose

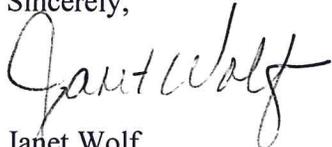
Page 2

We believe that retailers and manufacturers should participate in the end-of-life management of the products they put on the market. To this end, in 2011 our County Board of Supervisors passed a resolution supporting Extended Producer Responsibility. We are disappointed that AB 45 moves away from this shared responsibility approach and instead makes local jurisdictions solely responsible for collecting HHW. This results in yet another unfunded mandate on local government.

Finally, we are concerned with the way in which diversion would be calculated under this new legislation. By requiring all jurisdictions to increase their diversion rate by the same, yet to be determined percentage, it puts an unfair burden on jurisdictions that are already implementing successful programs and thus have a higher base diversion rate.

We hope you will take the time to consider our concerns with AB 45. Please contact Joe Toney at 568-2260, if you have any questions or would like to discuss our position.

Sincerely,



Janet Wolf

Chair, Santa Barbara County Board of Supervisors

cc: Speaker Pro-Tempore Kevin Mullin, fax: (916) 319-2122
Assembly Member Das Williams, fax: (805) 564-1651
Assembly Member Katcho Achadjian, fax: (805) 549-3400
State Senator Hannah-Beth Jackson, fax: (916) 324-7544
Members of the County of Santa Barbara Board of Supervisors
Mona Miyasato, County Executive Officer
Monica Miller, Governmental Advocates
Cliff Berg, Governmental Advocates
Cara Martinson, California State Associates of Counties
Heidi Sanborn, California Product Stewardship Council

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COUNTY OF SANTA BARBARA

April 21, 2015

The Honorable Lois Wolk
California State Senate – 3rd District
State Capitol, Room 5114
Sacramento, CA 95814

FAX No.: (916)323-2304

RE: SB 128 End of Life Option Act – SUPPORT

Dear Senator Wolk,

I am writing on behalf of the Santa Barbara County Board of Supervisors to express their support for Senate Bill 128, also known as the End of Life Option Act. This bill allows mentally competent, terminally ill individuals the ability to make voluntary, private decisions in the final stages of life about when to end their lives with prescribed medication.

The bill, modeled on an Oregon law, has many safeguards to assure that patients are mentally competent and that they are terminal based on the findings of two physicians. Patients take the medication without the assistance of a physician. There are also safeguards for physicians and pharmacists who prescribe and dispense medication under the law.

The Oregon Death with Dignity Act, which was passed in October of 1997, has a history of individuals who have opted for this option. In 2014, 155 individuals received prescriptions and 105 chose to take the medication and end their lives at the time of their choosing. The experience of Oregon supports an appropriately limited use of this option.

For these reasons, Santa Barbara County supports the End of Life Option Act as defined in Senate Bill 128.

Sincerely,

Janet Wolf
Chair, Board of Supervisors

cc: Members, County of Santa Barbara Board of Supervisors
Monica Miller, Governmental Advocates
Cliff Berg, Governmental Advocates
Assemblymember Katcho Achadjian, 35th Assembly District
Assemblymember Das Williams, 37th Assembly District

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COUNTY OF SANTA BARBARA

April 21, 2015

The Honorable Toni Atkins
Speaker of the Assembly
State Capitol
Sacramento, CA 94249

FAX No.: (916)319-2178

RE: AB226 Retail Food: Fishermen's Markets – SUPPORT

Dear Assembly Speaker Atkins,

I am writing on behalf of the Santa Barbara County Board of Supervisors to express their support for Assembly Bill 226 pertaining to Fishermen's Markets.

This bill creates Fishermen's Markets where the process for selling locally caught, fresh and healthy fish from commercial fishermen to the public is streamlined. Allowing locally caught fresh food to be sold directly to the public increases options for healthy food with high nutritional value. In addition, it expands the direct marketing opportunities for commercial fishermen in a sanitary and safe manner while supporting the local economy.

This legislation establishes Fishermen's Markets, designating them as food facilities in the California Food Code, allowing for fresh fish to be cleaned by fishermen for direct sales to the public, and allowing for a single market permit similar to Farmer's Markets. Environmental Public Health conditions would be required for Fishermen's Markets related to hand washing and limited food preparations. A permit and site plan are also requirements under the proposed legislation. These conditions facilitate safe and healthy implementation.

For these reasons, Santa Barbara County supports the establishment of Fishermen's Markets as defined in Assembly Bill 226.

Sincerely,

Janet Wolf
Chair, Board of Supervisors

cc: Members, County of Santa Barbara Board of Supervisors
Monica Miller, Governmental Advocates
Cliff Berg, Governmental Advocates
Assemblymember Katcho Achadjian, 35th Assembly District
Assemblymember Das Williams, 37th Assembly District

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April 23, 2015

Assembly Member Luis A. Alejo
Chair, Environmental Safety & Toxic Materials Committee
Legislative Office Building
1020 N. Street, Room 171
Sacramento, CA 95814

Fax: 916-319-3950

RE: AB 45 – Household Hazardous Waste (HHW) – Oppose

Dear Assembly Member Alejo:

While the County of Santa Barbara is a strong implementer of diversion programs and currently has an impressive diversion rate of 73%, we cannot support Speaker Pro-Tempore Mullin's current diversion legislation, AB 45, as amended on April 13, pertaining to household hazardous waste (HHW). AB 45 would mandate cities and counties that provide residential collection and disposal of solid waste to create an HHW baseline and to meet an unspecified diversion requirement for HHW collection. We believe this legislation would not only be costly, but also unfair to jurisdictions such as ours that have worked for years to establish comprehensive HHW collection programs.

The County has operated a successful HHW collection program since 1985 by first holding one-day collection events, and then in 1993 adding a permanent, year-round collection center co-located at the University of California at Santa Barbara. Additionally, the County offers electronics recycling at all of its transfer stations and through one-day events. In Fiscal Year 2013/14, the County collected 1,345,653 pounds of waste through this comprehensive program.

Up until 2008, the County also ran a curbside program for the collection of used motor oil, oil filters, and latex paint. Over the years, the program grew less utilized as additional automotive supply stores and quick lubes began accepting used oil and filters from the public. Right before the County discontinued the curbside program, our costs averaged \$9.98 per pound, compared to \$1.27 per pound for our permanent HHW facility. The volume of oil collected also differed dramatically. In Fiscal Year 2006/2007, 313 gallons of used motor oil were collected through the curbside program compared to approximately 11,000 gallons of oil collected at permanent centers.

As witnessed by our used motor oil collection program, consumers are supportive of dropping off their HHW at stores they already visit to buy new household products. The County supports this type of collection system in which retailers play a prominent role. Other types of waste that are successfully collected at the point-of-sale include paint, fluorescent bulbs, batteries, and cell phones.

SUBJECT: AB 45 – Household Hazardous Waste (HHW) – Oppose

Page 2

We believe that retailers and manufacturers should participate in the end-of-life management of the products they put on the market. To this end, in 2011 our County Board of Supervisors passed a resolution supporting Extended Producer Responsibility. We are disappointed that AB 45 moves away from this shared responsibility approach and instead makes local jurisdictions solely responsible for collecting HHW. This results in yet another unfunded mandate on local government.

Finally, we are concerned with the way in which diversion would be calculated under this new legislation. By requiring all jurisdictions to increase their diversion rate by the same, yet to be determined percentage, it puts an unfair burden on jurisdictions that are already implementing successful programs and thus have a higher base diversion rate.

We hope you will take the time to consider our concerns with AB 45. Please contact Joe Toney at 568-2260, if you have any questions or would like to discuss our position.

Sincerely,



Janet Wolf
Chair, Santa Barbara County Board of Supervisors

cc: Speaker Pro-Tempore Kevin Mullin, fax: (916) 319-2122
Assembly Member Das Williams, fax: (805) 564-1651
Assembly Member Katcho Achadjian, fax: (805) 549-3400
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Heidi Sanborn, California Product Stewardship Council

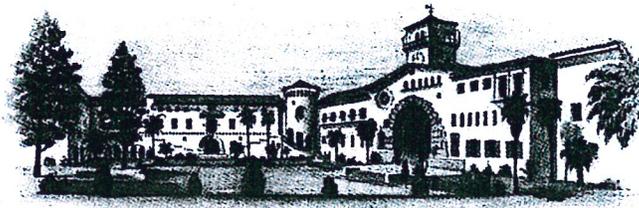
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COUNTY OF SANTA BARBARA

May 27, 2015

The Honorable Das Williams
Assemblymember, 37th District
State Capitol, Room 4005
Sacramento, CA 94249

FAX No.: (916) 319-2137

RE: AB 741 Mental Health: Community Care Facilities – SUPPORT

Dear Assemblymember Williams,

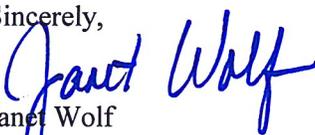
I am writing on behalf of the Santa Barbara County Board of Supervisors to express their support for Assembly Bill 741 Mental health: community care facilities. This bill expands the definition of Social Rehabilitation Facility to include children, thereby creating a category of licensing in state statute for children's crisis residential services.

AB741 is aimed at addressing a critical component missing in the continuum of specialty mental health services for children and youth in California - children's crisis residential services. This legislation would create the needed licensing category to ensure that counties and their community-based providers have the ability to develop crisis residential programs with an appropriate licensing category, to ensure children and youth access mental health services that are responsive to their individual needs and strengths in a timely manner, and consistent with the requirements of the Medi-Cal Early Periodic Screening Diagnosis and Treatment (EPSDT) Specialty Mental Health Services (SMHS) program standards and requirements.

The Santa Barbara County 2015 Legislative Platform, adopted by the Board of Supervisors, includes the principle of Health & Humans Services to support efforts to maintain and enhance "safety net" services that protect the most vulnerable within a community, including children. The principle supports the effort to increase timely access and levels of crisis care services for children and youth within the County.

For these reasons, Santa Barbara County supports AB 741.

Sincerely,


Janet Wolf
Chair, Board of Supervisors

cc: Members, County of Santa Barbara Board of Supervisors
Mona Miyasato, County Executive Officer
Monica Miller, Governmental Advocates
Cliff Berg, Governmental Advocates
Assemblymember Katcho Achadjian, 35th Assembly District
Marika Collins, M.S.W., Casa Pacifica Centers for Children & Families

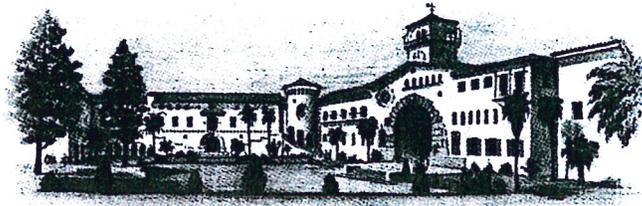
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COUNTY OF SANTA BARBARA

May 27, 2015

The Honorable Cristina Garcia
Assemblymember, 58th District
State Capitol, Room 2013
Sacramento, CA 94249

FAX No.: (916) 319-2158

RE: AB 1074 Alternative fuels: infrastructure – SUPPORT

Dear Assemblymember Garcia,

I am writing on behalf of the Santa Barbara County Board of Supervisors to express their support for Assembly Bill 1074 Alternative fuels: infrastructure. This bill allows for the increase of alternative fueling infrastructure and thereby accelerating access to more alternative fuel vehicles.

The Santa Barbara County 2015 Legislative Platform, adopted by the Board of Supervisors, includes the principle of Community Sustainability. The principle supports the effort to foster communitywide sustainability with environmental stewardship that includes, but not limited to, reducing greenhouse gas emissions, incentivizing energy efficiency, and use of renewable energy. Increasing access to alternative fuels facilitates Community Sustainability.

For these reasons, Santa Barbara County supports AB 1074.

Sincerely,

Janet Wolf
Chair, Board of Supervisors

cc: Members, County of Santa Barbara Board of Supervisors
Mona Miyasato, County Executive Officer
Monica Miller, Governmental Advocates
Cliff Berg, Governmental Advocates
Assemblymember Katcho Achadjian, 35th Assembly District
Assemblymember Das Williams, 37th Assembly District

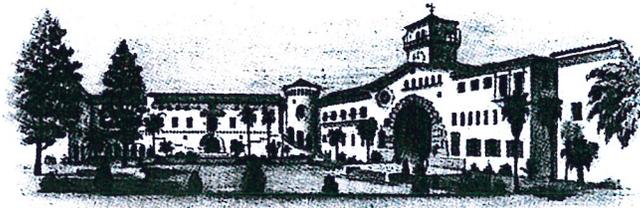
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COUNTY OF SANTA BARBARA

May 27, 2015

The Honorable David Chiu
Assemblymember, 17th District
State Capitol, Room 2196
Sacramento, CA 94249

FAX No.: (916) 319-2117

RE: AB 1347 Public contracts: claims – OPPOSITION

Dear Assemblymember Chiu,

I am writing on behalf of the Santa Barbara County Board of Supervisors to express their opposition to Assembly Bill 1347 Public contracts: claims. This bill creates an overly broad State requirement for claims resolutions and unfeasible timelines. Furthermore, it is redundant to existing law for processes in current public contracts.

The Santa Barbara County 2015 Legislative Platform, adopted by the Board of Supervisors, includes the principle of Local Control. The principle ensures local authority and control over governance issues. A bill that creates state requirements that supersedes existing and working processes for Counties would be reducing the control of the local agency.

For these reasons, Santa Barbara County opposes AB 1347.

Sincerely,

Janet Wolf
Chair, Board of Supervisors

cc: Members, County of Santa Barbara Board of Supervisors
Mona Miyasato, County Executive Officer
Monica Miller, Governmental Advocates
Cliff Berg, Governmental Advocates
Assemblymember Katcho Achadjian, 35th Assembly District
Assemblymember Das Williams, 37th Assembly District
Kiana Buss, CSAC

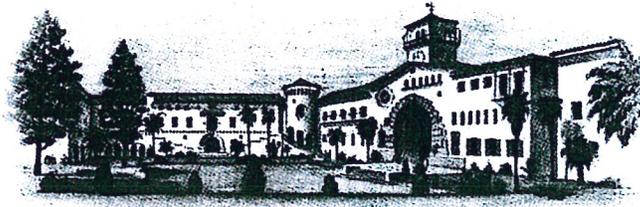
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COUNTY OF SANTA BARBARA

May 27, 2015

The Honorable Jay Obernolte
Assemblymember, 33rd District
State Capitol, Room 4116
Sacramento, CA 94249

FAX No.: (916) 319-2133

RE: AB 203 State Responsibility Areas: fire prevention fees – SUPPORT

Dear Assemblymember Obernolte,

I am writing on behalf of the Santa Barbara County Board of Supervisors to express their support for Assembly Bill 203 State Responsibility Areas: fire prevention fees. This bill would extend the period for paying or disputing a fire prevention fee from 30 days to 60 days from the date of assessment.

Created by the Legislature and Governor as part of the 2011 Budget, the Fire Prevention Fee charges property owners \$152.33 for each habitable structure located in a SRA, with a \$35 reduction if they live within the boundaries of a local fire protection district. About 700,000 rural Californians receive a yearly Fire Prevention Fee bill, due 30 days from the date on the notice.

Due to the rural nature of those being billed, many individuals do not receive their bills in a timely manner. Additionally, many of these individuals are on fixed incomes, making it nearly impossible for them to pay their Fire Prevention Fee by the 30-day deadline.

Santa Barbara County has a large amount of SRAs, with over 10,000 parcels of land to be billed in 2015. Increasing the payment due date of the Fire Prevention Fee from 30 days to 60 days will ensure greater compliance with the law by giving all owners of habitable structures in an SRA more time to receive their bills. AB 203 will also give those taxpayers on fixed incomes more time to adjust their budgets.

For these reasons, Santa Barbara County supports AB 203.

