

AMENDED IN SENATE APRIL 22, 2008

AMENDED IN SENATE MARCH 25, 2008

SENATE BILL

No. 1582

Introduced by Senator Simitian

February 22, 2008

An act to add Chapter 4.5 (commencing with Section 72435) to Division 38 of the Public Resources Code, relating to ocean resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 1582, as amended, Simitian. Ocean resources: ocean rangers.

Existing law prohibits a large passenger vessel from releasing specified waste streams into the marine waters of the state and requires the owner or operator of the vessel to maintain specified records.

This bill would require an owner or operator of a large passenger vessel, on and after July 1, 2009, to have an ocean ranger employed by the Department of Justice who is a *specified United States Coast Guard* licensed ~~marine engineer~~ *officer* and a peace officer on board while the vessel is operating in the marine waters of the state to monitor the vessel's compliance with the above prohibition and other applicable federal laws and regulations on waste discharge. The owner or operator would be required to provide specified records for inspection by the ocean ranger, upon request. The ocean ranger would also be required to observe maintenance and operational procedures for onboard waste treatment systems ~~and review relevant records~~, assist the passengers and crew in reporting and investigating crimes onboard while in the marine waters of the state, and evaluate and respond to risks related to homeland security. The bill would require the Attorney General to negotiate with specified jurisdictions memoranda of understanding establishing terms and conditions of access to, and egress from, large

passenger vessels for the ocean rangers from ports in those jurisdictions. On and after ~~July 1, 2009~~ *a specified date*, a large passenger vessel would be prohibited from disembarking passengers in the state if the vessel's last port of call is outside the marine waters of the state and the vessel operator denies to the ocean ranger or specified equivalent enforcement personnel access to the vessel at the foreign port. The bill would authorize the department to assess on the owner or operator of a vessel a fee of \$1 per passenger for each day the ocean ranger is aboard the large passenger vessel. The Department of Justice would be required to revise the fee to ensure that the fee generates sufficient revenues only to cover the costs of implementing this act, plus a prudent reserve. The bill would require that the fees collected be deposited into the Ocean Ranger Program Fund, which the bill would establish in the State Treasury to be used, upon appropriation by the Legislature, to implement this act. The Department of Justice would be required, in cooperation with the Commission on Peace Officer Standards and Training, to develop an appropriate course of training for ocean rangers.

Vote: majority. Appropriation: no. 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 all of the
2 following:
- 3 (a) More cruise ships are calling upon California ports of call
4 every year. The cruise ship fleet is increasing in size and carrying
5 capacity and producing increasing volumes of solid and liquid
6 waste.
- 7 (b) Improperly treated wastes released into the environment can
8 significantly impact California's aquatic ecosystems and the people
9 and industries that depend upon them.
- 10 (c) The cruise ship industry has a poor record on self-policing
11 environmental practices.
- 12 (d) California's zero-discharge law for cruise ships does not
13 provide independent oversight of the industry or verification of
14 the zero-discharge requirement.
- 15 (e) Millions of American citizens travel on cruise ships every
16 year and numerous documented cases exist of serious crimes
17 against passengers by other passengers and crew members.

1 (f) The cruise ship industry has failed to adopt adequate
2 measures to protect passengers from theft, rape, assaults, and
3 suspected homicides, or to provide the necessary assistance to
4 United States public safety officers investigating these crimes.

5 (g) Every cruise ship provides thousands of foreign citizens,
6 both passengers and crew, with transport and access to multiple
7 ports of call in the state with insufficient oversight from state and
8 federal authorities.

9 (h) It is the intent of the Legislature to place a licensed marine
10 engineer with peace officer status on all cruise ships traveling
11 through the marine waters of the state. These employees of the
12 state, to be known as ocean rangers, would help protect the state’s
13 coastal resources, investigate crimes against passengers, and
14 provide support to state and federal homeland security agencies.

15 SEC. 2. Chapter 4.5 (commencing with Section 72435) is added
16 to Division 38 of the Public Resources Code, to read:

17
18 CHAPTER 4.5. OCEAN RANGERS
19

20 72435. (a) For the purposes of this chapter, “ocean ranger”
21 means an investigator specified in subdivision (b) of Section 830.1
22 of the Penal Code who is a ~~marine engineer licensed by the United~~
23 ~~States Coast Guard and certified to perform environmental~~
24 ~~monitoring, and who has successfully completed a training course~~
25 ~~developed pursuant to subdivision (b).~~ *United States Coast Guard*
26 *licensed officer with at least five years experience as a second*
27 *engineer (any horsepower) or second mate (unlimited).*

28 (b) The Department of Justice shall, in cooperation with the
29 Commission on Peace Officer Standards and Training, develop an
30 appropriate course of training for ocean rangers.

