

AMENDED IN ASSEMBLY SEPTEMBER 11, 2013

AMENDED IN ASSEMBLY SEPTEMBER 6, 2013

AMENDED IN SENATE APRIL 3, 2013

**SENATE BILL**

**No. 436**

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**Introduced by Senator Jackson**

(Principal coauthors: Assembly Members Gorell and Williams)

February 21, 2013

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An act to amend ~~85.2 of the Harbors and Navigation Code~~, relating to environmental quality, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 436, as amended, Jackson. Port Hueneme Beach shoreline protection.

Under existing law, the Division of Boating and Waterways has powers and duties pertaining to beach erosion control, beach stabilization, and beach repair and restoration.

Existing law establishes the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund, a special fund available upon appropriation by the Legislature, for purposes of parks and resources improvement. The fund makes moneys available to the State Coastal Conservancy for specified and related purposes, including, but not limited to, the acquisition, enhancement, restoration, protection, and development of coastal resources, beaches, waterfronts, and public accessways, as specified.

Existing law establishes the Harbors and Watercraft Revolving Fund, a special fund available upon appropriation by *the* Legislature, for

purposes, among other things, of the operation and maintenance of units of the state park system that have boating-related activities.

~~This bill would also authorize moneys in the Harbors and Watercraft Revolving Fund be available to a city for a grant or loan to fund emergency measures to prevent severe infrastructure damage to streets and property within the city caused by beach erosion and flooding.~~

This bill would appropriate \$1,000,000 from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund to the State Coastal Conservancy for a grant to the City of Port Hueneme. The bill would require funding be allocated for emergency measures along Hueneme Beach in the City of Port Hueneme to prevent severe infrastructure damage to streets and property caused by beach erosion and flooding, thereby making an appropriation. ~~The bill also requires that for certain projects would require, if the above projects concerning emergency measures are not eligible for the bond moneys, that,~~ \$1,000,000 from the Harbors and Watercraft Fund be allocated by either loan or grant to the City of Port Hueneme for emergency measures to prevent severe infrastructure damage to streets and property located along Hueneme Beach caused by erosion and flooding, thereby making an appropriation.

This bill would make findings and declarations as to the necessity of a special statute for Hueneme Beach.

This bill would become operative only if AB 606 is enacted and takes effect on or before January 1, 2014.

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

Vote:  $\frac{2}{3}$ . Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: no.

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

- 1 SECTION 1. The Legislature finds and declares both of the
- 2 following:
- 3 (a) Funds are needed immediately for the City of Port Hueneme
- 4 to implement emergency measures to prevent significant damage
- 5 caused by severe erosion at Hueneme Beach to public
- 6 infrastructure, public roads that include a route identified by the
- 7 Federal Emergency Management Agency as feeding into a tsunami
- 8 evacuation route, and community areas.

1 (b) These funds are also needed to prevent down coast negative  
2 impacts to the Ormond Beach Wetlands, a sensitive and  
3 ecologically important public resource, to ensure that the  
4 environmental quality of this unique estuary is protected.

5 (c) Given the sizeable waste that remains at the Halaco  
6 Superfund Site, these funds are also critically needed to prevent  
7 downshore erosion.

8 ~~SEC. 2. Section 85.2 of the Harbors and Navigation Code is~~  
9 ~~amended to read:~~

10 ~~85.2. (a) All moneys in the Harbors and Watercraft Revolving~~  
11 ~~Fund are available, upon appropriation by the Legislature, for~~  
12 ~~expenditure by the department for boating facilities development,~~  
13 ~~boating safety, and boating regulation programs, and for the~~  
14 ~~purposes of Section 656.4, including refunds, and for expenditure~~  
15 ~~for construction of small craft harbor and boating facilities planned,~~  
16 ~~designed, and constructed by the department, as specified in~~  
17 ~~subdivision (c) of Section 50, at sites owned or under the control~~  
18 ~~of the state.~~

19 ~~(b) (1) The money in the fund is also available, upon~~  
20 ~~appropriation by the Legislature, to the Department of Parks and~~  
21 ~~Recreation for the operation and maintenance of units of the state~~  
22 ~~park system that have boating-related activities. Funds appropriated~~  
23 ~~to the Department of Parks and Recreation may also be used for~~  
24 ~~boating safety and enforcement programs for waters under its~~  
25 ~~jurisdiction.~~