Sincerely,

Janet Wolf
Chair, Board of Supervisors

cc: Members, County of Santa Barbara Board of Supervisors
Mona Miyasato, County Executive Officer
Monica Miller, Governmental Advocates
Cliff Berg, Governmental Advocates
Assemblymember Katcho Achadjian, 35th Assembly District
Assemblymember Das Williams, 37th Assembly District

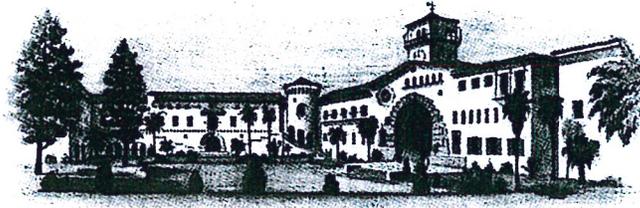
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COUNTY OF SANTA BARBARA

May 27, 2015

The Honorable Das Williams
Assemblymember, 37th District
State Capitol, Room 4005
Sacramento, CA 94249

FAX No.: (916) 319-2137

RE: AB 356 Oil and gas: groundwater monitoring – SUPPORT

Dear Assemblymember Williams,

I am writing on behalf of the Santa Barbara County Board of Supervisors to express their support for Assembly Bill 356 Oil and gas: groundwater monitoring. This bill requires that the State Water Resources Control Board (SWRCB) provide written concurrence prior to aquifer exemption proposals being submitted by the Division of Oil, Gas, and Geothermal Resources (DOGGR) to U.S. Environmental Protection Agency. It also requires that underground injection project operators submit a groundwater management monitoring plan prior to project approval or through the annual review process.

The Board of Supervisors reviewed this legislation on May 12, 2015, and voted to take an advocacy position of support. The Board wants to ensure that injection projects are regularly reviewed for compliance with federal and state rules; ensure oil and gas operators' injection projects utilize appropriate aquifers; and require monitoring plans to ensure underground injection does not pollute water that could be used for drinking water or other beneficial uses and that injections do not migrate into nearby protected aquifers.

For these reasons, Santa Barbara County supports AB 356.

Sincerely,

Janet Wolf
Chair, Board of Supervisors

cc: Members, County of Santa Barbara Board of Supervisors
Mona Miyasato, County Executive Officer
Monica Miller, Governmental Advocates
Cliff Berg, Governmental Advocates
Assemblymember Katcho Achadjian, 35th Assembly District

SALUD CARBAJAL
First District

JANET WOLF
Second District, Chair

DOREEN FARR
Third District

PETER ADAM
Fourth District, Vice Chair

STEVE LAVAGNINO
Fifth District



BOARD OF SUPERVISORS
County Administration Building
105 East Anapamu Street
Santa Barbara, CA 93101
Telephone: (805) 568-2190
www.countyofsb.org

COUNTY OF SANTA BARBARA

May 27, 2015

The Honorable Jimmy Gomez
Chair, Assembly Appropriations Committee
State Capitol, Room 2114
Sacramento, CA 95814

FAX No.: (916) 319-2181

RE: AB 1159 - Product stewardship: pilot program: household batteries and home-generated sharps – SUPPORT

Dear Assemblymember Gomez,

On behalf of the County of Santa Barbara Board of Supervisors, I am pleased to express strong support for AB 1159, introduced by Assembly Members Gordon and Williams and coauthored by Assembly Member Stone. AB 1159, as amended on April 21, will establish a much needed Product Stewardship Pilot Program for household batteries and home-generated sharps (e.g. needles, lancets, syringes).

In 2006, California banned household batteries from trash disposal due to their toxic and corrosive chemicals. As a result of this "ban without a plan," local governments were left to safely manage batteries using public taxpayer and utility ratepayer funds. Last year, battery recycling costs (not including staff time to collect, sort, and properly package the batteries) exceeded \$17,000 for Santa Barbara County's household hazardous waste (HHW) collection program alone. When considering all of California's HHW programs collectively, battery recycling is a huge expense for public agencies.

In 2008, home-generated sharps were also rightfully banned from trash disposal. Used sharps can carry infectious and deadly diseases. When improperly disposed, they pose a tremendous health risk to solid waste workers and the general public. Individuals who are accidentally pricked must undergo a series of blood tests and medical exams to determine whether they have been infected by any of a number of blood-borne pathogens. This process is not only stressful for the victim but can also be very costly for employers and insurers.

The County of Santa Barbara has operated a home-generated sharps collection program for over a decade. The County supplies collection containers to the public, free of charge, and collects and disposes of the containers when full. The program is very successful, annually collecting almost 8,000 pounds of used sharps. The program, however, is also costly. Distribution of the sharps collection containers alone costs the County approximately \$13,000 each year. Additionally, the County must cover disposal fees and staff costs to manage the program.

In 2011 our Board of Supervisors adopted a resolution supporting Extended Producer Responsibility, and we have actively supported legislation like AB 1159 that requires manufacturers to play a greater role in managing their products at the end of life. We strongly believe that AB 1159 is the right solution for addressing the

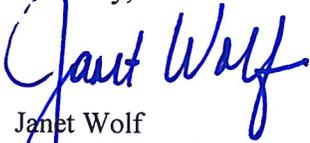
SUBJECT: Support – Assembly Bill 1159 (Gordon) Product stewardship: pilot program: household batteries and home-generated sharps

Page 2

problematic waste streams of batteries and sharps, as it requires those who produce and profit from these products to share in the responsibility for safely recycling and/or disposing of them.

We respectfully request that you vote in favor of AB 1159. Please contact Joe Toney at 805-568-2060 if you have any questions or would like to discuss our position.

Sincerely,



Janet Wolf
Chair, Board of Supervisors

cc: Senator Hannah-Beth Jackson, 19th Senate District
Assemblymember Katcho Achadjian, 35th Assembly District
Assemblymember Das Williams, 37th Assembly District
Members, County of Santa Barbara Board of Supervisors
Mona Miyasato, County Executive Officer
Monica Miller, Governmental Advocates
Cliff Berg, Governmental Advocates
Cara Martinson, California State Associates of Counties
Heidi Sanborn, California Product Stewardship Council

AMENDED IN SENATE APRIL 20, 2015
AMENDED IN SENATE MARCH 26, 2015
AMENDED IN SENATE MARCH 12, 2015

SENATE BILL

No. 122

Introduced by Senators Jackson and Hill

January 15, 2015

An act to amend Sections 21082.1, 21091, 21159.9, and 21167.6 of, and to add Section 21167.6.2 to, the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 122, as amended, Jackson. California Environmental Quality Act: record of proceedings.

(1) The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA establishes a procedure for the preparation and certification of the record of proceedings upon the filing of an action or proceeding challenging a lead agency's action on the grounds of noncompliance with CEQA.

SB 122

— 2 —

This bill would require the lead agency, at the request of a project applicant and consent of the lead agency, to prepare a record of proceedings concurrently with the preparation of a negative declaration, mitigated negative declaration, EIR, or other environmental document for projects.

(2) CEQA requires the lead agency to submit to the State Clearinghouse a sufficient number of copies of specified environmental documents prepared pursuant to CEQA for review and comment by state agencies in certain circumstances and a copy of those documents in electronic form, as prescribed. CEQA requires the Office of Planning and Research to implement, utilizing existing resources, a public assistance program to, among other things, establish and maintain a database to assist in the preparation of environmental documents, ~~and~~ *establish and maintain* a central repository for the collection, storage, retrieval, and dissemination of certain notices provided to the office, and provide to the California State Library copies of documents submitted in electronic format to the office pursuant to CEQA.

This bill would require a lead agency to submit to the State Clearinghouse *those* environmental documents ~~in the form~~ *either a hard-copy or electronic form* as prescribed by the office. The bill would instead require the office to establish and maintain a database for the collection, storage, retrieval, and dissemination of environmental documents and notices prepared pursuant to CEQA and to make the database available online to the public. The bill would eliminate the requirement to provide copies of documents to the California State Library. The bill would require the office to submit to the Legislature a report, by July 1, 2016, describing the implementation of this requirement and a status report, by July 1, 2018.

~~(3) This bill would state the intent of the Legislature to enact legislation establishing a public review period for a final environmental impact report, and relating to the record of proceedings for a project for which an environmental impact report is prepared pursuant to CEQA.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 21082.1 of the Public Resources Code
- 2 is amended to read:

1 21082.1. (a) A draft environmental impact report,
2 environmental impact report, negative declaration, or mitigated
3 negative declaration prepared pursuant to the requirements of this
4 division shall be prepared directly by, or under contract to, a public
5 agency.

6 (b) This section does not prohibit, and shall not be construed as
7 prohibiting, a person from submitting information or other
8 comments to the public agency responsible for preparing an
9 environmental impact report, draft environmental impact report,
10 negative declaration, or mitigated negative declaration. The
11 information or other comments may be submitted in any format,
12 shall be considered by the public agency, and may be included, in
13 whole or in part, in any report or declaration.

14 (c) The lead agency shall do all of the following:

15 (1) Independently review and analyze any report or declaration
16 required by this division.

17 (2) Circulate draft documents that reflect its independent
18 judgment.

19 (3) As part of the adoption of a negative declaration or a
20 mitigated negative declaration, or certification of an environmental
21 impact report, find that the report or declaration reflects the
22 independent judgment of the lead agency.

23 (4) Submit a sufficient number of copies, ~~in the form~~ *either a*
24 *hard-copy or electronic form* as required by the Office of Planning
25 and Research, of the draft environmental impact report, proposed
26 negative declaration, or proposed mitigated negative declaration
27 to the State Clearinghouse for review and comment by state
28 agencies, if any of the following apply:

29 (A) A state agency is any of the following:

30 (i) The lead agency.

31 (ii) A responsible agency.

32 (iii) A trustee agency.

33 (B) A state agency otherwise has jurisdiction by law with respect
34 to the project.

35 (C) The proposed project is of sufficient statewide, regional, or
36 areawide environmental significance as determined pursuant to
37 the guidelines certified and adopted pursuant to Section 21083.

38 SEC. 2. Section 21091 of the Public Resources Code is
39 amended to read:

1 21091. (a) The public review period for a draft environmental
2 impact report ~~may~~ shall not be less than 30 days. If the draft
3 environmental impact report is submitted to the State Clearinghouse
4 for review, the review period shall be at least 45 days, and the lead
5 agency shall provide a sufficient number of copies of the document,
6 ~~in the form~~ *either a hard-copy or electronic form* as required by
7 the Office of Planning and Research, to the State Clearinghouse
8 for review and comment by state agencies.

9 (b) The public review period for a proposed negative declaration
10 or proposed mitigated negative declaration ~~may~~ shall not be less
11 than 20 days. If the proposed negative declaration or proposed
12 mitigated negative declaration is submitted to the State
13 Clearinghouse for review, the review period shall be at least 30
14 days, and the lead agency shall provide a sufficient number of
15 copies of the document, ~~in the form~~ *either a hard-copy or*
16 *electronic form* as required by the Office of Planning and Research,
17 to the State Clearinghouse for review and comment by state
18 agencies.

19 (c) (1) Notwithstanding subdivisions (a) and (b), if a draft
20 environmental impact report, proposed negative declaration, or
21 proposed mitigated negative declaration is submitted to the State
22 Clearinghouse for review and the period of review by the State
23 Clearinghouse is longer than the public review period established
24 pursuant to subdivision (a) or (b), whichever is applicable, the
25 public review period shall be at least as long as the period of review
26 and comment by state agencies as established by the State
27 Clearinghouse.

28 (2) The public review period and the state agency review period
29 may, but are not required to, begin and end at the same time. Day
30 one of the state agency review period shall be the date that the
31 State Clearinghouse distributes the CEQA document to state
32 agencies.

33 (3) If the submittal of a CEQA document is determined by the
34 State Clearinghouse to be complete, the State Clearinghouse shall
35 distribute the document within three working days from the date
36 of receipt. The State Clearinghouse shall specify the information
37 that will be required in order to determine the completeness of the
38 submittal of a CEQA document.

39 (d) (1) The lead agency shall consider comments it receives on
40 a draft environmental impact report, proposed negative declaration,

1 or proposed mitigated negative declaration if those comments are
2 received within the public review period.

3 (2) (A) With respect to the consideration of comments received
4 on a draft environmental impact report, the lead agency shall
5 evaluate comments on environmental issues that are received from
6 persons who have reviewed the draft and shall prepare a written
7 response pursuant to subparagraph (B). The lead agency may also
8 respond to comments that are received after the close of the public
9 review period.

10 (B) The written response shall describe the disposition of each
11 significant environmental issue that is raised by commenters. The
12 responses shall be prepared consistent with Section 15088 of Title
13 14 of the California Code of Regulations.

14 (3) (A) With respect to the consideration of comments received
15 on a draft environmental impact report, proposed negative
16 declaration, proposed mitigated negative declaration, or notice
17 pursuant to Section 21080.4, the lead agency shall accept comments
18 via ~~email~~ *electronic mail* and shall treat ~~email~~ *electronic-mail*
19 comments as equivalent to written comments.

20 (B) Any law or regulation relating to written comments received
21 on a draft environmental impact report, proposed negative
22 declaration, proposed mitigated negative declaration, or notice
23 received pursuant to Section ~~21080.4~~, *21080.4* shall also apply to
24 ~~email~~ *electronic-mail* comments received for those reasons.

25 (e) (1) Criteria for shorter review periods by the State
26 Clearinghouse for documents that must be submitted to the State
27 Clearinghouse shall be set forth in the written guidelines issued
28 by the Office of Planning and Research and made available to the
29 public.

30 (2) Those shortened review periods may not be less than 30
31 days for a draft environmental impact report and 20 days for a
32 negative declaration.

33 (3) A request for a shortened review period shall only be made
34 in writing by the decisionmaking body of the lead agency to the
35 Office of Planning and Research. The decisionmaking body may
36 designate by resolution or ordinance a person authorized to request
37 a shortened review period. A designated person shall notify the
38 decisionmaking body of this request.

1 (4) A request approved by the State Clearinghouse shall be
 2 consistent with the criteria set forth in the written guidelines of
 3 the Office of Planning and Research.

4 (5) A shortened review period may not be approved by the
 5 Office of Planning and Research for a proposed project of
 6 statewide, regional, or areawide environmental significance as
 7 determined pursuant to Section 21083.

8 (6) An approval of a shortened review period shall be given
 9 prior to, and reflected in, the public notice required pursuant to
 10 Section 21092.

11 (f) Prior to carrying out or approving a project for which a
 12 negative declaration has been adopted, the lead agency shall
 13 consider the negative declaration together with comments that
 14 were received and considered pursuant to paragraph (1) of
 15 subdivision (d).

16 SEC. 3. Section 21159.9 of the Public Resources Code is
 17 amended to read:

18 21159.9. The Office of Planning and Research shall implement
 19 a public assistance and information-~~program~~, *program* to ensure
 20 efficient and effective implementation of this-~~division~~, *division*
 21 *and* to do both of the following:

22 (a) Establish a public education and training program for
 23 planners, developers, and other interested parties to assist them in
 24 implementing this division.

25 (b) (1) Establish and maintain a database for the collection,
 26 storage, retrieval, and dissemination of environmental documents,
 27 notices of exemption, notices of preparation, notices of
 28 determination, and notices of completion provided to the-~~office~~.
 29 *Office of Planning and Research*. The database shall be available
 30 online to the public through the Internet. The-~~office~~ *Office of*
 31 *Planning and Research* may coordinate with another state agency
 32 to host and maintain the online database.

33 (2) The-~~office~~ *Office of Planning and Research* may phase in
 34 the submission of electronic documents and use of the database
 35 by state and local public agencies.

36 (3) The-~~office~~ *Office of Planning and Research* shall develop
 37 a budget for the development, hosting, and maintenance of the
 38 database and shall submit the budget to the Department of Finance
 39 for consideration and approval.

1 (4) (A) Pursuant to Section 9795 of the Government Code, the
2 office *Office of Planning and Research* shall, no later than July 1,
3 2016, submit to the Legislature a report describing how it plans to
4 implement this subdivision, and shall provide an additional report
5 to the Legislature no later than July-2018 *1, 2018*, describing the
6 status of the implementation of this subdivision.

7 (B) Pursuant to Section 10231.5 of the Government Code, this
8 paragraph is inoperative on July 1, 2022.

9 SEC. 4. Section 21167.6 of the Public Resources Code is
10 amended to read:

11 21167.6. Notwithstanding any other law, in all actions or
12 proceedings brought pursuant to Section 21167, except as provided
13 in Section 21167.6.2 or those involving the Public Utilities
14 Commission, all of the following shall apply:

15 (a) At the time that the action or proceeding is filed, the plaintiff
16 or petitioner shall file a request that the respondent public agency
17 prepare the record of proceedings relating to the subject of the
18 action or proceeding. The request, together with the complaint or
19 petition, shall be served personally upon the public agency not
20 later than 10 business days from the date that the action or
21 proceeding was filed.

