

## Senate Bill No. 1381

### CHAPTER 598

An act to amend Section 30988 of, to amend and renumber Section 30988.4 of, to repeal Sections 30988.1 and 30988.3 of, and to repeal and add Section 30988.2 of, the Public Resources Code, relating to ocean resources, and making an appropriation therefor.

[Approved by Governor September 15, 2002. Filed with Secretary of State September 16, 2002.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 1381, Kuehl. Santa Monica Bay Restoration Commission.

Existing law creates the Santa Monica Bay Restoration Project within the State Water Resources Control Board, as an informational forum, planning body, and grant-making agency, to assess the biological condition and state of Santa Monica Bay, as provided.

This bill would recast those provisions to eliminate references to the project and instead establish, within the state board, the Santa Monica Bay Restoration Commission, which would assume the functions of the project.

The bill would require the Secretary for Environmental Protection, the Secretary of the Resources Agency, and the Chair of the Bay Watershed Council of the Santa Monica Bay Restoration Commission to enter into a memorandum of understanding that ensures the coordination of state programs affecting Santa Monica Bay, and that delineates the authority of the commission, and its governance structure with respect to the implementation of those programs. The bill would specify the authority of the commission related to the protection, restoration, and enhancement of Santa Monica Bay and its watershed. The bill would establish the Santa Monica Bay Restoration Account in the State Treasury, and would authorize the expenditure of moneys in the account, upon appropriation by the Legislature, to support the activities of the commission. This bill would provide for the transfer of the balance of any funds appropriated by the Legislature, prior to January 1, 2003, to the account for expenditure as specified.

Appropriation: yes.

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

SECTION 1. Section 30988 of the Public Resources Code is amended to read:

30988. (a) The Legislature finds and declares that Santa Monica Bay is a public trust for present and future generations of Californians, and an invaluable element in the ecosystem of southern California.

(b) The biological health and recreational resources of Santa Monica Bay are threatened by the historical accumulation of DDT, PCBs and other toxic pollutants, pathogens, nutrients, stormwater and urban runoff, nonpoint pollutant sources, oil spills, and industrial discharges, increasing with population pressures in the region.

(c) Santa Monica Bay's Palos Verdes Shelf has been identified as a federal Superfund site, and designated under the United States Environmental Protection Agency's National Estuary Program. Since 1988, the United States Environmental Protection Agency has designated the former Santa Monica Bay Restoration Project as an agency to plan for the Santa Monica Bay's restoration, and to oversee implementation of the Santa Monica Bay Restoration Plan. The State of California has expended millions of dollars for the administration of the Santa Monica Bay Restoration Project, and the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 (the Villaraigosa-Keeley Act; Chapter 1.692 (commencing with Section 5096.300) of Division 5 of the Public Resources Code) earmarks up to twenty-five million dollars (\$25,000,000) for Santa Monica Bay restoration projects, as identified by the former Santa Monica Bay Restoration Project.

(d) It is the intent of the Legislature that the Santa Monica Bay Restoration Commission be a nonregulatory, locally based state government entity that will monitor, assess, coordinate, and advise all state programs, and oversee funding that affects the beneficial uses, restoration, and enhancement of Santa Monica Bay and its watershed.

SEC. 2. Section 30988.1 of the Public Resources Code is repealed.

SEC. 3. Section 30988.2 of the Public Resources Code is repealed.

SEC. 4. Section 30988.2 is added to the Public Resources Code, to read:

30988.2. (a) The Santa Monica Bay Restoration Project is hereby renamed the Santa Monica Bay Restoration Commission. The commission shall independently execute the duties described in this section, and the State Water Resources Control Board shall provide administrative services to the commission. Any reference in any statute to the Santa Monica Bay Restoration Project shall be deemed to be a reference to the Santa Monica Bay Restoration Commission.

(b) (1) The Secretary for Environmental Protection, the Secretary of the Resources Agency, and the Chair of the Bay Watershed Council of the Santa Monica Bay Restoration Commission shall enter into a memorandum of understanding that ensures the coordination of state



programs affecting Santa Monica Bay, and that delineates the authority of that commission, and its governance structure with respect to the implementation of those state programs. The commission membership shall be prescribed in the memorandum of understanding, and shall include federal, state, and local public agency officials and employees, and representatives of other stakeholder interests.

(c) The commission may do all of the following:

(1) Request and receive federal, state, local, and private funds from any source, and expend those moneys for the restoration and enhancement of Santa Monica Bay and its watershed.

(2) Award and administer grants for the restoration and enhancement of Santa Monica Bay and its watershed.

(3) Enter into contracts and joint powers authority agreements, as necessary, to carry out the purposes of the commission.

(4) Monitor, assess, and coordinate activities among federal, state, and local agencies and, where appropriate, private firms, to restore and enhance Santa Monica Bay and its watershed.

(d) (1) The Santa Monica Bay Restoration Account is hereby created in the State Treasury, and moneys in the account may be expended, upon appropriation by the Legislature, to support the activities of the Santa Monica Bay Restoration Commission.

(2) The balance of any funds previously appropriated by the Legislature, prior to January 1, 2003, from the General Fund or from bond proceeds to support the activities of the former Santa Monica Bay Restoration Project shall be transferred into the account.

(3) (A) Funds transferred to the account that are derived from an appropriation from the General Fund are available for expenditure only for the duration originally authorized and only for a purpose authorized by this division as it read on December 31, 2002.

(B) Funds transferred to the account that are derived from an appropriation of bond proceeds are available for expenditure only for the duration originally authorized and may be expended for any purpose authorized by this division on and after January 1, 2003.

SEC. 5. Section 30988.3 of the Public Resources Code is repealed.

SEC. 6. Section 30988.4 of the Public Resources Code is amended and renumbered to read:

30988.3. The Santa Monica Bay Restoration Commission shall prioritize in its educational, monitoring, and bond proceeds expenditure decisions, proposals, or projects designed to achieve bay restoration objectives including, but not limited to, all of the following:

(a) The reduction or elimination of stormwater, urban runoff, and point and nonpoint source pollution.



- (b) The reduction or prevention of the threat of oil and sewage spills and leaks.
- (c) The reduction and prevention of beach erosion.
- (d) The reduction and prevention of public health threats from pollution.
- (e) The prevention and restoration of, and protection against, loss of wetlands, coastal and riparian habitats, and Santa Monica Bay's natural and living resources.
- (f) Effective enforcement of appropriate environmental laws.
- (g) Public education and warnings of any dangers of consuming contaminated seafood.
- (h) Increased public education concerning the Santa Monica Bay in collaboration with universities and grades K-12 schools.
- (i) Assuring that ocean resources are accessible to all Californians regardless of socioeconomic status, and are preserved and enhanced for future generations.

