

Security Reports

Assembly Bill 1102 – AMENDED (Regulating Beach Fires)

6/23/2014

BILL NUMBER: AB 1102 AMENDED
BILL TEXT

AMENDED IN SENATE JUNE 10, 2014
AMENDED IN ASSEMBLY JANUARY 17, 2014
AMENDED IN ASSEMBLY JANUARY 6, 2014
AMENDED IN ASSEMBLY AUGUST 14, 2013
AMENDED IN ASSEMBLY MARCH 21, 2013

INTRODUCED BY Assembly Members Allen and Quirk-Silva
 (Principal coauthors: Assembly Members Donnelly and Mansoor)
 (Coauthors: Assembly Members Beth Gaines , Gonzalez,
 and Hagman)
 (Coauthors: Senators Correa, Nielsen, Walters, and Wyland)

FEBRUARY 22, 2013

An act to add Section 40440.9 to the Health and Safety Code, and to add Section 30607.8 to the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 1102, as amended, Allen. Beach burning: coastal development permit: South Coast Air Quality Management District.

(1) Existing law establishes the South Coast Air Quality Management District, vested with the authority to regulate air emissions from statutory sources located in the South Coast Air Basin, and establishes a district board to govern the district.

~~This bill, retroactive to March 1, 2014, would make inoperative an open burning rule that restricts the use or location of a beach fire ring adopted by the south coast district until a public agency with jurisdiction over the area obtains and implements an approved coastal development permit, as specified. The bill would require the public agency to take all necessary steps to ensure that a coastal development permit is obtained and require the coastal development permit be obtained and implemented no more than 2 years after the enactment of the open burning rule.~~

This bill would require a public agency located in the south coast district that has jurisdiction over an area containing a beach fire ring, as defined, to comply with a rule adopted by the south coast district that restricts the use or location of a beach fire ring and the California Coastal Act. By increasing the duties of local officials with respect to the California Coastal Act, the bill would impose a state-mandated local program.

(2) Existing law, the California Coastal Act of 1976, provides for the planning and regulation of a development and requires any person undertaking development in the coastal zone to obtain a coastal development permit issued by the California Coastal Commission in accordance with prescribed procedures.

~~This bill , retroactive to March 1, 2014, would subject the removing or restricting the use of a beach fire ring, as defined,~~

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~~to the requirements of the California Coastal Act and would require the application for a coastal development permit to remove or restrict the use of a beach fire ring , as defined, to include specified information. By increasing the duties of local officials with respect to the California Coastal Act, the bill would impose a state mandated local program.~~

~~(3) This bill would find and declare that these provisions relate to an issue of statewide concern and not a municipal affair, as specified.~~

~~(4) This bill would make legislative findings and declarations as to the necessity of a special statute for the South Coast Air Quality Management District.~~

~~(5)~~

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

~~SECTION 1. Section 40440.9 is added to the Health and Safety Code, to read:~~

~~40440.9. (a) If the south coast district adopts an open burning rule that restricts the use or location of a beach fire ring, as defined by Section 30607.8 of the Public Resources Code, the rule shall not be operative in a particular area until the public agency with jurisdiction over that area obtains and implements an approved coastal development permit consistent with the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code), including Section 30607.8 of the Public Resources Code.~~

~~(b) The public agency with jurisdiction over the area shall take all necessary steps to ensure that an approved coastal development permit is obtained and implemented in accordance with the California Coastal Act, including Section 30607.8 of the Public Resources Code. The coastal development permit shall be obtained and implemented no more than two years after the enactment of the open burning rule adopted by the south coast district.~~

~~(c) The provisions of this section shall be applied retroactively to March 1, 2014.~~

SECTION 1. Section 40440.9 is added to the Health and Safety Code , to read:

40440.9. (a) A public agency located in the south coast district that has jurisdiction over an area containing a beach fire ring shall comply with both of the following:

(1) A rule adopted by the south coast district that restricts the use or location of a beach fire ring.

(2) The California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code).

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(b) For purposes of this section, "beach fire ring" has the same meaning as in Section 30607.8 of the Public Resources Code.

SEC. 2. Section 30607.8 is added to the Public Resources Code, to read:

~~30607.8. (a) Notwithstanding any other regulation or law, including Sections 30005 and 30414, removing or restricting the use of a beach fire ring shall be subject to the requirements of this division.~~

~~(b)~~

30607.8. (a) An application for a coastal development permit to remove or restrict the use of a beach fire ring shall include an analysis of alternatives and mitigation measures that would avoid or minimize the need to remove or restrict the use of a beach fire ring. ~~The Legislature hereby declares that it is the state's preference to avoid the net loss of beach fire rings within a city's jurisdiction.~~

~~(c) "Beach"~~

(b) For purposes of this section, "beach fire ring" means a device in which recreational or ceremonial burning occurs that is located on a beach in the coastal zone.

~~(d) The provisions of this section shall be applied retroactively to March 1, 2014.~~

~~SEC. 3. The Legislature finds and declares that the use of fire rings at public coastal areas is a matter of statewide concern and not a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Sections 2 and 3 of this act apply to a charter city or county.~~

~~SEC. 4. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the need to ensure that public agencies within the jurisdiction of the South Coast Air Quality Management District are in compliance with applicable laws and regulations and to maximize and protect public access and public recreational opportunities available in areas within the jurisdiction of the South Coast Air Quality Management District.~~

~~SEC. 5. SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.~~