22 (b) (1) The public agency shall prepare and certify the record
23 of proceedings not later than 60 days from the date that the request
24 specified in subdivision (a) was served upon the public agency.
25 Upon certification, the public agency shall lodge a copy of the
26 record of proceedings with the court and shall serve on the parties
27 notice that the record of proceedings has been certified and lodged
28 with the court. The parties shall pay any reasonable costs or fees
29 imposed for the preparation of the record of proceedings in
30 conformance with any law or rule of court.

31 (2) The plaintiff or petitioner may elect to prepare the record
32 of proceedings or the parties may agree to an alternative method
33 of preparation of the record of proceedings, subject to certification
34 of its accuracy by the public agency, within the time limit specified
35 in this subdivision.

36 (c) The time limit established by subdivision (b) may be
37 extended only upon the stipulation of all parties who have been
38 properly served in the action or proceeding or upon order of the
39 court. Extensions shall be liberally granted by the court when the
40 size of the record of proceedings renders infeasible compliance

1 with that time limit. There is no limit on the number of extensions
2 that may be granted by the court, but no single extension shall
3 exceed 60 days unless the court determines that a longer extension
4 is in the public interest.

5 (d) If the public agency fails to prepare and certify the record
6 within the time limit established in paragraph (1) of subdivision
7 (b), or any continuances of that time limit, the plaintiff or petitioner
8 may move for sanctions, and the court may, upon that motion,
9 grant appropriate sanctions.

10 (e) The record of proceedings shall include, but is not limited
11 to, all of the following items:

12 (1) All project application materials.

13 (2) All staff reports and related documents prepared by the
14 respondent public agency with respect to its compliance with the
15 substantive and procedural requirements of this division and with
16 respect to the action on the project.

17 (3) All staff reports and related documents prepared by the
18 respondent public agency and written testimony or documents
19 submitted by any person relevant to any findings or statement of
20 overriding considerations adopted by the respondent agency
21 pursuant to this division.

22 (4) Any transcript or minutes of the proceedings at which the
23 decisionmaking body of the respondent public agency heard
24 testimony on, or considered any environmental document on, the
25 project, and any transcript or minutes of proceedings before any
26 advisory body to the respondent public agency that were presented
27 to the decisionmaking body prior to action on the environmental
28 documents or on the project.

29 (5) All notices issued by the respondent public agency to comply
30 with this division or with any other law governing the processing
31 and approval of the project.

32 (6) All written comments received in response to, or in
33 connection with, environmental documents prepared for the project,
34 including responses to the notice of preparation.

35 (7) All written evidence or correspondence submitted to, or
36 transferred from, the respondent public agency with respect to
37 compliance with this division or with respect to the project.

38 (8) Any proposed decisions or findings submitted to the
39 decisionmaking body of the respondent public agency by its staff,
40 or the project proponent, project opponents, or other persons.

1 (9) The documentation of the final public agency decision,
2 including the final environmental impact report, mitigated negative
3 declaration, or negative declaration, and all documents, in addition
4 to those referenced in paragraph (3), cited or relied on in the
5 findings or in a statement of overriding considerations adopted
6 pursuant to this division.

7 (10) Any other written materials relevant to the respondent
8 public agency's compliance with this division or to its decision on
9 the merits of the project, including the initial study, any drafts of
10 any environmental document, or portions thereof, that have been
11 released for public review, and copies of studies or other documents
12 relied upon in any environmental document prepared for the project
13 and either made available to the public during the public review
14 period or included in the respondent public agency's files on the
15 project, and all internal agency communications, including staff
16 notes and memoranda related to the project or to compliance with
17 this division.

18 (11) The full written record before any inferior administrative
19 decisionmaking body whose decision was appealed to a superior
20 administrative decisionmaking body prior to the filing of litigation.

21 (f) In preparing the record of proceedings, the party preparing
22 the record shall strive to do so at reasonable cost in light of the
23 scope of the record.

24 (g) The clerk of the superior court shall prepare and certify the
25 clerk's transcript on appeal not later than 60 days from the date
26 that the notice designating the papers or records to be included in
27 the clerk's transcript was filed with the superior court, if the party
28 or parties pay any costs or fees for the preparation of the clerk's
29 transcript imposed in conformance with any law or rules of court.
30 Nothing in this subdivision precludes an election to proceed by
31 appendix, as provided in Rule 8.124 of the California Rules of
32 Court.

33 (h) Extensions of the period for the filing of any brief on appeal
34 may be allowed only by stipulation of the parties or by order of
35 the court for good cause shown. Extensions for the filing of a brief
36 on appeal shall be limited to one 30-day extension for the
37 preparation of an opening ~~brief~~, *brief* and one 30-day extension
38 for the preparation of a responding brief, except that the court may
39 grant a longer extension or additional extensions if it determines

1 that there is a substantial likelihood of settlement that would avoid
2 the necessity of completing the appeal.

3 (i) At the completion of the filing of briefs on appeal, the
4 appellant shall notify the court of the completion of the filing of
5 briefs, whereupon the clerk of the reviewing court shall set the
6 appeal for hearing on the first available calendar date.

7 SEC. 5. Section 21167.6.2 is added to the Public Resources
8 Code, to read:

9 21167.6.2. (a) (1) Notwithstanding Section 21167.6, upon
10 the written request of a project applicant received no later than 30
11 days after the date that the lead agency makes a determination
12 pursuant to subdivision (a) of Section 21080.1, Section 21094.5,
13 or Chapter 4.2 (commencing with Section 21155) and with the
14 consent of the lead agency as provided in subdivision (e), the lead
15 agency shall prepare and certify the record of proceedings in the
16 following manner:

17 (A) The lead agency for the project shall prepare the record of
18 proceedings pursuant to this division concurrently with the
19 administrative process.

20 (B) All documents and other materials placed in the record of
21 proceedings shall be posted on, and be downloadable from, an
22 Internet Web site maintained by the lead agency commencing with
23 the date of the release of the draft environmental document for the
24 project. If the lead agency cannot maintain an Internet Web site
25 with the information required pursuant to this section, the lead
26 agency shall provide a link on the agency's Internet Web site to
27 that information.

28 (C) The lead agency shall make available to the public in a
29 readily accessible electronic format the draft environmental
30 document for the project, and all other documents submitted to,
31 cited by, or relied on by the lead agency, in the preparation of the
32 draft environmental document for the project.

33 (D) A document prepared by the lead agency or submitted by
34 the applicant after the date of the release of the draft environmental
35 document for the project that is a part of the record of the
36 proceedings shall be made available to the public in a readily
37 accessible electronic format within 5 business days after the
38 document is released or received by the lead agency.

39 (E) The lead agency shall encourage written comments on the
40 project to be submitted in a readily accessible electronic format,

1 and shall make any comment available to the public in a readily
2 accessible electronic format within 5 business days of its receipt.

3 (F) Within 7 business days after the receipt of any comment
4 that is not in an electronic format, the lead agency shall convert
5 that comment into a readily accessible electronic format and make
6 it available to the public in that format.

7 (G) The lead agency shall certify the record of proceedings
8 within 30 days after the filing of the notice required pursuant to
9 Section 21108 or 21152.

10 (2) This subdivision does not require the disclosure or posting
11 of any trade secret as defined in Section 6254.7 of the Government
12 Code, information about the location of archaeological sites or
13 sacred lands, or any other information that is subject to the
14 disclosure restrictions of Section 6254 of the Government Code.

15 (b) Any dispute regarding the record of proceedings prepared
16 pursuant to this section shall be resolved by the court in an action
17 or proceeding brought pursuant to subdivision (b) or (c) of Section
18 21167.

19 (c) The content of the record of proceedings shall be as specified
20 in subdivision (e) of Section 21167.6.

21 (d) The negative declaration, mitigated negative declaration,
22 draft and final environmental impact report, or other environmental
23 document shall include a notice in no less than 12-point type stating
24 the following:

25
26 “THIS DOCUMENT IS SUBJECT TO SECTION 21167.6.2
27 OF THE PUBLIC RESOURCES CODE, WHICH REQUIRES
28 THE RECORD OF PROCEEDINGS FOR THIS PROJECT TO
29 BE PREPARED CONCURRENTLY WITH THE
30 ADMINISTRATIVE—~~PROCESS~~, *PROCESS*; DOCUMENTS
31 PREPARED BY, OR SUBMITTED TO, THE LEAD AGENCY
32 TO BE POSTED ON THE LEAD AGENCY’S INTERNET WEB
33 ~~SITE~~, *SITE*; AND THE LEAD AGENCY TO ENCOURAGE
34 WRITTEN COMMENTS ON THE PROJECT TO BE
35 SUBMITTED TO THE LEAD AGENCY IN A READILY
36 ACCESSIBLE ELECTRONIC FORMAT.”

37
38 (e) (1) The lead agency shall respond to a request by the project
39 applicant within 10 business days from the date that the request
40 pursuant to subdivision (a) is received by the lead agency.

1 (2) A project applicant and the lead agency may mutually agree,
2 in writing, to extend the time period for the lead agency to respond
3 pursuant to paragraph (1), but they shall not extend that period
4 beyond the commencement of the public review period for the
5 proposed negative declaration, mitigated negative declaration,
6 draft environmental impact report, or other environmental
7 document.

8 (3) The request to prepare a record of proceedings pursuant to
9 this section shall be deemed denied if the lead agency fails to
10 respond within 10 business days of receiving the request or within
11 the time period agreed upon pursuant to paragraph (2), whichever
12 ends later.

13 (f) The written request of the applicant submitted pursuant to
14 subdivision (a) shall include an agreement to pay all of the lead
15 agency's costs of preparing and certifying the record of proceedings
16 pursuant to this section and complying with the requirements of
17 this section, in a manner specified by the lead agency.

18 (g) The costs of preparing the record of proceedings pursuant
19 to this section and complying with the requirements of this section
20 are not recoverable costs pursuant to Section ~~1033~~ 1032 of the
21 Code of Civil Procedure.

22 (h) Pursuant to subdivision (f) and Section 21089, the lead
23 agency may charge and collect a reasonable fee from the person
24 making the request pursuant to subdivision (a) to recover the costs
25 incurred by the lead agency in preparing the record of proceedings
26 pursuant to this section.

27 ~~SEC. 6. It is the intent of the Legislature to enact legislation~~
28 ~~establishing a public review period for a final environmental impact~~
29 ~~report prepared pursuant to, and relating to the record of~~
30 ~~proceedings for a project for which an environmental impact report~~
31 ~~is prepared pursuant to, the California Environmental Quality Act~~
32 ~~(Division 13 (commencing with Section 21000) of the Public~~
33 ~~Resources Code).~~

AMENDED IN SENATE APRIL 21, 2015

AMENDED IN SENATE MARCH 19, 2015

SENATE BILL

No. 233

Introduced by Senator Hertzberg
(Coauthor: Assembly Member Rendon)

February 13, 2015

An act to amend Sections ~~6603, 6604, 6610, 6611,~~ 6612, 6613, 6614, 6615, 6616, and 6618 of the Fish and Game Code, relating to ocean resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 233, as amended, Hertzberg. Marine resources and preservation.

(1) The California Marine Resources Legacy Act establishes a program, administered by the Department of Fish and Wildlife, to allow partial removal of offshore oil structures. The act authorizes the department to approve the partial removal of offshore oil structures, if specified criteria are satisfied. The act requires an applicant, upon conditional approval for removal, to apportion a percentage of the cost-savings funds in accordance with a prescribed schedule to specified entities and funds. The act defines "cost savings" to mean the difference between the estimated cost to the applicant of complete removal of an oil platform, as required by state and federal leases, and the estimated costs to the applicant of partial removal of the oil platform pursuant to the act, and specifically provides for the inclusion of certain costs in cost savings. *act.*

The bill would require an applicant, upon conditional approval for partial removal of an offshore oil structure, to *apportion and* transmit a portion of the cost savings to the department, instead of to the specified entities and funds. The bill would require the department to apportion

those cost-savings funds received from the applicant in accordance with a prescribed ~~schedule based on the date the application was submitted to the department.~~ *schedule*. The bill would authorize the applicant to withdraw the application at any time before final approval and would require the department to return specified funds submitted to process the application that have not been expended as of the date of receipt of the notification of withdrawal.

(2) Existing law requires the Natural Resources Agency to serve as the lead agency for the environmental review under the California Environmental Quality Act (CEQA) of a proposed project to partially remove an offshore oil structure pursuant to the California Marine Resources Legacy Act. Upon certification of environmental documents pursuant to CEQA, the California Marine Resources Legacy Act requires the State Lands Commission to determine the cost savings of partial removal compared to full removal of the structure and requires the Ocean Protection Council to determine whether partial removal provides a net environmental benefit to the marine environment compared to the full removal of the structure.

This bill would instead require the ~~department~~ *commission* to serve as the lead agency for the environmental review under ~~CEQA, to determine the cost savings of partial removal compared to full removal of the structure, and to determine whether partial removal provides a net environmental benefit to the marine environment compared to the full removal of the structure.~~ *CEQA*.

The bill would require the ~~department,~~ *council*, in determining whether partial removal of the structure would provide a net benefit to the marine environment compared to full removal of the structure, to take certain adverse impacts to air quality and greenhouse gas emissions into account and to consult with the State Air Resources ~~Board and the Ocean Protection Council,~~ *Board*, among other entities. *In making that determination, the bill would require the council to determine the appropriate weight to be assigned to adverse impacts to air quality and greenhouse gas emissions as compared to adverse impacts to biological resources and water quality.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 6603 of the Fish and Game Code is~~
2 ~~amended to read:~~

3 ~~6603. (a) This chapter establishes a program through which~~
4 ~~an applicant may voluntarily apply to the department to carry out~~
5 ~~partial removal of the structure.~~

6 ~~(b) The program established pursuant to this chapter shall be~~
7 ~~deemed consistent with, and part of, the California Artificial Reef~~
8 ~~Program pursuant to Article 2 (commencing with Section 6420)~~
9 ~~of Chapter 5 for purposes of compliance with federal law including~~
10 ~~the National Fishing Enhancement Act of 1984.~~

11 ~~(c) The department shall serve as the primary authority for~~
12 ~~carrying out the program, including review and approval of~~
13 ~~applications to partially remove an offshore oil structure in state~~
14 ~~or federal waters and management and operation of~~
15 ~~decommissioned offshore oil structures in state or federal waters~~
16 ~~approved pursuant to this chapter.~~

17 ~~(d) Final approval of an application shall not be granted until~~
18 ~~the applicant complies with all requirements of the chapter,~~
19 ~~including the payment of all costs to the state to review and approve~~
20 ~~the proposed project as required by subdivision (b) of Section 6612~~
21 ~~and the transmittal of the required portion of cost savings to the~~
22 ~~endowment and other parties as required by Section 6618.~~

23 ~~(e) The department may obtain funds for the planning,~~
24 ~~development, maintenance, and operation of an offshore oil~~
25 ~~structure transferred to the department pursuant to this chapter and~~
26 ~~may accept gifts, subventions, grants, rebates, reimbursements,~~
27 ~~and subsidies from any lawful source.~~

28 ~~(f) The department may adopt regulations to implement this~~
29 ~~chapter.~~

30 ~~SEC. 2.~~

31 ~~SECTION 1. Section 6604 of the Fish and Game Code is~~
32 ~~amended to read:~~

33 ~~6604. (a) A proposed project to partially remove an offshore~~
34 ~~oil structure pursuant to this chapter is a project as defined in~~
35 ~~subdivision (c) of Section 21065 of the Public Resources Code~~
36 ~~and is therefore subject to the California Environmental Quality~~
37 ~~Act (Division 13 (commencing with Section 21000) of the Public~~

1 Resources Code) and shall be reviewed pursuant to the time limits
2 established in Section 21100.2 of the Public Resources Code.

3 (b) ~~The department~~ *commission* shall serve as the lead agency
4 for the environmental review of any project proposed pursuant to
5 this chapter.

