

AMENDED IN SENATE APRIL 29, 2008  
AMENDED IN SENATE APRIL 22, 2008  
AMENDED IN SENATE MARCH 25, 2008

**SENATE BILL**

**No. 1582**

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**Introduced by ~~Senator Simitian~~ *Senators Simitian and Maldonado***

February 22, 2008

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

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. *Existing federal law vests the jurisdiction over the admission of foreign aliens with the federal government.*

This bill would require an owner or operator of a large passenger vessel, on and after ~~July~~ *September 1, 2009, or a later specified date,* to have an ocean ranger ~~employed by the Department of Justice who is a specified United States Coast Guard licensed officer and a peace officer on board~~ *onboard, as defined,* 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,~~ *to observe the maintenance and operational procedures for the onboard waste treatment systems, and to assist in criminal investigations.* 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~~ *authorized* to observe maintenance and operational procedures for onboard waste treatment systems, *and would be authorized to, among other things,* assist the passengers and crew in reporting and investigating *alleged* crimes onboard while in the marine waters of the state, and ~~evaluate and respond to risks related to homeland security~~ *act as a liaison with the state and the federal Department of 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 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~~

~~The~~ bill would authorize the ~~department~~ *Department of Justice, from January 1, 2009, to August 31, 2009,* to assess on the owner or operator of a vessel a fee of \$1 per passenger for each day ~~the ocean ranger is aboard~~ *in which the large passenger vessel is operating in the marine waters of the state and thereafter a fee of \$1 per passenger for each day in which the large passenger vessel is operating in the marine waters of the state and an ocean ranger is onboard the vessel.* The Department of Justice, would be required to revise *biannually* the fee *pursuant to a specified procedure* 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~~ *State Board of Equalization to collect and deposit the fee* into the Ocean Ranger Program Fund, *a continuously appropriated fund,* which the bill would establish in the State Treasury to be used, ~~upon appropriation by the Legislature,~~ *to implement provide refunds to an owner and operator of a large passenger vessel for the collection of excessive fee and to reimburse the department for the costs of implementing this act.* ~~The Department of Justice, thereby making an appropriation.~~

~~The~~ *department* would be required, in cooperation with the Commission on Peace Officer Standards and Training, to develop an appropriate course of training for ocean rangers. *The department would be required to develop specified training for, and to contract with a qualified entity to provide training for, an ocean ranger who would*

*conduct environmental compliance activities. The department would be required to contract with an entity to provide personnel qualified as ocean rangers to conduct environmental compliance activities.*

*The bill would provide that the department would implement this act in conformity with the requirements of international and federal law.*

Vote: majority. Appropriation: ~~no~~-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 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.
- 18 (f) The cruise ship industry has failed to adopt adequate  
19 measures to protect passengers from theft, rape, assaults, and  
20 suspected homicides, or to provide the necessary assistance to  
21 United States public safety officers investigating these crimes.
- 22 (g) Every cruise ship provides thousands of foreign citizens,  
23 both passengers and crew, with transport and access to multiple  
24 ports of call in the state with insufficient oversight from state and  
25 federal authorities.
- 26 (h) It is the intent of the Legislature to place a licensed marine  
27 engineer with peace officer status on all cruise ships traveling  
28 through the marine waters of the state. These employees of the  
29 state, to be known as ocean rangers, would help protect the state's

1 coastal resources, investigate crimes against passengers, and  
 2 provide support to state and federal homeland security agencies.  
 3 SEC. 2. Chapter 4.5 (commencing with Section 72435) is added  
 4 to Division 38 of the Public Resources Code, to read:

5  
 6 CHAPTER 4.5. OCEAN RANGERS  
 7

8 72435. (a) *Unless the content otherwise requires, the*  
 9 *definitions set forth in this section govern this chapter.*

10 (b) *“Department” means the Department of Justice.*

11 (c) *“Environmental marine ranger” means a person who is a*  
 12 *United States Coast Guard licensed merchant marine officer with*  
 13 *at least 720 days of shipboard employment within the past five*  
 14 *years in the capacity of a second assistant engineer (any*  
 15 *horsepower) or a second mate (unlimited), or a higher shipboard*  
 16 *position, with a valid certificate issued pursuant to the Standards*  
 17 *of Training and Certification and Watchkeeping (STCW) for*  
 18 *Seafarers, 1978, as amended.*

19 (d) *“Fund” means the Ocean Ranger Program Fund established*  
 20 *pursuant to Section 72435.7.*

