

**DEPARTMENT OF BOATING AND WATERWAYS**

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To: Boating and Waterways Commission Members  
From: Department of Boating and Waterways, Legislative Unit  
Subject: LEGISLATIVE REPORT, March 2, 2011

This report was prepared on February 15, 2011.

**ASSEMBLY BILLS**

**AB 49 (Gatto) Development: expedited permit review.** This bill would require the Office of Permit Assistance to provide information to developers explaining the permit approval process at the state and local levels, or assisting them in meeting statutory environmental quality requirements, as specified. The bill would require the office to assist state and local agencies in streamlining the permit approval process, and an applicant in identifying any permit required by a state agency for the proposed project. The bill would authorize the office to call a conference of parties at the state level to resolve questions or mediate disputes arising from a permit application for a development project. This bill contains other related provisions and other existing laws.

Sponsor: Author

Status: Introduced 12/06/2010, referred to Local Government Committee

Department Position: No approved position

**SENATE BILLS**

**SB 14 (Wolk) State Budget.** This bill would require the budget submitted by the Governor to the Legislature, starting in the 2014-15 fiscal year, to be developed using performance-based budgeting, as defined, for each state agency. This bill would require the budget of a state agency submitted to the Department of Finance to utilize performance-based budgeting for all programs, as defined. The bill would authorize a joint committee to propose changes to state programs. The bill also would establish a task force comprised of the Director of Finance, the Controller, and the chairpersons and vice chairpersons of the Senate Committee on Budget and Fiscal Review and Assembly Committee on Budget. The task force would develop performance-based budgeting guidelines, procedures and phase-in requirements, and would review a performance-based budgeting training program developed by the Department of Finance for state agency personnel.

Sponsor: Author

Status: To be heard in Governance and Finance Committee on 02/23/2011

Department Position: No approved position

**SB 15 (DeSaulnier) State Budget.** This bill would require the budget submitted by the Governor to contain itemized statements, provisional language, performance measurement standards for state agencies and programs, recommended state expenditures, and a projection of anticipated state revenues, including revenues anticipated to be one-time revenues. In addition, the bill would require the budget to contain an estimate of the total resources available for the state expenditures recommended for the budget year and the succeeding fiscal year, and would further require the budget to contain a projection of anticipated state expenditures and anticipated state revenues for the 3 fiscal years following the fiscal year succeeding the budget year, along with budget-related plans and proposals for those 3 fiscal years. The bill would also require the Director of Finance to provide to the Legislature, on or before October 15 of each year, updated projections of state revenues and state expenditures for the current fiscal year and for the ensuing fiscal year. This bill contains other related provisions.

Sponsor: Author

Status: To be heard in Governance and Finance Committee on 02/23/2011

Department Position: No approved position

**SB 49 (Strickland) Local government: emergency response: fees.** This bill would prohibit a city, including a charter city, county, district, municipal corporation, or public authority from charging a fee to any person, regardless of residency, for the expense of an emergency response, including boating-related emergencies, except where a fee is otherwise authorized.

Sponsor: Author

Status: Introduced 12/15/2010, referred to Public Safety Committee

Department Position: No approved position

**SB 110 (Rubio) Nuisance: mining activities.** This bill would provide that no mining activity, operation or facility, or appurtenances thereof, as defined, in operation for more than 3 years, and conducted or maintained for commercial purposes in a manner consistent with proper and accepted customs and standards, shall become a nuisance due to any changed condition in the locality if it was not a nuisance at the time it began, except as specified. Exceptions include if the mining activity in any way obstructs the free passage or normal use of any navigable lake, river, bay, stream, canal, or basin, or any public park, square, street, or highway.

Sponsor: California Construction and Industrial Materials Association

Status: Introduced 1/14/2010, referred to Judiciary Committee

Department Position: No approved position

**SB 152 (Pavley) Public lands: general leasing law: littoral landowners.** This bill would delete an existing law that requires free rent for private, individually-owned recreational piers built over state land. According to the author, approximately 1,600 piers would be affected by this bill, resulting in the eventual charge of rent for piers that are now free.

Sponsor: State Lands Commission

Status: Introduced 02/01/2011, referred to Governmental Organization Committee

Department Position: No approved position

**SB 200 (Wolk) State water facilities: Sacramento-San Joaquin Delta: Delta conveyance facility.** This bill would prohibit the construction of a new Delta conveyance facility unless specified conditions are met, including (A) the adoption of an agreement by the Department of Water Resources and the Department of Fish and Game that specifies the stages of construction of the new Delta conveyance facility and (B) the establishment plans and agreements for the construction of specified water facilities and implementation of specified water programs meeting prescribed conditions as part of the state Central Valley Project. The bill would prohibit the transportation of water for the federal Central Valley Project through state project facilities, with specified exceptions, unless certain conditions are met. This bill contains other related provisions and other existing laws.

Sponsor: Author

Status: Introduced 02/09/2011

Department Position: No approved position

**SB 215 (Huff) Invasive aquatic species: mussels.** This bill would delete the sunset date, extending indefinitely existing law that generally prohibits a person from possessing, importing, shipping, or transporting in the state, or from placing, planting, or causing to be placed or planted in any water within the state, dreissenid mussels, and authorizes the Director of Fish and Game or his or her designee to engage in various enforcement activities. Existing law also provides that a person who violates or resists, delays, obstructs, or interferes with the implementation of these provisions is subject to a penalty up to \$1,000. Existing law also exempts certain entities from enforcement activities, or from civil or criminal liability, under prescribed circumstances.

Sponsor: Association of California Water Agencies

Status: Introduced 02/10/2011

Department Position: No approved position

**SCA 1 (Wyland) State Auditor: duties.** This measure would require the State Auditor to biennially conduct a performance evaluation of each state program, including the administration or oversight of that program by the department or agency that is responsible for the program, and submit a report of the results of that performance evaluation to the Legislature, as prescribed. This measure would require the committee that considers the budget in each house of the Legislature to meet and consider recommendations made in each performance evaluation within 90 days of submission by the State Auditor. This measure would require the State Auditor to make each performance evaluation available to the public on an Internet Web site and in hardcopy format and require the Legislature to appropriate to the Bureau of State Audits funds as necessary to implement these provisions.

Sponsor: Author

Status: Introduced 12/06/2010

Department Position: No approved position

## **FEDERAL BILLS**

**H.R. 104 (Boustany) Realize America's Maritime Promise (RAMP) Act.** This bill would ensure that Harbor Maintenance Taxes credited to the Harbor Maintenance Trust Fund are appropriated for harbor maintenance dredging.

Sponsor: Author

Status: Introduced 01/05/2011, referred to Transportation and Infrastructure Committee

Department Position: No approved position