6 ~~SEC. 3.— Section 6610 of the Fish and Game Code is amended~~
7 ~~to read:~~

8 ~~6610. (a) An owner or operator, or other party responsible for~~
9 ~~decommissioning, of an offshore oil structure may apply to the~~
10 ~~department for approval to partially remove the structure pursuant~~
11 ~~to the requirements of this chapter.~~

12 ~~(b) The department shall design and make available to potential~~
13 ~~applicants an application process that will facilitate review of the~~
14 ~~application by the department in a timely manner, consistent with~~
15 ~~Section 6604.~~

16 ~~(c) Upon receipt of an application pursuant to this section, the~~
17 ~~department shall transmit a copy of the application to the~~
18 ~~endowment.~~

19 ~~SEC. 4.— Section 6611 of the Fish and Game Code is amended~~
20 ~~to read:~~

21 ~~6611. (a) The application for partial removal shall include, at~~
22 ~~a minimum, all of the following:~~

23 ~~(1) The applicant's plan and schedule for partial removal of the~~
24 ~~offshore oil structure, including removal of any portion of the~~
25 ~~structure as appropriate to maintain navigational safety.~~

26 ~~(2) A determination of the estimated cost of partial removal and~~
27 ~~the estimated cost of full removal.~~

28 ~~(3) A determination of the environmental impacts and benefits~~
29 ~~to the marine environment from partial removal and full removal~~
30 ~~of the structure.~~

31 ~~(4) Identification of all permits, leases, and approvals required~~
32 ~~by any governmental agency, including a permit issued by the~~
33 ~~United States Army Corps of Engineers if required for offshore~~
34 ~~oil structures, and a lease issued by the commission if the proposed~~
35 ~~project involves state tidelands and submerged lands, and a~~
36 ~~proposed schedule for the applicant or the state to receive those~~
37 ~~permits, leases, and approvals.~~

38 ~~(b) The department may require the applicant to submit a~~
39 ~~management plan for the structure following partial removal,~~

1 including maintenance in a manner consistent with navigational
2 safety, enforcement, and monitoring.

3 (e) ~~The information submitted pursuant to subdivisions (a) and~~
4 ~~(b) shall be used by the department for advisory purposes only.~~
5 ~~Final determinations regarding the partial removal and management~~
6 ~~of the offshore oil structure, net benefit to the marine environment~~
7 ~~from partial removal, and cost savings from partial removal shall~~
8 ~~be made solely by the department, as specified in this chapter,~~
9 ~~based on its independent review and judgment.~~

10 ~~SEC. 5.~~

11 *SEC. 2.* Section 6612 of the Fish and Game Code is amended
12 to read:

13 6612. (a) Upon receipt of an application to partially remove
14 an offshore oil structure pursuant to this chapter, the department
15 shall determine whether the application is complete and includes
16 all information needed by the department.

17 (b) (1) Upon a determination that the application is complete,
18 the applicant shall provide surety bonds executed by an admitted
19 surety insurer, irrevocable letters of credit, trust funds, or other
20 forms of financial assurances, determined by the department to be
21 available and adequate, to ensure that the applicant will provide
22 sufficient funds to the ~~department~~ *department, council, commission,*
23 and conservancy to carry out all required activities pursuant to this
24 article, including all of the following:

25 (A) Environmental review of the proposed project pursuant to
26 Section 6604.

27 (B) A determination of net environmental benefit pursuant to
28 Section 6613.

29 (C) A determination of cost savings pursuant to Section 6614.

30 (D) Preparation of a management plan for the structure pursuant
31 to Section 6615.

32 (E) Implementation of the management plan and ongoing
33 maintenance of the structure after the department takes title
34 pursuant to Section 6620.

35 (F) Development of an advisory spending plan pursuant to
36 Section 6621.

37 (G) Other activities undertaken to meet the requirements of this
38 article, including the costs of reviewing applications for
39 completeness, and reviewing, approving, and permitting the
40 proposed project, which includes the costs of determining whether

1 the project meets the requirements of all applicable laws and
 2 regulations and the costs of environmental assessment and review.

3 (2) The department shall consult with the *council, commission,*
 4 *and* conservancy in determining appropriate funding for activities
 5 to be carried out by ~~the conservancy~~; *those agencies.*

6 (3) The funds provided pursuant to paragraph (1) shall not be
 7 considered in the calculation of cost savings pursuant to Section
 8 6614 or the apportionment of cost savings pursuant to Section
 9 6618.

10 (c) The first person to file an application on and after January
 11 1, 2011, to partially remove an offshore oil structure pursuant to
 12 this chapter, shall pay, in addition to all costs identified under
 13 subdivision (b), the startup costs incurred by the department *or*
 14 *the commission* to implement this chapter, including the costs to
 15 develop and adopt regulations pursuant to this chapter. This
 16 payment of startup costs shall be reimbursed by the department as
 17 provided in paragraph (3) of subdivision (c) of Section 6618.

18 (d) As soon as feasible after the applicant provides financial
 19 assurances pursuant to subdivision (b), ~~the department~~ *lead agency*
 20 shall begin the environmental review of the proposed project as
 21 required pursuant to Section 6604.

22 (e) The applicant may withdraw the application at any time
 23 before final approval. Upon notification that the applicant has
 24 withdrawn the application, the department shall return to the
 25 applicant any funds provided under subdivisions (b) and (c) that
 26 have not been expended as of the date of receipt of notification of
 27 withdrawal.

28 ~~SEC. 6.~~

29 *SEC. 3.* Section 6613 of the Fish and Game Code is amended
 30 to read:

31 6613. (a) ~~The department~~ *council* shall determine whether the
 32 partial removal of an offshore oil structure pursuant to this chapter
 33 provides a net benefit to the marine environment compared to the
 34 full removal of the structure.

35 (b) As a necessary prerequisite to determining net environmental
 36 benefit as required in subdivision (a), ~~the department~~ *council* shall,
 37 upon receipt of its initial application *from the department* pursuant
 38 to Section 6610, establish appropriate ~~criteria~~ *criteria, based on*
 39 *credible science*, for evaluating the net environmental benefit of
 40 full removal and partial removal of offshore oil structures.

1 (1) The criteria shall include, but are not limited to, the depth
2 of the partially removed structure in relation to its value as habitat
3 and the location of the structure, including its proximity to other
4 reefs, both natural and artificial.

5 (2) The criteria shall not include any consideration of the funds
6 to be generated by the partial removal of the structure.

7 (3) In determining the criteria, the ~~department~~ *council* shall
8 consult with appropriate entities, including, but not limited to, the
9 ~~council~~, *department*, the commission, the State Air Resources
10 Board, the California Coastal Commission, and the California
11 Ocean Science Trust.

12 (4) The ~~department~~ *council* shall establish the criteria in time
13 to use them in making its initial determination of net environmental
14 benefit pursuant to this section.

15 (c) Upon certification of environmental documents pursuant to
16 the California Environmental Quality Act, the ~~department~~ *council*
17 shall, based on the criteria developed pursuant to subdivision (b)
18 and other relevant information, determine whether partial removal
19 of the structure would provide a net benefit to the marine
20 environment compared to full removal of the structure. In making
21 the determination, the ~~department~~ *council* shall, at a minimum,
22 take into account the following:

23 (1) The contribution of the proposed structure to protection and
24 productivity of fish and other marine life.

25 (2) Any adverse impacts to biological resources or water quality,
26 air quality or greenhouse gas emissions, or any other marine
27 environmental impacts, from the full removal of the facility that
28 would be avoided by partial removal as proposed in the application.

29 (3) Any adverse impacts to biological resources or water quality,
30 air quality or greenhouse gas emissions, or any other marine
31 environmental impacts, from partial removal of the structure as
32 proposed in the application.

33 (4) Any benefits to the marine environment that would result
34 from the full removal of the structure or from partial removal as
35 proposed in the application.

36 (5) Any identified management requirements and restrictions
37 of the partially removed structure, including, but not limited to,
38 restrictions on fishing or other activities at the site.

39 (d) *In making the determination pursuant to subdivision (c), the*
40 *council shall determine the appropriate weight to be assigned to*

1 *adverse impacts to air quality or greenhouse gas emissions as*
 2 *compared to adverse impacts to biological resources or water*
 3 *quality.*

4 ~~(d)~~

5 (e) Benefits resulting from the contribution of cost savings to
 6 the endowment shall not be considered in the determination of net
 7 environmental benefit.

8 ~~(e)~~

9 ~~(f) The department~~ *council* may contract or enter into a
 10 memorandum of understanding with any other appropriate
 11 governmental or nongovernmental entity to assist in its
 12 determination of net environmental benefit.

13 ~~(f)~~

14 (g) The determination made pursuant to this section *and*
 15 *submitted to the department by the council* shall constitute the final
 16 determination and shall not be revised except by the ~~department~~.
 17 *council.*

18 (h) *The council shall take all feasible steps to complete its*
 19 *determination in a timely manner that accommodates the*
 20 *department's schedule for consideration of the application.*

21 ~~SEC. 7.~~

22 *SEC. 4.* Section 6614 of the Fish and Game Code is amended
 23 to read:

24 6614. (a) Upon certification of the appropriate environmental
 25 documents, the ~~department~~ *commission* shall determine, or cause
 26 to be determined, the cost savings that will result from the partial
 27 removal of an offshore oil structure as proposed in the application
 28 compared to full removal of the structure.

29 (b) The ~~department~~ *commission* shall ensure that any cost
 30 savings are accurately and reasonably calculated. The ~~department~~
 31 *commission* may contract or enter into a memorandum of
 32 understanding with any other appropriate governmental agency or
 33 other party, including an independent expert, to ensure that cost
 34 savings are accurately and reasonably calculated.

35 (c) The ~~department~~ *commission* shall consider any estimates of
 36 cost savings made by any governmental agency, including, but not
 37 limited to, the Internal Revenue Service, the Franchise Tax Board,
 38 and the United States Department of the Interior. The ~~department~~
 39 *commission* shall include in its determination a written explanation,
 40 which shall be available to the public, of the differences, and the

1 reasons for the differences, between the ~~department's~~ *commission's*
 2 determination of cost savings and any other estimates of cost
 3 savings the ~~department~~ *commission* considered.

4 (d) The applicant shall provide all necessary documentation, as
 5 determined by the ~~department,~~ *commission,* to allow the ~~department~~
 6 *commission* to calculate the amount of cost savings. Failure to
 7 provide information requested by the ~~department~~ *commission* in
 8 a timely manner may result in rejection of the application.

9 (e) The determination made pursuant to this section *and*
 10 *submitted to the department by the commission* shall constitute the
 11 final determination and shall not be revised except by the
 12 ~~department.~~ *commission.*

13 (f) *The commission shall take all feasible steps to complete its*
 14 *determination in a timely manner that accommodates the*
 15 *department's schedule for consideration of the application.*

16 ~~SEC. 8.~~

17 *SEC. 5.* Section 6615 of the Fish and Game Code is amended
 18 to read:

19 6615. Prior to granting conditional approval of an application
 20 for partial removal of an offshore oil structure, the department
 21 shall do all of the following:

22 (a) Prepare a plan to manage the offshore oil structure after its
 23 partial removal. The plan shall include measures to manage fishery
 24 and marine life resources at and around the structure in a manner
 25 that will ensure that the net benefits to the marine environment
 26 identified pursuant to Section 6613 are maintained or enhanced.
 27 Consistent with state and federal law, management measures may
 28 include a buffer zone in which fishing or removal of marine life
 29 is restricted or prohibited.

30 (b) Provide an opportunity for public comment on the
 31 *application and* environmental document pursuant to the California
 32 Environmental Quality Act.

33 (c) Hold ~~a public hearing~~ *hearings* for comment on the
 34 *application and* environmental document pursuant to the California
 35 Environmental Quality Act in the county nearest to the location
 36 of the offshore oil structure that is the subject of the application.

37 ~~SEC. 9.~~

38 *SEC. 6.* Section 6616 of the Fish and Game Code is amended
 39 to read:

1 6616. The department may grant conditional approval of an
2 application for partial removal of an offshore oil structure only if
3 all of the following criteria are satisfied:

4 (a) The partial removal of the offshore oil structure and the
5 planning, development, maintenance, and operation of the structure
6 would be consistent with all applicable state, federal, and
7 international laws, including, but not limited to, all of the
8 following:

9 (1) The federal Magnuson-Stevens Fishery Conservation and
10 Management Act (16 U.S.C. Sec. 1801 et seq.).

11 (2) The federal National Fishing Enhancement Act of 1984 (33
12 U.S.C. Sec. 2101 et seq.).

13 (3) The federal Coastal Zone Management Act (16 U.S.C. Sec.
14 1451 et seq.).

15 (4) The California Coastal Management Program.

16 (5) The Marine Life Management Act (Part 1.7 (commencing
17 with Section 7050)).

18 (6) The Marine Life Protection Act (Chapter 10.5 (commencing
19 with Section 2850) of Division 3).

20 (7) State and federal water quality laws.

21 (8) Navigational safety laws.

22 (b) The partial removal of the offshore oil structure provides a
23 net benefit to the marine environment compared to full removal
24 of the structure, as determined pursuant to Section 6613.

25 (c) The cost savings that would result from the conversion of
26 the offshore oil platform or production facility have been
27 determined pursuant to Section 6614.

28 (d) The applicant has provided sufficient funds consistent with
29 subdivision (b) of Section 6612.

30 (e) The department and the applicant have entered into a
31 contractual agreement whereby the applicant will provide sufficient
32 funds for overall management of the structure by the department,
33 including, but not limited to, ongoing management, operations,
34 maintenance, monitoring, and enforcement as these relate to the
35 structure.

36 (f) The department has entered into an indemnification
37 agreement with the applicant that indemnifies the state and the
38 department, to the extent permitted by law, against any and all
39 liability that may result, including, but not limited to, active
40 negligence, and including defending the state and the department

1 against any claims against the state for any actions the state
 2 undertakes pursuant to this article. The agreement may be in the
 3 form of an insurance policy, cash settlement, or other mechanism
 4 as determined by the department. In adopting indemnification
 5 requirements for the agreement, the department shall ensure that
 6 the state can defend itself against any liability claims against the
 7 state for any actions the state undertakes pursuant to this article
 8 and pay any resulting judgments. The department shall consult
 9 with and, as necessary, use the resources of the office of the
 10 Attorney General in preparing and entering into the indemnification
 11 agreement.

12 (g) The applicant has applied for and received all required
 13 permits, leases, and approvals issued by any governmental agency,
 14 including, but not limited to, a lease issued by the commission if
 15 the proposed project involves state tidelands and submerged lands.
 16 For structures located in federal waters, all of the following
 17 requirements shall be met:

18 (1) The department and the owner or operator of the structure
 19 reach an agreement providing for the department to take title to
 20 the platform or facility as provided in Section 6620.

21 (2) The department acquires the permit issued by the United
 22 States Army Corps of Engineers.

23 (3) The partial removal of the structure is approved by the
 24 Bureau of Safety and Environmental Enforcement of the United
 25 States Department of the Interior.

26 ~~SEC. 10.~~

27 *SEC. 7.* Section 6618 of the Fish and Game Code is amended
 28 to read:

29 6618. (a) The cost savings from the partial removal of an
 30 offshore oil structure, as determined pursuant to Section 6614,
 31 shall be apportioned and transmitted as described in this section.

32 (b) Upon receipt of conditional approval pursuant to Section
 33 6617, the applicant shall apportion and directly transmit a portion
 34 of the total amount of the cost savings to the department as follows:

35 (1) Fifty-five percent, if ~~the application was submitted~~
 36 *transmitted* before January 1, ~~2023~~. ____.

37 (2) Sixty-five percent, if ~~the application was submitted~~
 38 *transmitted* on or after January 1, ~~2023~~, ____, and before January
 39 1, ~~2028~~. ____.

1 (3) Eighty percent, if the application was submitted *transmitted*
2 on or after January 1, 2028: ____.

3 (c) Of the total amount of the cost savings to be transmitted
4 pursuant to subdivision (b), the department shall directly transmit
5 the following amounts to the following entities:

6 (1) Eighty-five percent shall be deposited into the California
7 Endowment for Marine Preservation established pursuant to
8 Division 37 (commencing with Section 71500) of the Public
9 Resources Code.

10 (2) Ten percent shall be deposited into the General Fund.

11 (3) Two percent shall be deposited into the Fish and Game
12 Preservation Fund for expenditure, upon appropriation by the
13 Legislature, by the department to pay any costs imposed by this
14 chapter that are not otherwise provided for pursuant to subdivision
15 (b) of Section 6612 and subdivision (e) of Section 6616. Any
16 moneys remaining in the Fish and Game Preservation Fund, after
17 providing for these costs, shall be used, upon appropriation by the
18 Legislature, first to reimburse the payment of the startup costs
19 described in subdivision (c) of Section 6612, and thereafter to
20 conserve, protect, restore, and enhance the coastal and marine
21 resources of the state consistent with the mission of the department.