21 (e) *“Ocean ranger” means either of the following:*

22 (1) *An investigator specified in subdivision (b) of Section 830.1*  
 23 *of the Penal Code or a peace officer of a public law enforcement*  
 24 *agency in the state if the department entered into a contract with*  
 25 *the public law enforcement agency for the provision of this*  
 26 *personnel.*

27 (2) *An environmental marine ranger provided by an entity*  
 28 *pursuant to a contract with the department under Section 72435.2.*

29 72435.1. (a) (1) *The department shall, in cooperation with*  
 30 *the Commission on Peace Officer Standards and Training, develop*  
 31 *an appropriate training course for the ocean ranger specified in*  
 32 *paragraph (1) of subdivision (e) of Section 72435.*

33 (2) *An investigator serving as an ocean ranger pursuant to*  
 34 *paragraph (1) of subdivision (e) of Section 72435 shall complete*  
 35 *the course developed pursuant to paragraph (1) before being*  
 36 *assigned to a large passenger vessel.*

37 (b) (1) *For the training of the ocean ranger specified in*  
 38 *paragraph (2) of subdivision (e) of Section 72435 for work on a*  
 39 *large passenger vessel pursuant to this chapter, the department*  
 40 *shall contract with a training facility that provides a course*

1 *established subsequent to 2006 and updated annually. The training*  
2 *course shall include, at a minimum, all of the following:*

3 *(A) Applicable international, federal, state, and local*  
4 *environmental laws and regulations.*

5 *(B) Records and sampling of all regulated waste streams and*  
6 *discharges.*

7 *(C) Reporting requirements.*

8 *(D) Spill and environmental response plans.*

9 *(E) Prohibited activities.*

10 *(F) Shipboard security plans.*

11 *(G) Any other subjects that the department deems appropriate.*

12 *(2) A person serving as an ocean ranger pursuant to paragraph*  
13 *(2) of subdivision (e) of Section 72435 shall complete the training*  
14 *course specified in paragraph (1) before being assigned to a large*  
15 *passenger vessel.*

16 *72435.2. (a) The department shall contract with an entity to*  
17 *provide for qualified environmental marine rangers to serve as*  
18 *ocean rangers.*

19 *(b) (1) A contract entered into pursuant to subdivision (a) shall*  
20 *require the contracting entity to reimburse to the operator of a*  
21 *vessel for providing room and board to an ocean ranger assigned*  
22 *to the vessel pursuant to this chapter.*

23 *(2) Calculations for the ocean ranger's room and board shall*  
24 *be based on providing a single, inside room on the vessel in the*  
25 *lowest price category.*

26 *72435.3. (a) The Attorney General shall negotiate a*  
27 *memorandum of understanding with appropriate state, national,*  
28 *provincial authorities from Alaska, Washington, Hawaii, and, as*  
29 *applicable under international and federal law, Canada and Baja*  
30 *California. The memorandum of understanding shall establish*  
31 *terms and conditions of access to, and egress from, large passenger*  
32 *vessels for the ocean ranger from ports in those jurisdictions*  
33 *pursuant to this chapter or for equivalent law enforcement and*  
34 *environmental enforcement personnel from those foreign*  
35 *jurisdictions. The memorandum of understanding shall require*  
36 *the ocean ranger or the specified equivalent law and marine*  
37 *enforcement personnel to board the large passenger vessel at the*  
38 *last port of call made by the vessel before the vessel enters into*  
39 *the marine waters of the state.*

1 (b) (1) By September 1, 2009, an ocean ranger shall be onboard  
2 a large passenger vessel if the Attorney General has a  
3 memorandum of understanding with the jurisdiction of the last  
4 port of call or the next port of call of that vessel.

5 (2) If there is no memorandum of understanding with the  
6 applicable jurisdiction on or before September 1, 2009, an ocean  
7 ranger shall be on the vessel three months after a memorandum  
8 of understanding has been entered into between the Attorney  
9 General and the applicable jurisdiction.

10 (c) On and after the applicable date specified in subdivision  
11 (b), a large passenger vessel making a port of call in the state shall  
12 not disembark any passengers at a California port if the last port  
13 of call is in Hawaii, Alaska, Washington, Canada, or Baja  
14 California and an ocean ranger or equivalent enforcement  
15 personnel specified in subdivision (a), authorized by the  
16 memorandum of understanding entered into pursuant to subdivision  
17 (a), has been denied access at the last port of call to the vessel by  
18 the vessel operator.