26 ~~(2) The Department of Parks and Recreation shall submit to the~~  
27 ~~Legislature, on or before January 1 of each year, a report describing~~  
28 ~~the allocation and expenditure of funds made available to the~~  
29 ~~Department of Parks and Recreation from the Harbors and~~  
30 ~~Watercraft Revolving Fund and from the Motor Vehicle Fuel~~  
31 ~~Account in the Transportation Tax Fund attributable to taxes~~  
32 ~~imposed on the distribution of motor vehicle fuel used or usable~~  
33 ~~in propelling vessels during the previous fiscal year. The report~~  
34 ~~shall list the special project or use, project location, amount of~~  
35 ~~money allocated or expended, the source of funds allocated or~~  
36 ~~expended, and the relation of the project or use to boating activities.~~

37 ~~(e) The money in the fund shall also be available, upon~~  
38 ~~appropriation by the Legislature, to the State Water Resources~~  
39 ~~Control Board for boating-related water quality regulatory~~  
40 ~~activities.~~

1 ~~(d) The money in the fund is also available, upon appropriation~~  
2 ~~by the Legislature, to the Department of Fish and Game for~~  
3 ~~activities addressing the boating-related spread of invasive species.~~

4 ~~(e) The money in the fund is also available, upon appropriation~~  
5 ~~by the Legislature, to the Department of Food and Agriculture for~~  
6 ~~activities addressing the boating-related spread of invasive species.~~

7 ~~(f) The money in the fund is also available, upon appropriation~~  
8 ~~by the Legislature, to a city for a grant or loan to fund emergency~~  
9 ~~measures to prevent severe infrastructure damage to streets and~~  
10 ~~property within the city caused by beach erosion and flooding.~~

11 ~~SEC. 3.~~

12 *SEC. 2.* (a) Notwithstanding any other law, the sum of one  
13 million dollars (\$1,000,000) is hereby appropriated from the Safe  
14 Neighborhood Parks, Clean Water, Clean Air, and Coastal  
15 Protection Bond Fund to the State Coastal Conservancy for a grant  
16 to the City of Port Hueneme. The funding shall be allocated,  
17 pursuant to subdivision (o) of Section 5096.310 of the Public  
18 Resources Code, for emergency measures to prevent severe  
19 infrastructure damage to streets and property located along the  
20 Hueneme Beach caused by beach erosion and flooding. This  
21 appropriation shall only be used for erosion control projects for  
22 which a permit has been approved by the California Coastal  
23 Commission.

24 ~~(b) *Notwithstanding Section 85.2 of the Harbors and*~~  
25 ~~*Navigation Code, if the California Coastal Commission requires*~~  
26 ~~a project that is not eligible for funding under subdivision (a), the~~  
27 ~~sum of one million dollars (\$1,000,000) shall be allocated by either~~  
28 ~~loan or grant from the Harbors and Watercraft Revolving Fund~~  
29 ~~for a grant or loan to the City of Port Hueneme. The funding shall~~  
30 ~~be available for emergency measures to prevent severe~~  
31 ~~infrastructure damage to streets and property located along~~  
32 ~~Hueneme Beach caused by beach erosion and flooding. This~~  
33 ~~appropriation shall only be used for erosion control projects for~~  
34 ~~which a permit has been approved by the California Coastal~~  
35 ~~Commission.~~

36 ~~SEC. 4.~~

37 *SEC. 3.* The Legislature finds and declares that a special law  
38 is necessary and that a general law cannot be made applicable  
39 within the meaning of Section 16 of Article IV of the California  
40 Constitution because of the severe erosion occurring at Hueneme

1 Beach that threatens public infrastructure, public roads, and  
2 community areas.

3 ~~SEC. 5.~~

4 *SEC. 4.* This act shall become operative only if Assembly Bill  
5 606 is enacted and takes effect on or before January 1, 2014.

6 ~~SEC. 6.~~

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

11 To provide the necessary funding as soon as possible to  
12 implement emergency measures designed to prevent severe  
13 infrastructure damage to public infrastructure, public roads, and  
14 community areas threatened by flooding as a result of severe  
15 erosion along Hueneme Beach in the City of Port Hueneme, it is  
16 necessary for this measure to take effect immediately.