22 (4) Two percent shall be deposited into the Coastal Act Services
23 Fund, established pursuant to Section 30620.1 of the Public
24 Resources Code, and shall be allocated to support state agency
25 work involving research, planning, and regulatory review
26 associated with the application and enforcement of coastal
27 management policies in state and federal waters pursuant to state
28 and federal quasi-judicial authority over offshore oil and gas
29 development.

30 (5) One percent shall be deposited with the board of supervisors
31 of the county immediately adjacent to the location of the facility
32 prior to its decommissioning. The amount paid to the county shall
33 be managed pursuant to paragraph (1) of subdivision (d) of Section
34 6817 of the Public Resources Code.

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SENATE COMMITTEE ON NATURAL RESOURCES AND WATER**Senator Fran Pavley, Chair
2015 - 2016 Regular**

Bill No:	SB 233	Hearing Date:	April 28, 2015
Author:	Hertzberg		
Version:	April 21, 2015		
Urgency:	No	Fiscal:	Yes
Consultant:	Katharine Moore		

Subject: Marine resources and preservation

BACKGROUND AND EXISTING LAW

There are 27 oil and gas platforms offshore California. Four of these platforms are in state waters at relatively shallow depths (approximately 200 feet or less). The remaining 23 platforms are over 3 miles from shore at depths reaching nearly 1200 feet. Additionally, there are five more offshore "islands" (which are also platforms) in state waters. The platforms are located off the coasts of Los Angeles, Ventura and Santa Barbara counties. At least five offshore platforms, including one island, off the coast of California have been "decommissioned" and removed.

AB 2503 (Perez, c. 687, Statutes of 2010) established state policy to allow, on a case-by-case basis, the partial decommissioning of offshore oil and gas platforms. Partial decommissioning means removing the top part of the platform while leaving the lower portion behind to act as a subsurface "reef." Not all platforms may qualify for partial decommissioning, however, as certain conditions must be met. These include, among others, that there be a net environmental benefit from the "reef" and that a portion of the cost savings to the platform owner from partial, as opposed to full, decommissioning be shared with the state and deposited in an endowment whose moneys would be used to the benefit of coastal marine resources. AB 2503's "rigs-to-reefs" program is voluntary and platforms in both state and federal waters are eligible to participate. AB 2503's legislative findings included that the costs of the program should be borne by the applicants.

There were at least two unsuccessful attempts prior to AB 2503 to establish a rigs-to-reefs program (SB 241, Alpert, 2000, and SB 1, Alpert, 2001). Additionally, since AB 2503 became law, there have been two unsuccessful attempts to alter its extensively negotiated terms to the benefit of the platform owners (AB 2267, Hall, 2012, and AB 207, Rendon, 2013).

Rigs-to-reefs programs allow the oil industry to avoid the costs of full decommissioning, although full decommissioning was an agreed-upon lease condition. Estimates of the cost savings associated with partial decommissioning vary from tens of millions to hundreds of millions of dollars per platform. AB 2503 provided a financial incentive to the oil industry to submit partial decommissioning applications by providing that a smaller fraction of the cost savings would be shared with the state in the early years of the program (55%) compared to later (80%).

Despite repeated assertions over at least the last 15 years that applications for partial decommissioning were imminent, no applications under AB 2503 have been filed with

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the state. It is a fair point that no application has been developed pursuant to AB 2503 (which this bill seeks to address), but it is also staff's understanding that no serious inquiries to the relevant agencies have occurred.

The economic viability of any offshore platform and its oil and gas wells is a function of many factors. High prices for crude oil the last five years – prices of benchmark crudes often exceeded \$100/barrel – compared to approximately \$50/barrel in last several months with muted expectations of a substantial price rise in the short term are likely to have affected the outlook for the offshore California platforms.

Existing federal law requires that “decommissioned” oil and gas platforms be removed at the end of production, and the surrounding marine environment be cleaned up and restored to a natural condition. Existing state and federal offshore oil leases generally require the removal of decommissioned oil platforms after the lease ends. Both federal regulations and provisions in state and federal leases allow the federal government to consider and approve alternative decommissioning methods other than complete removal. “Rigs-to-reefs” programs are widely used in the Gulf of Mexico, and Louisiana, Texas and Mississippi.

That said, as a recent commentary in the Proceedings of the National Academy of Sciences pointed out, circumstances are unique to each particular platform depending on the location, water depth, platform size and other factors. Simple generalizations about rigs-to-reef “working” in some locations with the implication that partial decommissioning will necessarily provide net environmental benefits and cost savings in other locations are inappropriate.

AB 2503 recognized the multi-jurisdictional nature of platform decommissioning and the need for a viable rigs-to-reefs program to utilize the established expertise and authority of different state entities. AB 2503 purposefully split up program responsibilities between different regulators.

AB 2503's rigs-to-reefs program uses the expertise of the following state entities:

- The Department of Fish and Wildlife (department) has the primary authority, as specified, for carrying out the program, including:
 - the development of application materials,
 - the determination of whether an application was complete,
 - the preparation of a plan to manage the reef,
 - providing an opportunity for public comment on the application,
 - holding a public hearing in the county nearest to the proposed reef,
 - the review and conditional and final approval of an application, and
 - the management and operation of approved artificial reefs.
- The Natural Resources Agency serves as lead agency under the California Environmental Quality Act (CEQA).
- The Ocean Protection Council (council) determines whether a net benefit to the marine environment from partial decommissioning exists. This includes establishing appropriate criteria to make this evaluation.

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- The State Lands Commission (commission) determines the cost savings.
- The State Coastal Conservancy (conservancy) creates an advisory spending plan for the cost savings deposited in the endowment.
- In addition, the authority of the California Coastal Commission in the coastal zone as well as the authority of local and federal regulatory entities within their respective jurisdictions were explicitly acknowledged and protected.

AB 2503 requires information sharing among different state entities including the department, the council, the commission and the endowment. It repeatedly allows for formal agreements to be developed, as needed, to support the coordination and consultation required between entities.

Focusing on the application, AB 2503 establishes minimum standards for the required materials, including:

- a plan and schedule for partial decommissioning,
- a determination of the estimated costs of partial and full decommissioning,
- a determination of the environmental impacts and benefits to the marine environment from partial and full decommissioning,
- identification of all necessary permits, leases and approvals needed and a schedule to obtain them, and
- in some instances, a management plan for the reef following partial decommissioning.

An AB 2503 application is complete when the applicant provides certain financial assurances that ensures that sufficient funds are available to pay for the cost of processing the application. The first AB 2503 applicant will also be required to pay the program's set-up costs, although those are reimbursable.

AB 2503 provides specific criteria for the department to issue a conditional approval for a partial decommissioning project. These include:

- all applicable laws are followed,
- there is a net benefit to the marine environment,
- there are cost savings,
- there is funding to do the evaluation that is provided by the applicant,
- an agreement has been reached between the applicant and the department to support the overall management of the reef,
- the applicant and the department have entered into an indemnification agreement to protect the state from liability, as specified,
- the applicant has obtained all necessary permits, leases and approvals, and
- the department and owner of the platform have reached an agreement for the department to take title to the reef.

AB 2503 requires the owner or operator of an oil structure, upon receipt of conditional approval for partial removal, to transmit a portion of the total cost savings as follows:

- 55% by January 1, 2017
- 65% between January 1, 2017 – January 1, 2023

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- 80% after January 1, 2023

The department shall not grant final approval until the full amount of applicable cost savings has been transmitted.

PROPOSED LAW

This bill would modify the AB 2503 rigs-to-reefs program. It would:

- replace the Natural Resources Agency as CEQA lead with the commission;
- allow the applicant to withdraw its rigs-to-reef application at any time;
- re-set or potentially re-set the financial incentives by replacing the years in the dates with blanks;
- add consultation with the Air Resources Board, as specified, in the calculation of net benefits to the marine environment;
- add air quality or greenhouse gas emissions to the determination of the net benefit to the marine environment;
- add a public meeting to review the environmental documents to the one already required on the application, as specified; and
- make additional technical and clarifying changes.

ARGUMENTS IN SUPPORT

According to the author, “in 2010, the Legislature passed AB 2503 by former Speaker John Perez, which enacted California’s rigs-to-reefs program. We are now nearing the point where the first of California’s offshore oil rigs will be ready for decommissioning in the next few years. It has become apparent through discussions with the Administration, that the permitting process is unworkable, both for practical reasons involving a lack of expertise and fiscal reasons as well. Senate Bill 233 is intended to make the current rigs-to-reefs permitting process more pragmatic without sacrificing any level of environmental review. As the bill moves along, we intend to work closely with a multi-agency group to review the rigs-to-reefs approval process and make recommendations for changes, the chairs of the policy committees, and stakeholders to make sure that we have a consensus approach to the decommissioning process [that] is both workable and protective of the environment.”

The author continues, “[t]he bill adds the impact of greenhouse gas emissions [which] should be considered in weighing the removal options for offshore oil rigs” in the calculation of the net environmental benefit and “has left open for negotiation moving back the various cut-off dates which encourage early retirement of oil rigs to accommodate the five years since the passage of AB 2503.”

“Overall, SB 233 seeks to take a critical look at the rigs-to-reefs program and to work to make the process better. Ultimately, if oil rigs are approved for conversion, a productive marine ecosystem will be saved from destruction and potentially hundreds of millions of dollars will be made available in perpetuity for funding ocean oriented environmental programs.”

Get Wet Scuba notes that “our group frequently dives at oil rigs that are off the coast of Long Beach. It is a vibrant ecosystem and supports enormous amount[s] of marine life. It is one of the most beautiful dives in Southern California.”

SB 233 (Hertzberg)**ARGUMENTS IN OPPOSITION**

The letters opposing this bill were all received prior to the most recent amendments. Those amendments addressed or appear to have addressed some of the specific objections raised against the bill.

In a joint opposition letter, the Environmental Defense Center and others note that the bill “is unnecessary, premature, and would undermine the provisions in existing law that require a balanced, thorough analysis of proposal to leave offshore oil platforms at sea. The bill is unnecessary because the legislature already passed AB 2503 in 2010. That bill followed many years of state-wide debate and was fashioned to include relevant agencies and stakeholders in a process that would address the many issues that will be raised if oil platforms are not removed from the ocean environment. These issues include legacy pollution resulting from residual toxins and contaminated debris left in the ocean, introduction of invasive species, attraction of fish away from productive natural reefs, safety and navigational risks, and increased liability to the state.”

The joint letter continues that the bill is premature because “no platforms are ready for decommissioning. [...] Clearly, there is no need to hasten to amend existing law.” While acknowledging that many of the letter signers did not support AB 2503 because “we believe the oil industry should comply with its original commitments to remove oil platforms at the end of their productive life and to restore the marine environment to a natural condition,” they note that “[e]xisting law is adequate to address the issues raised by proposals to avoid full decommissioning of offshore oil platforms.”

The West Marin Environmental Action Committee identifies several issues in its letter, including, among others, concerns about the length of time considered in the net environmental benefit analysis, the lack of public participation in the development of net environmental benefit criteria, and the proposed reset of the cost saving criteria.

Many of the bill’s opponents express an interest in engaging with the author and other stakeholders on the issue. For example, the Ocean Conservancy writes, “we urge more time to engage and reach a level of mutual understanding and commitment by designated responsible agencies, stakeholders and the affected public to achieve an effective and thorough process to guide the disposition of oil platforms offshore California. We would be pleased to participate in a dialogue with interested parties to that end.”

COMMENTS

This bill is a work-in-progress. Committee staff understand that discussions are active among the author’s office and stakeholders to facilitate implementation of the rigs-to-reefs program. These discussions include providing the upfront resources necessary for implementation. It is likely that further amendments may be proposed by the author at a later date to incorporate the results of these negotiations. The committee may wish to re-hear the bill in that event.

The commission has experience as a CEQA lead agency for platform decommissioning. Even in the event of an application for a rigs-to-reefs conversion in federal waters, it is likely that substantial elements of the decommissioning would be under the commission’s jurisdiction.

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Cost sharing and incentives. AB 2503 established state policy to provide financial incentives to platform owners for rigs-to-reef conversions with the proviso that the state share in the cost savings. The incentives to platform owners were front-loaded. The applicants had 6 years from the date AB 2503 became law to obtain the required conditional approval of the rigs-to-reefs conversion in order to qualify for the most cost savings. The AB 2503 incentive structure has been established law for over 4 years, and no platform operators have provided resources to fund AB 2503 implementation or come forward to apply for partial decommissioning. However, under current law, it would be effectively impossible for an applicant to qualify for the maximum savings level now.

Air quality and the net environmental benefit. The consideration of air quality, including greenhouse gas emissions, in decommissioning is a required element of the CEQA environmental analysis. The focus on biological resources and water quality – in other words on the proposed reef and its immediate subsurface environment – in the existing calculation of the net environmental benefit to the marine environment seeks to ensure the reef provides lasting benefits. It is highly likely that there will be a significant difference in total air emissions between partial and full decommissioning to the advantage of partial decommissioning. That said, the direct and indirect impacts from air emissions to the proposed reef and their duration are unclear, and the council will have to determine how to appropriately weigh these impacts in its calculations.

Public participation. The bill adds a public hearing to review the environmental documents to the public hearing on the application held near the proposed reef location. While the CEQA process, as well as the various permitting requirements for a rigs-to-reefs proposal, provide for public participation, this bill provides additional opportunity for public comment to those likely to be most affected by the proposal.

The rigs-to-reef program is voluntary. Circumstances may arise, such as advances in offshore oil production, where the platform owner may wish to keep the platform in operation despite having applied for partial decommissioning. Existing law is clear that the rigs-to-reefs program is voluntary, and the bill makes explicit that the platform owner may withdraw the program application.

AB 2503's division of regulatory effort is appropriate given existing jurisdiction and expertise. Offshore oil platforms operate under the jurisdiction of multiple regulators, as will their eventual partial or full decommissioning. There is substantial existing expertise and experience relevant to decommissioning already extant in state government. Coordination and communication are critical between the relevant entities as they utilize their existing expertise and exercise their independent judgment in processing a rigs-to-reef application. AB 2503 specifically provides for formal agreements to be used to ensure coordination and communication between entities and timely application processing. These have proven successful in many other circumstances.

Recent platform decommissioning. According to the commission, Belmont Island off the coast of Los Angeles County was decommissioned in the early 2000s and was the last offshore oil facility to be removed from California's waters. The commission found that complete removal of the island was the environmentally preferred option because there was no evidence that the island provided unique habitat in the area. Additionally, the

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Coast Guard determined, given the shallow depth, that leaving the base of the island behind would create a navigational hazard.

Prior to the Belmont Island decommissioning, the Chevron 4-H platforms off the coast of Carpinteria and Summerland were decommissioned in 1996. The commission acted as CEQA lead. During the platforms' operation, "shell mounds" built up under each one. The mounds are composed of materials from the periodic cleaning of the platform legs of marine life as well as other marine organisms. Additionally drilling fluids and drill cuttings were deposited on the sea floor underneath the platforms prior to this practice being banned. The drilling materials contain contaminants such as PCBs, hydrocarbons and metals. All of these materials are now bonded together in the mounds which were left in place when the platforms were decommissioned. The mounds are 25 – 28 feet high, and 200 – 250 feet in diameter. Decommissioning requirements included the full removal of the shell mounds and all site debris, and that a "trawl test" with standard equipment be performed. According to reports, the site is untrawlable. A decision has been made to leave the mounds in place, but it is unclear if all the necessary permits have been issued.

Most of the offshore platforms are in federal waters and will need federal permits. While close coordination and communication may be able to facilitate the necessary state permits for partial decommissioning, the state cannot compel the relevant federal entities to issue the applicable federal permits in a timely manner.

Do rigs-to-reefs automatically mean there will be more fishing opportunities? Not necessarily. The department is authorized to limit fishing in the vicinity of the reef, if warranted (FGC §6613(c)).