19 (d) For a large passenger vessel embarking for an international  
20 destination from a port in the state, and not returning to the state  
21 within seven days, or making a port of call in Hawaii or Alaska,  
22 arrangements shall be made between the vessel operator and the  
23 department for the ocean ranger to disembark the ship or to remain  
24 in the first port of call outside the state. If a memorandum of  
25 understanding is not entered into with the appropriate  
26 governmental authorities in Baja California for a vessel bound  
27 for Mexico, arrangements shall be made between the Attorney  
28 General and the vessel operator for the ocean ranger to disembark  
29 the ship.

30 72435.4. (a) For a large passenger vessel operating in the  
31 marine waters of the state, an ocean ranger specified in paragraph  
32 (1) of subdivision (e) of Section 72435 onboard the vessel may do  
33 both of the following:

34 (1) Assist the passengers and crew, as needed, with reporting  
35 alleged crimes occurring onboard and advising, where requested,  
36 on the proper law enforcement procedures regarding the gathering  
37 of evidence from alleged crime scenes and ensuring the process  
38 concerning witness identification and interviews is initiated.

1 (2) Act as a liaison with the state and the federal Department  
2 of Homeland Security, as necessary or as requested by those two  
3 entities.

4 (b) For a large passenger vessel operating in the marine waters  
5 of the state, an ocean ranger specified in paragraph (2) of  
6 subdivision (e) of Section 72435 onboard the vessel may do both  
7 of the following:

8 (1) Monitor a large passenger vessel's compliance with the  
9 requirements of Chapter 3 (commencing with Section 72420) if  
10 the applicable federal agencies approve an application made  
11 pursuant to subdivision (a) of Section 72440 while the vessel is  
12 operating in the marine waters of the state.

13 (2) Observe maintenance and operational procedures for  
14 onboard vessel treatment systems.

15 72435.5. (a) The owner or operator of a large passenger vessel  
16 shall make available, upon request, an applicable record on the  
17 vessel's compliance with the requirements of Chapter 3  
18 (commencing with Section 72420) for inspection by an ocean  
19 ranger.

20 (b) To the extent allowable under international and federal  
21 laws, the owner or operator of a large passenger vessel shall  
22 provide to an ocean ranger access to the vessel's security plan.

23 72435.6. (a) From January 1, 2009, to August 31, 2009, the  
24 department may assess on an owner or operator of a large  
25 passenger vessel a fee of one dollar (\$1) per passenger per day in  
26 which the vessel is operating in the marine waters of the state.

27 (b) On and after September 1, 2009, the department may assess  
28 on an owner or operator of a large passenger vessel a fee of one  
29 dollar (\$1) per passenger per day in which the vessel is operating  
30 in the marine waters of the state and an ocean ranger is onboard  
31 the vessel.

32 (c) The fee specified in subdivision (b) shall be revised on or  
33 before January 1, 2010, and biennially thereafter, pursuant to  
34 subdivision (d) to ensure that the fees collected are sufficient only  
35 to generate revenue to cover the costs of implementing this chapter,  
36 plus a prudent reserve.

37 (d) The fee specified in subdivision (b) shall be revised as  
38 follows:

39 (1) On or before March 1, 2009, and on or before March 1  
40 biennially thereafter, the department shall submit to the

1 Department of Finance an annual work plan. In determining the  
2 annual costs of implementing the work plan, no more than 3  
3 percent of the annual cost shall include the department's costs for  
4 overhead and administration.

5 (2) On or before July 1, 2009, and on or before July 1 biennially  
6 thereafter, the Department of Finance shall certify that the  
7 proposed work plan is feasible and that the estimated costs for  
8 implementing the work plan is within 25 percent of the estimate  
9 determined by the Department of Finance to implement the annual  
10 work plan. The Department of Finance shall establish the necessary  
11 passenger fee based on the estimated costs beginning January 1,  
12 2010, and revised biennially thereafter. On or before October 1,  
13 2009, and biennially thereafter, the Department of Finance shall  
14 report the new fee that would be effective beginning January 1,  
15 2010, and biennially thereafter.

16 (3) If the Department of Finance does not certify the  
17 department's proposed work plan and the cost estimate pursuant  
18 to paragraph (2), the department and the Department of Finance  
19 shall meet and confer, and produce a final work plan and cost  
20 estimate on or before September 1 after the date that the decision  
21 not to certify the work plan and cost estimate was made.

22 (4) If, after the meet and confer conducted pursuant to  
23 paragraph (3), the department and the Director of Finance fail to  
24 agree on the work plan and cost estimate, this issue shall be  
25 brought before the Governor for resolution.

26 (e) If the revised fee has not been settled in a timely manner  
27 pursuant to subdivision (d), the existing fee shall remain in place  
28 until a revised fee is established.

