



To: Boating and Waterways Commission  
From: Department of Parks and Recreation – Legislative Unit  
Subject: Legislative Report

This report was prepared on July 30, 2013.

### **ASSEMBLY BILLS**

#### **AB 8 (Perea) Alternative fuel and vehicle technologies: funding programs.**

This bill would extend the increased vessel registration fees, enacted by AB 118 (Chapter 750, Statutes of 2007), from 2016 to 2024. The increased fee, established in 2007, was \$10 annually or \$20 biennially.

*This summary only reflects those issues impacting Boating and Waterways.*

Sponsor: Author

Status: Double referred: Senate Transportation and Housing and Environmental Quality

#### **AB 253 (Levine) Floating home marinas: conversion: subdivision map requirements**

This bill would apply the same subdivision requirements to floating home marinas that apply to the conversion of mobilehome parks. Specifically, this bill would exempt the subdivision of a floating home marina from the requirements required of most subdivisions of land, and instead apply the requirements for the subdivision of a mobilehome park, at the time of filing a tentative or parcel map. Similarly, the requirements that apply to the conversion of a rental mobilehome park to resident ownership, would apply to rental floating home marinas, to reduce the economic displacement of all residents who do not purchase their unit. This bill would waive the parcel map or tentative and final map requirements, when at least two-thirds of the owners of floating homes, who are tenants in a floating home marina, sign a petition indicating their intent to purchase for purposes of converting it to resident ownership. The sponsor indicates most floating home marinas are located in Marin County, with the exception of a small marina in Alameda County. Four marinas consisting of nearly 500 floating homes are located in Richardson Bay in the City of Sausalito.

Sponsor: Sausalito Floating Homes Association

Status: Senate Appropriations

**AB 425 (Atkins) Pesticides: copper-based antifouling paint: leach rate determination: mitigation measure recommendations.**

This bill would require the Department of Pesticide Regulation, no later than February 1, 2014, to determine a leach rate for copper-based antifouling paint used on recreational vessels and make recommendations for appropriate mitigation measures to address the protection of aquatic environments from the effects of exposure to that paint.

Sponsor: Author

Status: Senate Appropriations

**AB 727 (Stone) Public trust lands: dredging: notice and leases.**

This bill would require a local trustee to notify the State Lands Commission, at least 120 days in advance, of a dredging project in lieu of submitting a lease application and filing fee to the Commission for said purpose. This bill includes requirements for the content of Commission notifications and stipulates under which circumstances a lease application would still apply. This bill does not eliminate other federal, state and local requirements for dredging projects imposed by the Coastal Commission, the U.S. Army Corps of Engineers, and Regional Water Quality Control Boards.

Sponsor: Author

Status: Enrolled – July 10, 2013

**AB 763 (Buchanan) Aquatic invasive plants: control and eradication.**

This bill would: 1) designate the DBW as the lead agency for the purpose of cooperating with other federal, state and local agencies in identifying, detecting, controlling, and administering programs to manage invasive aquatic plants in the Sacramento-San Joaquin Delta, its tributaries, and the Suisun Marsh; 2) expand DBW's authority to, in collaboration with the Department of Fish and Wildlife and other agencies, identify additional invasive aquatic plants for management without obtaining specific authority from the Legislature; 3) authorize DBW, after review and concurrence by the Department of Fish and Wildlife, and in consultation with appropriate state, federal and local agencies, to take necessary action to control invasive aquatic plants. Requires all control actions to be in compliance with all applicable laws and regulations; 4) require DBW to regularly consult with other specified federal and state agencies to determine which species of invasive aquatic plants should be given highest priority for management, and to determine the best control and, when feasible, eradication measures; 5) require DBW, after consulting and identifying a plant that may need to be controlled or eradicated to notify the Department of Fish and Wildlife. After that notification, the Department of Fish and Wildlife, in consultation with other specified entities, is required to conduct a risk assessment of the invasive plant to determine if the plant poses a threat to the environment, economy, human health, the state's fisheries, birds, water quality, infrastructure, navigation, and recreational use of waterways. Requires the Department of Fish and Wildlife to provide its findings to the DBW within 30-days of the assessment; 6) define invasive aquatic plants.

Sponsor: Author

Status: Senate Appropriations

**AB 865: Yacht and Ship Brokers Act: licensing.**

This bill would require DBW to establish fee schedules, through the regulatory process, for brokers and salespersons of ships and yachts and examinations, licensing, renewals, and other services, for for-hire vessel operators. This bill would allow DBW to post, on its website, the annual directory of licensed brokers and salespersons of ships and yachts, versus a print copy.

Sponsor: Author

Status: Senate Appropriations

**AB 979 (Weber) Peace officers: Maritime Peace Officer Standards Training Act of 2013.**

This bill would require city, county, city and county or district peace officers to complete a course in basic maritime operations for law enforcement officers if 1) the local jurisdiction receives funding from the federal Department of Homeland Security; 2) the officer is assigned to a jurisdiction that includes navigable waters; and, 3) the officer serves as a crew member on a waterborne law enforcement vessel. Additionally, this bill delineates the required course content for basic maritime operations.

Sponsor: Port of Los Angeles

Status: Senate Floor

**SENATE BILLS**

**SB 11 (Pavley) Alternative fuel and vehicle technologies: funding programs.**

This bill would extend the increased vessel registration fees, enacted by AB 118 (Chapter 750, Statutes of 2007), from 2016 to 2024. The increased fee, established in 2007, was \$10 annually or \$20 biennially. Language in this bill, as it relates to DBW, is identical to AB 8 (Perea).

*This summary only reflects those issues impacting Boating and Waterways.*

Sponsor: Author

Status: Assembly Natural Resources

**SB 122 (Lieu) Vessels: abandonment: abatement.**

This bill would remove the sunset date on the Vessel Turn-in Program, a pilot program allowing boat owners to voluntarily surrender a vessel to a public agency at no cost, if that vessel is in danger of being abandoned. The pilot program, established by AB 166 (Lieu), Chapter 416, Statutes of 2009, was an effort to address the costly problem of abandoned vessels which cause environmental degradation and/or navigational hazards.

Sponsor: Author

Status: Assembly Appropriations

**SB 427 (Monning) Vessels: equipment requirements: personal flotation devices.**

This bill would modify the definition of “vessel” to ensure boating safety laws and regulations are applicable to all types of water recreation equipment. This bill would also amend life jacket requirements for individuals on a vessel. Instead of various types of life jackets, language in this bill conforms to Coast Guard-approved flotation devices used in accordance with manufacturers approved labels and requirements. These modifications are necessary to be consistent with federal Coast Guard funding requirements of the Recreational Boating Safety Fund. DBW annually receives \$7 to \$9 million from this funding source.

Sponsor: Author

Status: Assembly Appropriations

**SB 457 (Monning) Vessels: collisions and accidents.**

This bill would amend boating accident reporting requirements for law enforcement in an effort to improve the quality and accuracy of data collection. Failure to comply may result in losing eligibility for DBW grant funds for up to 5-years. Additionally, this bill requires DBW to notify an agency of being out of compliance prior to restricting their eligibility for grant funds.

Sponsor: Author

Status: Assembly Floor