SUPPORT

Coalition for Enhanced Marine Resources (Co-Sponsor)
 Sport Fishing Conservancy (Co-Sponsor)
 Get Wet Scuba
 Hubbs-Sea World Research Institute
 Inland Empire Waterkeeper
 Orange County Coastkeeper
 Professional Association of Diving Instructors
 United Anglers
 Valley Industry and Commerce Association

OPPOSITION

Citizens Planning Association of Santa Barbara County
 Community Environmental Council
 Environment California
 Environmental Action Committee of West Marin (unless amended)
 Environmental Defense Center
 Food and Water Watch
 Friends of the Sea Otter
 Get Oil Out!
 International Marine Mammal Project of Earth Island Institute
 Ocean Conservancy
 Ocean Conservation Research

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Pacific Coast Federation of Fishermen's Association
Santa Barbara Channelkeeper
Sierra Club – Los Padres Chapter
Sierra Club California
The Ocean Foundation
Western Alliance for Nature
Wholly H₂O
Two individuals

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AMENDED IN SENATE MAY 19, 2015

AMENDED IN SENATE APRIL 27, 2015

AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 658

Introduced by Senator Hill

February 27, 2015

An act to amend Section 1714.21 of the Civil Code, and to amend Section 1797.196 of the Health and Safety Code, relating to automated external defibrillators.

LEGISLATIVE COUNSEL'S DIGEST

SB 658, as amended, Hill. Automated external defibrillators.

Existing law exempts from civil liability any person who, in good faith and not for compensation, renders emergency care or treatment by the use of an automated external defibrillator (AED) at the scene of an emergency, except in the case of personal injury or wrongful death that results from the gross negligence or willful or wanton misconduct of the person who renders emergency care or treatment. Existing law also exempts from civil liability a person or entity that acquires an AED for emergency use, a physician who is involved with the placement of the AED, and any person or entity responsible for the site where the AED is located if specified conditions are met, including maintenance and regular testing of the AED and having a written plan that describes the procedures to be followed in case of an emergency that may involve the use of the AED.

~~This bill would remove the conditions required for the exemption from civil liability of a person or entity that acquires an AED for emergency use and any person or entity responsible for the site where~~

~~the AED is located. The bill would~~ provide an exemption from civil liability for a physician and surgeon or other health care professional that is involved in the selection, placement, or installation of an AED. The bill would require a person or entity, other than a health facility as defined, that acquires an AED to, among other things, comply with specified regulations for the placement of the device and ensure that the AED is maintained and tested as specified. The bill would require a building owner to annually notify the tenants as to the location of the AED units and provide information to tenants about who they can contact if they want to voluntarily take AED or CPR ~~training~~ *training, to offer a demonstration to at least one person associated with the building as to the use of an AED in an emergency*, and post instructions for the use of the AED. The bill would also specify that a medical director or physician and surgeon is not required to be involved in the acquisition or placement of an AED. The bill would make related changes.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1714.21 of the Civil Code is amended
2 to read:
3 1714.21. (a) For purposes of this section, the following
4 definitions shall apply:
5 (1) “AED” or “defibrillator” means an automated external
6 defibrillator.
7 (2) “CPR” means cardiopulmonary resuscitation.
8 (b) Any person who, in good faith and not for compensation,
9 renders emergency care or treatment by the use of an AED at the
10 scene of an emergency is not liable for any civil damages resulting
11 from any acts or omissions in rendering the emergency care.
12 (c) A person or entity who provides CPR and AED training to
13 a person who renders emergency care pursuant to subdivision (b)
14 is not liable for any civil damages resulting from any acts or
15 omissions of the person rendering the emergency care.
16 (d) (1) A person or entity that acquires an AED for emergency
17 use pursuant to this section is not liable for any civil damages
18 resulting from any acts or omissions in the rendering of the
19 emergency care by use of an ~~AED~~. *AED if that person or entity*

1 *has complied with subdivision (b) of Section 1797.196 of the Health*
 2 *and Safety Code.*

3 (2) A physician and surgeon or other health care professional
 4 that is involved in the selection, placement, or installation of an
 5 AED pursuant to Section 1797.196 of the Health and Safety Code
 6 is not liable for civil damages resulting from acts or omissions in
 7 the rendering of emergency care by use of that AED.

8 (e) The protections specified in this section do not apply in the
 9 case of personal injury or wrongful death that results from the
 10 gross negligence or willful or wanton misconduct of the person
 11 who renders emergency care or treatment by the use of an AED.

12 (f) This section does not relieve a manufacturer, designer,
 13 developer, distributor, installer, or supplier of an AED or
 14 defibrillator of any liability under any applicable statute or rule of
 15 law.

16 SEC. 2. Section 1797.196 of the Health and Safety Code is
 17 amended to read:

18 1797.196. (a) For purposes of this section, “AED” or
 19 “defibrillator” means an automated external defibrillator.

20 (b) (1) In order to ensure public safety, a person or entity that
 21 acquires an AED shall do all of the following:

22 (A) Comply with all regulations governing the placement of an
 23 AED.

24 (B) Notify an agent of the local EMS agency of the existence,
 25 location, and type of AED acquired.

26 (C) Ensure that the AED is maintained and tested according to
 27 the operation and maintenance guidelines set forth by the
 28 manufacturer.

29 (D) Ensure that the AED is tested at least ~~annually~~ *biannually*
 30 and after each use.

31 (E) *Ensure that a visual inspection is made of all AEDs on the*
 32 *premises at least every 90 days for potential issues related to*
 33 *operability of the device, including a blinking light or other obvious*
 34 *defect that may suggest tampering or that another problem has*
 35 *arisen with the functionality of the AED.*

36 (F) *Ensure that records of the maintenance and testing required*
 37 *pursuant to this paragraph are maintained.*

38 (2) When an AED is placed in a building, the building owner
 39 shall do ~~both~~ *all* of the following:

1 (A) At least once a year, notify the tenants as to the location of
2 the AED units and provide information to tenants about who they
3 can contact if they want to voluntarily take AED or CPR training.

4 (B) *At least once a year, offer a demonstration to at least one*
5 *person associated with the building so that the person can be*
6 *walked through how to use an AED properly in an emergency.*
7 *The building owner may arrange for the demonstration or partner*
8 *with a nonprofit organization to do so.*

9 ~~(B)~~

10 (C) Next to the AED, post instructions, in no less than 14-point
11 type, from the manufacturer on how to use the AED.

12 (3) A medical director or other physician and surgeon is not
13 required to be involved in the acquisition or placement of an AED.

14 (c) (1) When an AED is placed in a public or private K–12
15 school, the principal shall ensure that the school administrators
16 and staff annually receive a brochure, approved as to content and
17 style by the American Heart Association or the American Red
18 Cross, that describes the proper use of an AED. The principal shall
19 also ensure that similar information is posted next to every AED.
20 The principal shall, at least annually, notify school employees as
21 to the location of all AED units on the campus. The principal shall
22 designate the trained employees who shall be available to respond
23 to an emergency that may involve the use of an AED during normal
24 operating hours. As used in this subdivision, “normal operating
25 hours” means during the hours of classroom instruction and any
26 school-sponsored activity occurring on school grounds.

27 (2) This section does not prohibit a school employee or other
28 person from rendering aid with an AED.

29 (d) A manufacturer or retailer supplying an AED shall provide
30 to the acquirer of the AED all information governing the use,
31 installation, operation, training, and maintenance of the AED.

32 (e) A violation of this section is not subject to penalties pursuant
33 to Section 1798.206.

34 (f) Nothing in this section or Section 1714.21 of the Civil Code
35 may be construed to require a building owner or a building manager
36 to acquire and have installed an AED in any building.

37 (g) For purposes of this section, “local EMS agency” means an
38 agency established pursuant to Section 1797.200.

- 1 (h) This section does not apply to facilities licensed pursuant
- 2 to subdivision (a), (b), (c), or (f) of Section 1250.

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SENATE COMMITTEE ON HEALTH**Senator Ed Hernandez, O.D., Chair**

BILL NO: SB 658
AUTHOR: Hill
VERSION: April 6, 2015
HEARING DATE: April 8, 2015
CONSULTANT: Vince Marchand

SUBJECT: Automated external defibrillators

SUMMARY: Repeals various requirements relating to persons or entities who acquire automated external defibrillators (AEDs), including requirements that employees complete training and that the AEDs be checked every 30 days, and makes the civil liability immunity in existing law for persons or entities who acquire an AED no longer conditional upon meeting specified requirements.

Existing law:

1. Provides, in the Civil Code, immunity from civil liability for the acts or omissions of any person who, in good faith and not for compensation, renders emergency care or treatment by the use of an AED at the scene of an emergency.
2. Provides, in the Civil Code, immunity from civil liability for any acts or omissions in the rendering of emergency care by the use of an AED for a person or entity that acquires an AED for emergency use, if that person or entity has complied with certain specified requirements in the Health and Safety Code.
3. Provides, in the Civil Code, immunity from civil liability for a physician who is involved with the placement of an AED, and any person or entity responsible for the site where an AED is located, if that physician, person or entity has complied with all of the requirements in specified provisions of the Health and Safety Code that apply to that physician, person or entity.
4. Provides, in the Health and Safety Code, immunity from civil liability for a person or entity that acquires an AED for any acts or omissions in the rendering of emergency care if that person or entity meets various requirements, including:
 - a. Ensures that the AED is checked for readiness after each use and at least once every 30 days;
 - b. Ensures that any person who renders emergency care or treatment by using an AED activates the emergency medical services system as soon as possible and reports the use to the licensed physician and to the local EMS agency;
 - c. Ensures that for every AED unit acquired up to five units, no less than one employee per AED unit, and one employee for every additional five units, complete a training course in cardiopulmonary resuscitation (CPR) and AED use, as specified.
 - d. Ensure that tenants in a building where an AED is placed receive a brochure describing the proper use of an AED and are notified once a year of the location of AEDs.

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5. Permits the Emergency Medical Services Authority (EMSA) to establish minimum standards for the training and use of AEDs.

This bill:

1. Repeals the requirement, in the Civil Code, that a person or entity who acquires an AED for emergency use must comply with certain specified requirements in order to have immunity from civil liability resulting from the use of the AED, thereby making this civil liability protection unconditional.
2. Recasts a provision of law in the Civil Code that provides immunity from civil liability to a physician who is involved with the placement of an AED, and any person or entity responsible for the site where an AED is located, if that physician, person, or entity has met certain specified requirements, by narrowing the immunity to only physicians or other healthcare professionals and by deleting the requirement that conditions this immunity on meeting certain requirements, thereby making this civil liability protection unconditional.
3. Repeals a provision in the Health and Safety Code that provides immunity from civil liability to a person or entity who acquires an AED if that person or entity meets certain requirements, and instead revises this provision to require persons or entities who acquire an AED to meet a reduced set of requirements (the reductions are described in 4) which no longer would have any effect on civil liability immunity.
4. Repeals, or in some cases revises, certain requirements for persons or entities that acquire AEDs, as follows:
 - a. Repeals the requirement that for every AED unit acquired up to five units, no less than one employee per AED unit, and one employee for every additional five units, complete a training course in CPR and AED use that complies with regulations adopted by EMSA.
 - b. Repeals a requirement that acquirers of AED units have trained employees who should be available to respond to an emergency that may involve the use of an AED unit during normal operating hours.
 - c. Repeals the requirement that there be a written plan that describes the procedures to be followed in the event of an emergency that may involve the use of an AED, and that this plan include immediate notification of 911 and trained office personnel at the start of AED procedures.
 - d. Repeals the requirement that the AED be checked for readiness after each use and at least once every 30 days if the AED has not been used in the preceding 30 days, and that records of these checks be maintained;
 - e. Repeals the requirement that the person or entity who acquired an AED ensure that any person who renders emergency care or treatment on a person in cardiac arrest by using an AED activate the emergency medical services system as soon as possible, and reports any use of the AED to the licensed physician and to the local EMS agency.
 - f. Repeals the requirement that building owners where an AED is placed ensure that tenants annually receive a brochure, approved by the American Heart Association or American Red Cross, which describes the proper use of an AED, that similar information is posted

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next to any installed AED, and that tenants are notified of the location of AED units at least once a year.

- g. Revises the requirement that an agent of the local EMS agency be notified of the existence, location and type of AED acquired by requiring this notification to be done by the person or entity who acquired the AED, rather than the existing law requirement that this notification be done by the person or entity that supplied the AED.
 - h. Only requires the AED to be maintained and annually tested according to the operation and maintenance guidelines set forth by the manufacturer, and repeals the additional requirements that the maintenance and testing also comply with guidelines set forth by the American Heart Association, the American Red Cross, and according to any applicable rules and regulations set forth by the governmental authority under the federal Food and Drug Administration and any other applicable state and federal authority.
5. Specifies that a medical director or other physician is not required to be involved in the acquisition or placement of an AED.
 6. Specifies that the requirements relating to persons or entities acquiring AEDs do not apply to licensed hospitals or skilled nursing facilities.
 7. Specifies that a provision of existing law that governs the placement of AEDs in public or private K-12 schools, which includes a requirement that the principle designate trained employees who are to be available to respond to an emergency involving the use of an AED, does not prohibit a school employee or other person from rendering aid with an AED.

FISCAL EFFECT: This bill is keyed non-fiscal.

COMMENTS:

1. **Author's statement.** According to the author, this bill increases the likelihood that AEDs will be installed in buildings throughout the state by reducing outdated requirements imposed on building owners who voluntarily install AEDs. Sudden cardiac arrest kills nearly 1,000 people per day in the US and ends the lives of 350,000 people annually. It can happen to anyone, anytime, anywhere and at any age. The single most effective intervention during sudden cardiac arrest is the use of an AED which can safely restore the heart's normal rhythm. A study by Johns Hopkins University found that Good Samaritan access to AEDs doubles survival from sudden heart attack. Researchers found - in real-life, emergency situations - that use of AEDs by random bystanders more than doubled survival rates among victims felled by a sudden heart stoppage due to a heart attack or errant heart rhythm.
2. **Background.** According to the American Heart Association (AHA), an AED is a lightweight, portable device that delivers an electric shock through the chest to the heart. The shock can stop an irregular rhythm and allow a normal rhythm to resume in a heart in sudden cardiac arrest. Sudden cardiac arrest is an abrupt loss of heart function. If it is not treated within minutes, it quickly leads to death. The AED has a built-in computer which assesses the patient's heart rhythm, determines whether the person is in cardiac arrest, and signals whether to administer the shock. Audible cues guide the user through the process.

According to the AHA, each year in the U.S., there are approximately 359,400 Emergency Medical Services (EMS)-assessed cardiac arrests outside of a hospital setting and on average,

less than 10 percent of victims survive. Early defibrillation, along with CPR, is the only way to restore the victim's heart rhythm to normal in a lot of cases of cardiac arrest. For every minute that passes without CPR and defibrillation, however, the chances of survival decrease by 7 to 10 percent. The 2013 Update of AHA's Heart Disease and Stroke Statistics shows that 23 percent of out-of-hospital cardiac arrests are "shockable" arrhythmias, or those that respond to a shock from an AED, making AEDs in public places highly valuable. Yet, AHA states there are not enough AEDs and persons trained in using them and performing CPR to provide this life-saving treatment, resulting in lost opportunities to save more lives. Communities with comprehensive AED programs that include CPR and AED training for rescuers have achieved survival rates of nearly 40 percent for cardiac arrest victims. AHA states on its website that it supports placing AEDs in targeted public areas such as sports arenas, gate communities, office complexes, doctor's offices, shopping malls, etc. When AEDs are placed in the community or a business or facility, AHA strongly encourages that they be part of a defibrillation program which includes notification to the local EMS office when an AED is acquired, that a licensed physician or medical authority provides medical oversight to ensure quality control, and that persons responsible for using the AED are trained in CPR and how to use an AED.

3. **EMSA regulations.** In 1990, EMSA adopted a package of regulations entitled "Lay Rescuer Automated External Defibrillator Regulations." These regulations predate the civil immunity provisions that this bill revises, which were first enacted in 1999. Much of the regulations were incorporated into the later-enacted Health and Safety Code requirements that are being repealed or revised by this bill, including the employee training requirements and the requirement that the AED be checked every 30 days. However, these regulations also include a requirement that any agency, business, organization or individual who purchases an AED for use in a medical emergency (an AED Service Provider) must have a physician medical director who is required to be involved in developing an internal emergency response plan and who is responsible for ensuring compliance with training, notification and maintenance requirements. This bill includes a provision that specifies that a medical director or other physician is not required to be involved in the acquisition or placement of an AED.
4. **CDC report on public access defibrillation.** The Centers for Disease Control and Prevention (CDC) published an article in 2010 that reviewed state laws on public access defibrillation (PAD) policies, and the extent to which 13 PAD program elements, based on AHA recommendations, were mandated in each state. These 13 elements range from targeted AED site placement, CPR and AED training of anticipated rescuers, maintenance and testing, coordination with emergency medical services and oversight by medical professionals, and liability protection. The article concluded that PAD programs in many states are at risk of failure because critical elements such as maintenance, medical oversight, EMS notification, and continuous quality improvement are not required. The article recommended that policy makers consider strengthening PAD policies by enacting laws that require strategic placement of AEDs in high-risk locations or mandatory PAD registries that are coordinated with local EMS and dispatch centers. California was identified as one of the states with the highest rate of adoption of the 13 PAD elements, although no state had mandated all 13 elements. The article stated that because it only analyzed the extent to which states had enacted specific PAD elements, it was unable to associate cardiac arrest survival rates with the strength of a state policy, and stated that further research is needed to identify the most effective PAD policies for increasing AED use by lay persons and improving survival rates.