31 72435.1. (a) (1) On and after July 1, 2009, an owner or
32 operator of a large passenger vessel entering and operating in the
33 marine waters of the state shall have an ocean ranger onboard the
34 vessel to act as a compliance observer for the purposes of
35 monitoring compliance with the requirements of Chapter 3
36 (commencing with Section 72420) and applicable federal laws and
37 regulations regarding discharge of waste while operating in the
38 marine waters of the state.

39 (2) (A) The Attorney General shall negotiate a memorandum
40 of understanding with appropriate state, national, or provincial

1 authorities from Alaska, Washington, Hawaii, and as applicable
2 under international and federal law, Canada, and Baja California.
3 The memoranda shall establish terms and conditions of access to,
4 and egress from, large passenger vessels for the ocean ranger from
5 ports in those states or countries pursuant to this chapter or for
6 equivalent law enforcement and environmental enforcement
7 personnel from those foreign jurisdictions. The memoranda shall
8 require the ocean ranger or the specified equivalent enforcement
9 personnel to board the large passenger vessel at the last port of
10 call made by the vessel before the vessel enters the marine waters
11 of the state.

12 (B) (i) *By July 1, 2009, an ocean ranger shall be on a large*
13 *passenger vessel, if the Attorney General has a memorandum of*
14 *understanding with the jurisdiction of the last port of call or the*
15 *next port of call of that vessel.*

16 (ii) *If there is no memorandum of understanding with the*
17 *applicable jurisdiction, an ocean ranger shall be on a large*
18 *passenger vessel three months after a memorandum of*
19 *understanding has been entered into between the Attorney General*
20 *and the applicable jurisdiction.*

21 (3) ~~On and after July 1, 2009, the applicable date specified in~~
22 ~~subparagraph (B) of paragraph (2), a large passenger vessel~~
23 ~~making a port of call in the state shall not disembark passengers~~
24 ~~at a California port if the last port of call is in Hawaii, Alaska,~~
25 ~~Washington, Canada, or Baja California and an ocean ranger~~
26 ~~authorized by this chapter or equivalent enforcement personnel~~
27 ~~specified in paragraph (2) authorized by a memorandum of~~
28 ~~understanding entered into pursuant to paragraph (2) has been~~
29 ~~denied access at the last port of call to the vessel by the vessel~~
30 ~~operator.~~

31 (4) For a large passenger vessel embarking for an international
32 destination from a port in the state, and not returning to the state
33 within seven days, or making a port of call in Hawaii or Alaska,
34 arrangements shall be made between the operator of the vessel and
35 the Department of Justice for the ocean ranger to disembark the
36 ship or remain in the first port of call outside the state. If the
37 memorandum of understanding cannot be reached with appropriate
38 governmental authorities in Baja California for a vessel bound for
39 Mexico, arrangements shall be made *between the Attorney General*

1 *and the large passenger vessel operator for the ocean ranger to*
2 *disembark the ship or remain in San Diego.*

3 (5) The operator of the large passenger vessel shall provide
4 room and board for the ocean ranger or equivalent personnel
5 specified in paragraph (1) that is equivalent to those provided to
6 private security personnel employed by the vessel operator.

7 (b) An owner or operator of a large passenger vessel entering
8 and operating in the marine waters shall provide, upon request,
9 ~~applicable records kept pursuant to Section 72425 for records for~~
10 inspection by the ocean rangers.

11 72435.2. The ocean ranger shall do all of the following:

12 (a) Monitor a large passenger vessel's compliance with the
13 requirements of Chapter 3 (commencing with Section 72420) *if*
14 *the applicable federal agencies approve an application made*
15 *pursuant to subdivision (a) of Section 72440* and applicable federal
16 laws and regulations regarding discharge of wastewater while the
17 vessel is operating in the marine waters of the state.

18 (b) Observe maintenance and operational procedures for onboard
19 waste treatment systems ~~and review records kept pursuant to~~
20 ~~Section 72425.~~

21 (c) Assist the passengers and crew, as needed, with reporting
22 and investigating crimes occurring onboard while in the marine
23 waters of the state.

24 (d) Evaluate and respond to risks related to homeland security.

25 72435.3. (a) (1) The Department of Justice may assess on the
26 owner or operator of a large passenger vessel a fee of one dollar
27 (\$1) per day per passenger for each day the ocean ranger will be
28 aboard the large passenger vessel pursuant to this chapter.

29 (2) The Department of Justice shall revise the fee from time to
30 time to ensure that the fee is sufficient to generate sufficient
31 revenues only to cover the costs of implementing this chapter, plus
32 a prudent reserve.

33 (b) The moneys collected pursuant to subdivision (a) shall be
34 deposited into the Ocean Ranger Program Fund, which is hereby
35 established in the State Treasury. The moneys in the fund shall be
36 available, upon appropriation by the Legislature, for the training
37 of ocean rangers and the implementation of this chapter.

1 72435.4. The Department of Justice shall implement this
2 chapter in conformity with all applicable requirements of
3 international and federal law.

O