- 5. Reliability of AEDs.** In January of this year, the U.S. Food and Drug Administration (FDA) announced that it was going to strengthen its review of AEDs by requiring AED manufacturers to submit premarket approval applications, which undergo a more rigorous review that was required to market these devices in the past. According to the FDA, there has been a history of malfunction issues. From January 2005 through September of 2014, the FDA received approximately 72,000 medical device reports associated with the failure of these devices, and that since 2005, manufacturers have conducted 111 recalls, affecting more than two million AEDs. The FDA stated that it did not intend to enforce the premarket approval requirement until August 3, 2016, as long as manufacturers notify the FDA of their intent to file a premarket approval application by May 4, 2015.

This bill, among other provisions, repeals a requirement that AEDs be checked for readiness at least once every 30 days, instead only requiring the AEDs to be maintained and annually tested according to the operation and maintenance guidelines set forth by the manufacturer.

- 6. Double referral.** This bill is double referred. Should it pass out of this committee, it will be referred to the Senate Judiciary Committee.
- 7. Related legislation.** SB 287 (Hueso), would require certain specified buildings with occupancies of 200 or more constructed on or after January 1, 2016, excluding structures owned or operated by the state or any local government building, to have an AED on the premises, and provides for civil immunity to the person or entity that supplies the AED, conditional upon meeting the requirements in existing law relating to the acquisition of an AED. *This bill is scheduled to be heard in this committee on April 15th.*
- 8. Prior legislation.** AB 939 (Melendez) of 2013 proposed to provide qualified immunity for a school district and its employees who use, attempt to use, or do not use an AED to render emergency care, and stated the intent of the Legislature to encourage all public schools to acquire an AED, and permitted schools to solicit and receive nonstate funds for that purpose. *AB 939 was held on the Senate Appropriations Committee suspense file.*

SB 1436 (Lowenthal), Chapter 71, Statutes of 2012, removed the sunset date, thereby making permanent, the existing protections that provide immunity from civil damages in connection with the use of AEDs.

SB 63 (Price) of 2011 would have stated the intent of the Legislature that all public high schools acquire and maintain at least one AED and would require schools that decide to acquire and maintain an AED, or to continue to use and maintain an existing AED, to comply with specified requirements. *SB 63 was held in the Senate Appropriations Committee.*

SB 1281 (Padilla) of 2010 was similar to this bill in making the civil immunity protection unconditional, but it went farther in eliminating all requirements relating to the acquisition of AEDs. *SB 1281 failed passaged in Senate Judiciary Committee.*

SB 127 (Calderon), Chapter 500, Statutes of 2010, removed the July 1, 2012 sunset date for existing requirements that every health studio acquires and maintains an AED and trains personnel in its use thereby extending these requirements indefinitely.

AB 1312 (Swanson) of 2009 would have made the current requirements for health studios to purchase, maintain, and train staff in the use of AEDs applicable to amusement parks and

golf courses. This bill also proposed to extend the sunset date on this requirement from July 1, 2012 to July 1, 2014. *AB 1312 was vetoed by the Governor.*

AB 2083 (Vargas), Chapter 85, Statutes of 2006, extended the sunset date from 2008 to 2013 on the operative provisions of existing law which provide immunity from civil damages for persons or entities that acquire AEDs and comply with maintenance, testing, and training requirements.

AB 1507 (Pavley), Chapter 431, Statutes of 2005, required all health studios in the state to have automatic external defibrillators (AEDs) available with properly trained personnel until July 1, 2012.

AB 254 (Nakanishi), Chapter 111, Statutes of 2005, required the principal of a public or private K-12 school to meet certain requirements in order to be exempt from liability for civil damages associated with the use of an AED.

AB 2041 (Vargas), Chapter 718, Statutes of 2002, expanded the immunity protections for the use or purchase of an AED, and included a sunset date of 2008.

SB 911 (Figueroa), Chapter 163, Statutes of 1999, created qualified immunity from civil liability for trained persons who use in good faith and without compensation an AED in rendering emergency care or treatment at the scene of an emergency.

9. Support. Philips, a maker of AEDs, states in support that California's current AED liability requirements are onerous, outdated, and do not reflect the current capabilities of AEDs in the marketplace. Building owners and those responsible for sites where AEDs are located are therefore dissuaded from purchasing and placed AEDs, out of fear they will not be granted immunity from civil liability. The California State Sheriffs' Association states in support that by eliminating outdated and burdensome requirements that must be met to confer protection from liability, the Legislature could encourage wider access to AEDs and increase their life-saving capacity. The California Business Properties Association, the Building Owners and Managers Association of California, the Commercial Real Estate Development Association, and the International Council of Shopping Centers jointly write in support that existing law may have made sense over a decade ago, but due to evolving technology and ease of AED use, have since become an anachronism and are an impediment to installation. The California Chamber of Commerce notes in support that this bill still holds a manufacturer, developer, installer, or distributor liable for potential product defects or performance, and that this bill continues to mandate that any person or entity that acquires an AED notify the local EMS agency of its placement as well as ensure that the AED is regularly maintained and tested. The American Heart Association states in support that while it believes that requirements in current law are important, it knows that sudden cardiac arrest is 100 percent fatal if not treated quickly.

10. Opposition. This bill is also opposed by the Rescue Training Institute, which states that it is not a good approach to providing CPR and AED in the community by expecting a non-trained employee or bystander to retrieve, deploy, apply and utilize the AED to safely defibrillate a patient in sudden cardiac arrest. Only through approved national training programs can one learn how to confidently and competently perform CPR and utilize an AED. The Rescue Training Institute also opposes the repeal of the monthly inspection requirement and the requirement that the AED be checked after each use.

11. Oppose unless amended. Consumer Attorneys of California (CAC) opposes this bill unless it is amended to keep important training and maintenance protections. According to CAC, current law provides an AED acquirer with qualified immunity if specific requirements are complied with, which include proper maintenance and testing of the AED and assurance that trained employees are available to respond to an emergency. CAC asserts that keeping these safeguards intact is necessary to ensure that AEDs can be as effective as possible in the event of sudden cardiac arrest. CAC cites a CDC report, which states that public access defibrillation programs in many states “are at risk of failure because critical elements such as maintenance, medical oversight, emergency medical service notification, and continuous quality improvement are not required.” CAC also states that this bill deletes requirements that the AED be checked at least once every 30 days, and would instead only require a check every year. According to CAC, the most common cause for an AED malfunctioning is a dead battery, and that the existing requirement to check an AED monthly ensures that a faulty battery can be caught early and remedied.

SUPPORT AND OPPOSITION:

Support: American Heart Association
 Building Owners and Managers Association of California
 California Ambulance Association
 California Apartment Association
 California Business Properties Association
 California Chamber of Commerce
 California Hospital Association
 California Retailers Association
 California State Sheriffs’ Association
 Civil Justice Association of California
 Commercial Real Estate Development Association
 El Camino Hospital
 International Council of Shopping Centers
 Philips

Oppose: Consumer Attorneys of California (unless amended)
 Rescue Training Institute

-- END --

AMENDED IN SENATE MAY 4, 2015

SENATE BILL

No. 788

Introduced by Senator McGuire

(Principal coauthors: Senators Jackson and Leno)

(Coauthors: Senators Allen, Hancock, *Monning*, and Wolk)

(Coauthors: Assembly Members Dodd, Levine, Mark Stone, and
Williams)

February 27, 2015

An act to repeal Section 6244 of the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 788, as amended, McGuire. California Coastal Protection Act of 2015.

The California Coastal Sanctuary Act of 1994 authorizes the State Lands Commission to enter into a lease for the extraction of oil or gas from state-owned tide and submerged lands in the California Coastal Sanctuary if the commission determines that the oil or gas deposits are being drained by means of producing wells upon adjacent federal lands and the lease is in the best interest of the state.

This bill would enact the California Coastal Protection Act of 2015, which would delete this authorization. The bill would make related legislative findings and declarations.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:

3 (1) California's coast is 840 miles long. California's coastal
4 economies contribute \$40 billion annually to the state's economy,
5 and nearly half a million jobs. Commercial fisheries in California
6 are valued at more than \$7 billion annually. Ocean dependent
7 tourism is valued at over \$10 billion annually. Recreational fishing
8 is valued at over \$2 billion annually along California's coast.

9 (2) The California coastal current system hosts a wide variety
10 of marine mammals, seabirds, sea turtles, marine fishes, and
11 invertebrates, including many threatened and endangered animals.
12 The ocean off of California's coast also supports rare, deep-water
13 coral habitats that provide habitat for abundant marine life.

14 (3) The California coastline provides habitat for many threatened
15 or endangered species.

16 (4) The coast of California is home to numerous protected areas,
17 including national marine sanctuaries, a national park, and a
18 national seashore.

19 (5) Outdoor coastal recreation is a crucial part of California's
20 business and recreation, including boating, wildlife viewing, hiking,
21 beach visitation, swimming, surfing, and diving. Additionally,
22 many of California's indigenous populations rely on fisheries for
23 subsistence, business, and recreation.

24 (6) The California Coastal Sanctuary Act of 1994 passed with
25 bipartisan support. The act prohibits any extraction of oil or gas
26 in certain state waters under a new lease, but it also provides an
27 exception that authorizes the extraction of oil or gas from
28 state-owned tide and submerged lands in certain circumstances.
29 Because of this exception, the act falls short of providing a
30 complete ban on new *leases for offshore oil drilling in state waters*.

31 (7) California has established a network of marine protected
32 areas. The exception for *new state leases for offshore oil drilling*
33 in the California Coastal Sanctuary Act of 1994 threatens that
34 network of marine protected areas.

35 (8) Pursuant to an agreement with the federal government,
36 California receives a portion of the royalties on oil and gas
37 produced in federal waters.

1 (9) California has not issued new offshore oil ~~permits~~ *leases* for
2 over 50 years and has intentionally foregone any revenue from
3 *any new leases and the associated* offshore oil development in
4 state waters and federal waters. The Legislature, Governor, and
5 State Lands Commission have repeatedly called upon the federal
6 government to prohibit any *new* offshore oil ~~drilling~~ *development*
7 *leases* in federal waters off the California coast.

8 (10) The federal and state government, as well as the people of
9 California, have consistently expressed support for an energy policy
10 that transitions our use from fossil fuel to more renewable energy,
11 greater fuel efficiency, and conservation.

12 (11) The Governor of California, along with the governors of
13 Oregon and Washington, have repeatedly expressed their “strong
14 opposition” to any offshore oil development off of the West Coast.
15 In a *July 2014* letter to the President of the United States, they
16 wrote: “While new technology reduces the risk of a catastrophic
17 event such as the 1969 Santa Barbara oil spill, a sizeable spill
18 anywhere along our shared coast would have a devastating impact
19 on our population, recreation, natural resources, and our ocean and
20 coastal dependent economies.” They further wrote that: “Oil and
21 gas leasing may be appropriate for regions where there is state
22 support for such development and the impacts can be mitigated.
23 However, along the West Coast, our states stand ready to work
24 with the Obama Administration to help craft a comprehensive and
25 science-based national energy policy that aligns with the actions
26 we are taking to invest in energy efficiency, alternative renewable
27 energy sources, and pricing carbon.”

28 (b) This act shall be known, and may be cited, as the California
29 Coastal Protection Act of 2015.

30 SEC. 2. Section 6244 of the Public Resources Code is repealed.

California Coastal Protection Act of 2015

Senator McGuire

Summary

California's coast is extraordinarily diverse. Its natural splendor attracts over 150 million visitors annually from all around the world seeking to witness its unparalleled beauty. While northern California is known for its majestic redwoods and rocky shores, southern California is known for its palm trees and warm sandy beaches.

California has the world's 8th largest economy. Coastal communities contribute \$40 billion annually to the state's economy, and provide nearly half a million important jobs. Commercial fisheries in the state are valued at more than \$7 billion annually. Ocean dependent tourism is valued at over \$10 billion annually. Recreational fishing is valued at over \$2 billion annually along California's coast.

Background

In 1969, Santa Barbara experienced one of the nation's worst oil spills. The oil spill resulted from a well drilling blow-out at an offshore platform off of Santa Barbara County's coast. The incident lasted 11 days and spilled an estimated 4.2 million gallons of crude oil. Two hundred square miles of ocean and 35 miles of California coastline were oiled and thousands of animals were killed.

As a result, California has taken a position to intentionally forgo any revenue from new offshore oil development due to the unacceptably high risk, and has instead focused on developing clean renewable energy.

In 1994, the California Legislature intended to codify a ban on new offshore oil and gas leases by passing the California Coastal Sanctuary Act. The Act states that "oil and gas production in certain areas of state waters poses an unacceptably high risk of damage and disruption to the marine environment of the state."

However, the Coastal Sanctuary Act also contains a loophole from the offshore extraction prohibition, Public Resources Code 6244, by allowing new oil leases if the "State Lands Commission determines that oil and gas deposits contained in tidelands are being drained by means of wells upon adjacent federal lands and leasing of the tidelands for oil or gas production is in the best interest of the State."

In 1999, the state passed the Marine Life Protection Act (MLPA). Marine Protected Areas are designed to protect or conserve marine life and habitat. Fish and Game Code Section 2853 states that the goal of designating a region as a Marine Protected Area is to increase "effectiveness at protecting the state's marine life, habitat and ecosystems."

As the Governors of California, Washington and Oregon recently expressed in a letter to the President of the United States "a sizeable spill anywhere along our shared coast would have a devastating impact on our population, recreation, natural resources, and our ocean and coastal dependent economies."

Problem

California's coast acts as a meeting point for the warm waters from the South and the cold waters of the North. As a result, California's coast is recognized as one of only five locations in the world that produces such diverse sea life, marine ecology and vegetation.

Allowing for new offshore oil drilling, at the same time stating it poses too great of a risk, is a contradiction within the Coastal Sanctuary Act. This glaring inconsistency is compounded as a result of the subsequent passage of the MLPA, which provided stringent new marine protections guidelines in the same coastal regions that remain open to new offshore oil drilling that is authorized under the Coastal Sanctuary Act.

As a result, the Coastal Sanctuary Act and Marine Life Protection Act have conflicting mandates, which allow for offshore drilling in areas that were subsequently designated to protect and conserve marine life.

Solution

The Coastal Sanctuary Act should be updated to reflect the goals established as a result of the subsequent passage of the Marine Life Protection Act.

We have seen, globally, the environmental and economic impacts of highly regulated projects going wrong, such as Deepwater Horizon. Even the slightest chance of an oil spill in a Marine Protected Area far outweighs any potential benefit to the state.

Protecting our coastal resources, which act as a major economic engine, benefits all Californians and will help the state achieve its greenhouse gas reduction targets and the Governor's vision of reducing petroleum use by up to 50 percent. SB 788 repeals PRC 6244 to ensure that the Coastal Sanctuary Act and Marine Life Protection Act are able to provide their intended protections.

Contact

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Support

California Coastkeeper Alliance
 California Coastal Protection Network
 California League of Conservation Voters
 California Sea Urchin Commission
 California Sport Fishing League
 California Trout
 Center for Biological Diversity
 Clean Water Action
 Coast Seafoods Company
 Defenders of Wildlife
 Environment California
 Environmental Action Committee of West Marin
 Environmental Defense Fund
 Fishing Vessel Corregidor
 Golden Gate Salmon Association
 Habematolel Pomo of Upper Lake
 Heal the Bay
 Hog Island Oyster Company
 Humboldt Baykeeper
 Kayak Zak's
 Land Trust of Santa Cruz County
 League of Women Voters of California
 Mad River Alliance
 Natural Resources Defense Council
 Ocean Outfall Group
 Pacific Coast Federation of Fishermen's Associations
 Santa Barbara Environmental Defense Center
 Santa Ynez Valley Alliance
 Sherwood Valley Band of Pomo Indians
 Sierra Club California
 Smith River Rancheria
 Surfrider Foundation
 The Northcoast Environmental Center
 The Wildlands Conservancy
 Union of Concerned Scientist
 West Marin Environmental Action Committee
 1 Individual



AMENDED IN ASSEMBLY APRIL 29, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 361

Introduced by Assembly Member Achadjian
(Coauthor: Senator Monning)

February 17, 2015

An act to add Section 8610.5 to the Government Code, relating to emergency services.

LEGISLATIVE COUNSEL'S DIGEST

AB 361, as amended, Achadjian. California Emergency Services Act: nuclear powerplants.

Existing law, the California Emergency Services Act, authorizes local government entities to create disaster councils by ordinance and in turn develop disaster plans specific to their jurisdictions. Existing law, the Radiation Protection Act of 1999, requires local governments to develop and maintain radiological emergency preparedness and response plans to safeguard the public in the emergency planning zone around a nuclear ~~powerplant~~ *powerplant*, and generally makes the Office of Emergency Services responsible for the coordination and integration of all emergency planning programs and response plans created pursuant to the Radiation Protection Act of 1999. The California Emergency Services Act, until July 1, 2019, prescribes a method for funding state and local costs for carrying out these activities that are not reimbursed by federal funds, with the costs borne by utilities operating nuclear powerplants with a generating capacity of 50 megawatts or more.

This bill, operative July 1, 2019, would extend, until July 1, ~~2024~~, 2025, the method for funding state and local costs for emergency service activities associated with a nuclear powerplant, as described above, with respect to a utility operating a nuclear powerplant with a generating capacity of 50 megawatts or more, thereby extending an amount, as specified, available for disbursement for local costs for the Diablo Canyon site.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8610.5 is added to the Government Code,
2 to read:
3 8610.5. (a) For purposes of this section:
4 (1) “Office” means the Office of Emergency Services.
5 (2) “Previous fiscal year” means the fiscal year immediately
6 prior to the current fiscal year.
7 (3) “Utility” means an “electrical corporation” as defined in
8 Section 218 of the Public Utilities Code.
9 (b) (1) State and local costs to carry out activities pursuant to
10 this section and Chapter 4 (commencing with Section 114650) of
11 Part 9 of Division 104 of the Health and Safety Code that are not
12 reimbursed by federal funds shall be borne by a utility operating
13 a nuclear powerplant with a generating capacity of 50 megawatts
14 or more.
15 (2) The Public Utilities Commission shall develop and transmit
16 to the office an equitable method of assessing a utility operating
17 a powerplant for its reasonable share of state agency costs specified
18 in paragraph (1).
19 (3) Each local government involved shall submit a statement
20 of its costs specified in paragraph (1), as required, to the office.
21 (4) Upon notification by the office, from time to time, of the
22 amount of its share of the actual or anticipated state and local
23 agency costs, a utility shall pay this amount to the Controller for
24 deposit in the Nuclear Planning Assessment Special Account,
25 which is continued in existence, for allocation by the Controller,
26 upon appropriation by the Legislature, to carry out activities
27 pursuant to this section and Chapter 4 (commencing with Section
28 114650) of Part 9 of Division 104 of the Health and Safety Code.

1 The Controller shall pay from this account the state and local costs
2 relative to carrying out this section and Chapter 4 (commencing
3 with Section 114650) of Part 9 of Division 104 of the Health and
4 Safety Code, upon certification of the costs by the office.

5 (5) Upon appropriation by the Legislature, the Controller may
6 disburse up to 80 percent of a fiscal year allocation from the
7 Nuclear Planning Assessment Special Account, in advance, for
8 anticipated local expenses, as certified by the office pursuant to
9 paragraph (4). The office shall review program expenditures related
10 to the balance of funds in the account and the Controller shall pay
11 the portion, or the entire balance, of the account, based upon those
12 approved expenditures.

13 (c) (1) The total annual disbursement of state costs from a utility
14 operating a nuclear powerplant within the state for activities
15 pursuant to this section and Chapter 4 (commencing with Section
16 114650) of Part 9 of Division 104 of the Health and Safety Code,
17 shall not exceed the lesser of the actual costs or the maximum
18 funding levels established in this section, subject to subdivisions
19 (e) and (f).

20 (2) *Of the annual amount of two million forty-seven thousand*
21 *dollars (\$2,047,000) for the 2009–10 fiscal year, the sum of one*
22 *million ninety-four thousand dollars (\$1,094,000) shall be for*
23 *support of the office for activities pursuant to this section and*
24 *Chapter 4 (commencing with Section 114650) of Part 9 of Division*
25 *104 of the Health and Safety Code, and the sum of nine hundred*
26 *fifty-three thousand dollars (\$953,000) shall be for support of the*
27 *State Department of Public Health for activities pursuant to this*
28 *section and Chapter 4 (commencing with Section 114650) of Part*
29 *9 of Division 104 of the Health and Safety Code.*

30 (d) (1) The total annual disbursement for each fiscal year,
31 commencing July 1, 2009, of local costs from a utility shall not
32 exceed the lesser of the actual costs or the maximum funding levels
33 established in this section, in support of activities pursuant to this
34 section and Chapter 4 (commencing with Section 114650) of Part
35 9 of Division 104 of the Health and Safety Code. The maximum
36 annual amount available for disbursement for local costs, subject
37 to subdivisions (e) and (f), shall, for the fiscal year beginning July
38 1, 2009, be one million seven hundred thirty-two thousand dollars
39 (\$1,732,000) for the Diablo Canyon site.

AB 361

— 4 —

1 (2) The amounts paid by a utility under this section shall be
2 allowed for ratemaking purposes by the Public Utilities
3 Commission.

4 (e) The amounts available for disbursement for state and local
5 costs as specified in this section shall be adjusted and compounded
6 each fiscal year by the larger of the percentage change in the
7 prevailing wage for San Luis Obispo County employees, not to
8 exceed 5 percent, or the percentage increase in the California
9 Consumer Price Index from the previous fiscal year.

10 (f) Through the inoperative date specified in subdivision (h),
11 the amounts available for disbursement for state and local costs
12 as specified in this section shall be cumulative biennially. Any
13 unexpended funds from a year shall be carried over for one year.
14 The funds carried over from the previous year may be expended
15 when the current year's funding cap is exceeded.

16 (g) This section shall become operative on July 1, 2019.

17 (h) This section shall become inoperative on July 1, ~~2024~~, 2025,
18 and, as of January 1, ~~2025~~, 2026, is repealed.

19 (i) When this section becomes inoperative, any amounts
20 remaining in the special account shall be refunded to a utility
21 contributing to it, to be credited to the utility's ratepayers.

O

AMENDED IN SENATE APRIL 21, 2015

SENATE BILL**No. 657**

Introduced by Senator Monning
(Coauthor: Senator Jackson)

February 27, 2015

An act to ~~amend Section 1374.21 of the Health and Safety Code, and to amend Section 10199.1 of the Insurance Code, relating to health care coverage.~~ *add Section 712 to the Public Utilities Code, relating to electricity, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 657, as amended, Monning. ~~Health coverage: contracts.~~ *Diablo Canyon Units 1 and 2: enhanced seismic studies and review: independent peer review panel.*

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including electrical corporations. Existing law authorizes the commission to fix the rates and charges for every public utility, and requires that those rates and charges be just and reasonable. Existing law requires the commission, for purposes of establishing rates for any electrical corporation, to disallow expenses reflecting the direct or indirect costs resulting from any unreasonable error or omission relating to the planning, construction, or operation of any portion of the corporation's plant which cost, or is estimated to have cost, more than \$50,000,000, including any expenses resulting from delays caused by any unreasonable error or omission. For these purposes, "planning" includes activities related to the initial and subsequent assessments of the need for a plant construction project and includes investigation and interpretation of environmental factors such as seismic conditions.

SB 657

— 2 —

This bill would require the commission to convene, or continue, until January 1, 2025, an independent peer review panel to conduct an independent review of enhanced seismic studies and surveys of the Diablo Canyon Units 1 and 2 powerplant, including the surrounding areas of the facility and areas of nuclear waste storage.

This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and makes a willful violation of the act a crime. Existing law also provides for the regulation of health insurers by the Department of Insurance. Existing law regulates the manner in which a plan or insurer makes premium or coverage changes to a contract, including requiring prescribed notice to enrollees and insureds within a specified time period.~~

~~This bill would make technical, nonsubstantive changes to these provisions:~~

~~Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: ~~no~~^{yes}. State-mandated local program: no.~~

The people of the State of California do enact as follows:

1 SECTION 1. Section 712 is added to the Public Utilities Code,
2 to read:

3 712. (a) *The commission shall convene, or continue, until*
4 *January 1, 2025, an independent peer review panel to conduct an*
5 *independent review of enhanced seismic studies and surveys of*
6 *the Diablo Canyon Units 1 and 2 powerplant, including the*
7 *surrounding areas of the facility and areas of nuclear waste*
8 *storage.*

9 (b) *The independent peer review panel shall contract with the*
10 *Energy Commission, the California Geological Survey of the*
11 *Department of Conservation, the California Coastal Commission,*
12 *the Alfred E. Alquist Seismic Safety Commission, the Office of*
13 *Emergency Services, and the County of San Luis Obispo to*
14 *participate on the panel and provide expertise.*

15 (c) *The independent peer review panel shall review the seismic*
16 *studies and hold public meetings.*

1 (d) *The commission shall make reports by the independent peer*
 2 *review panel publicly available on the Internet Web site maintained*
 3 *by the commission.*

4 *SEC. 2. This act is an urgency statute necessary for the*
 5 *immediate preservation of the public peace, health, or safety within*
 6 *the meaning of Article IV of the Constitution and shall go into*
 7 *immediate effect. The facts constituting the necessity are:*

8 *The Public Utilities Commission in Decision 10-08-003 (August*
 9 *12, 2010) convened an independent peer review panel to review*
 10 *the seismic studies conducted on behalf of Pacific Gas and Electric*
 11 *Company relative to the Diablo Canyon Units 1 and 2 powerplant.*
 12 *The independent peer review panel, in addition to providing*
 13 *valuable expertise to the commission in evaluating the seismic*
 14 *studies, also operates to assure the public that the seismic studies*
 15 *are being performed in an appropriate manner. Because the*
 16 *commission's current contracts for the independent peer review*
 17 *panel are set to expire on November 30, 2015, the Diablo Canyon*
 18 *Units 1 and 2 powerplant is authorized to operate until January*
 19 *1, 2025, by the federal Nuclear Regulatory Commission, and there*
 20 *continues to be enhanced seismic studies and surveys conducted*
 21 *that warrant review by the independent peer review panel to ensure*
 22 *the safety of the public, it is necessary that this act take effect*
 23 *immediately.*

24 ~~SECTION 1. Section 1374.21 of the Health and Safety Code~~
 25 ~~is amended to read:~~

26 ~~1374.21. (a) A change in premium rates or changes in coverage~~
 27 ~~stated in a group health care service plan contract shall not become~~
 28 ~~effective unless the plan has delivered in writing a notice indicating~~
 29 ~~the change or changes at least 60 days prior to the contract renewal~~
 30 ~~effective date.~~

31 ~~(b) A health care service plan that declines to offer coverage to~~
 32 ~~or denies enrollment for a large group applying for coverage shall,~~
 33 ~~at the time of the denial of coverage, provide the applicant with~~
 34 ~~the specific reason or reasons for the decision in writing, in clear,~~
 35 ~~easily understandable language.~~

36 ~~SEC. 2. Section 10199.1 of the Insurance Code is amended to~~
 37 ~~read:~~

38 ~~10199.1. (a) An insurer or nonprofit hospital service plan or~~
 39 ~~administrator acting on its behalf shall not terminate a group master~~
 40 ~~policy or contract providing hospital, medical, or surgical benefits;~~

1 increase premiums or charges therefor, reduce or eliminate benefits
2 thereunder, or restrict eligibility for coverage thereunder without
3 providing prior notice of that action. The action shall not become
4 effective unless written notice of the action was delivered by mail
5 to the last known address of the appropriate insurance producer
6 and the appropriate administrator, if any, at least 45 days prior to
7 the effective date of the action and to the last known address of
8 the group policyholder or group contractholder at least 60 days
9 prior to the effective date of the action. If nonemployee certificate
10 holders or employees of more than one employer are covered under
11 the policy or contract, written notice shall also be delivered by
12 mail to the last known address of each nonemployee certificate
13 holder or affected employer or, if the action does not affect all
14 employees and dependents of one or more employers, to the last
15 known address of each affected employee certificate holder, at
16 least 60 days prior to the effective date of the action.

17 (b) A holder of a master group policy or a master group
18 nonprofit hospital service plan contract or administrator acting on
19 its behalf shall not terminate the coverage of, increase premiums
20 or charges for, or reduce or eliminate benefits available to, or
21 restrict eligibility for coverage of a covered person, employer unit,
22 or class of certificate holders covered under the policy or contract
23 for hospital, medical, or surgical benefits without first providing
24 prior notice of the action. The action shall not become effective
25 unless written notice was delivered by mail to the last known
26 address of each affected nonemployee certificate holder or
27 employer, or if the action does not affect all employees and
28 dependents of one or more employers, to the last known address
29 of each affected employee certificate holder, at least 60 days prior
30 to the effective date of the action.

31 (c) A health insurer that declines to offer coverage to or denies
32 enrollment for a large group applying for coverage shall, at the
33 time of the denial of coverage, provide the applicant with the
34 specific reason or reasons for the decision in writing, in clear,
35 easily understandable language.

O

SB 657 FACT SHEET
SENATOR BILL MONNING
INDEPENDENT PEER REVIEW PANEL

PROPOSED BILL

Senate Bill (SB) 657 codifies and requires the California Public Utilities Commission to convene an Independent Peer Review Panel to conduct an independent review of enhanced seismic studies and surveys of the Diablo Canyon Power Plant, including the surrounding areas of the facility and areas of nuclear waste storage until January 1, 2025.

The Independent Peer Review Panel shall obtain expertise and participation from the Energy Resources Conservation and Development Commission, the California Geologic Survey, the California Coastal Commission, the California Seismic Safety Commission, the California Office of Emergency Services, and the County of San Luis Obispo.

BACKGROUND

The Diablo Canyon Power Plant is owned and operated by Pacific Gas and Electric (PG&E) and located on the California coast in San Luis Obispo County. The Plant is the only nuclear facility operating in the state and is licensed by the Nuclear Regulatory Commission (NRC). Unit 1 is licensed to operate until 2024 and Unit 2 is licensed to operate until 2025.

California has many seismic faults and power plants may be vulnerable in the event of an earthquake. This has prompted the Legislature to require the Energy Resources Conservation and Development Commission to plan and forecast this vulnerability as part of its Integrated Energy Policy Report (AB 1632, Statutes of 2006), which in turn

encouraged the California Public Utilities Commission (CPUC) to incorporate recommendations for enhanced seismic evaluations for Diablo Canyon.

Needing seismic and geologic expertise on PG&E's evaluation of Diablo Canyon, the CPUC decided to convene and contract an Independent Peer Review Panel (IPRP) on August 16, 2010 (D.10-08-003). The IPRP provides the CPUC with recommendations for studies to further refine its understanding of the potential seismic hazards at Diablo Canyon, as well as provides an independent review and comments on PG&E's study plans and findings.

NEED FOR LEGISLATION

The Independent Peer Review Panel's contract with the CPUC is set to expire on November 30, 2015, even though it has not completed its review of PG&E's studies and findings regarding the Diablo Canyon power Plant.

In order to ensure there is no break in the review process by the IPRP, SB 657 codifies the Panel and extends its oversight to coincide with Diablo Canyon's licensure by the NRC.

After the accident at the Fukushima Dai-ichi nuclear power plant in Japan, the NRC is requiring a re-evaluation of the risk that external hazards pose to Diablo Canyon, such as earthquakes, and on March 12, 2015, PG&E submitted a Seismic & Flooding Hazards Re-evaluation report.

Given that NRC's re-evaluation will go beyond the IPRP's contact date, the public would be best served if the IPRP could continue its work. SB 657 is a responsible state action to ensure the public's safety with an independent peer review of the Diablo Canyon Power Plant.

SUPPORT

None at this time

OPPOSITION

None at this time

FOR MORE INFORMATION

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