29 72435.7. (a) Revenue generated from the fees collected  
30 pursuant to this section shall be deposited into the Ocean Ranger  
31 Program Fund, which is hereby created in the State Treasury.  
32 Notwithstanding Section 13340 of the Government Code, the money  
33 in the fund is hereby continuously appropriated to the Controller  
34 for both of the following purposes:

35 (1) To pay refunds to an owner or operator of a large passenger  
36 vessel for the collection of excessive fees.

37 (2) To reimburse the department for the training of ocean  
38 rangers and the implementation of this chapter.

39 (b) The State Board of Equalization shall administer and collect  
40 the fee specified in Section 72435.6 in accordance with the Fee

1 *Collection Procedure Law (Part 30 (commencing with Section*  
2 *55001) of Division 2 of the Revenue and Taxation Code).*

3 *(c) (1) The fee imposed pursuant to subdivision (a) of Section*  
4 *72435.6 shall be due and payable to the State Board of*  
5 *Equalization on or before the last day of the month in which a*  
6 *large passenger vessel was docked in the state. The payments shall*  
7 *be accompanied by a return in a form as prescribed by the State*  
8 *Board of Equalization, including, but not limited to, electronic*  
9 *media. Returns shall be authenticated in a form or pursuant to*  
10 *methods as may be prescribed by the State Board of Equalization.*

11 *(2) The fee imposed pursuant to subdivision (b) of Section*  
12 *72435.6 shall be due and payable to the State Board of*  
13 *Equalization on or before the last day of each quarter in which a*  
14 *large passenger vessel was docked in the state. The payments shall*  
15 *be accompanied by a return in a form as prescribed by the State*  
16 *Board of Equalization, including, but not limited to, electronic*  
17 *media. Returns shall be authenticated in a form or pursuant to*  
18 *methods as may be prescribed by the State Board of Equalization.*

19 *(d) After deducting the administrative costs incurred in the*  
20 *collection of the fee, the State Board of Equalization shall deposit*  
21 *the remaining amount into the fund.*

22 *(e) (1) Before September 1, 2009, the Controller shall disburse*  
23 *the money in the fund to the department on a monthly basis to*  
24 *ensure that no more than 30 days' expenses for the implementation*  
25 *of this chapter are charged to the General Fund.*

26 *(2) On and after September 1, 2009, the Controller shall*  
27 *disburse the money in the fund to the department to reimburse the*  
28 *department for the costs of implementing this chapter.*

29 *72435.8. The department shall implement this chapter in*  
30 *conformity with all applicable requirements of international and*  
31 *federal law.*

32 *72435.9. The provisions of this chapter are severable. If any*  
33 *provision of this chapter or its application is held invalid, that*  
34 *invalidity shall not affect other provisions or applications that can*  
35 *be given effect without the invalid provision or application.*

36 ~~*72435. (a) For the purposes of this chapter, "ocean ranger"*~~  
37 ~~*means an investigator specified in subdivision (b) of Section 830.1*~~  
38 ~~*of the Penal Code who is a United States Coast Guard licensed*~~  
39 ~~*officer with at least five years experience as a second engineer*~~  
40 ~~*(any horsepower) or second mate (unlimited).*~~

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

4 ~~72435.1. (a) (1) On and after July 1, 2009, an owner or~~  
5 ~~operator of a large passenger vessel entering and operating in the~~  
6 ~~marine waters of the state shall have an ocean ranger onboard the~~  
7 ~~vessel to act as a compliance observer for the purposes of~~  
8 ~~monitoring compliance with the requirements of Chapter 3~~  
9 ~~(commencing with Section 72420) and applicable federal laws and~~  
10 ~~regulations regarding discharge of waste while operating in the~~  
11 ~~marine waters of the state.~~

12 ~~(2) (A) The Attorney General shall negotiate a memorandum~~  
13 ~~of understanding with appropriate state, national, or provincial~~  
14 ~~authorities from Alaska, Washington, Hawaii, and as applicable~~  
15 ~~under international and federal law, Canada, and Baja California.~~  
16 ~~The memoranda shall establish terms and conditions of access to,~~  
17 ~~and egress from, large passenger vessels for the ocean ranger from~~  
18 ~~ports in those states or countries pursuant to this chapter or for~~  
19 ~~equivalent law enforcement and environmental enforcement~~  
20 ~~personnel from those foreign jurisdictions. The memoranda shall~~  
21 ~~require the ocean ranger or the specified equivalent enforcement~~  
22 ~~personnel to board the large passenger vessel at the last port of~~  
23 ~~call made by the vessel before the vessel enters the marine waters~~  
24 ~~of the state.~~

25 ~~(B) (i) By July 1, 2009, an ocean ranger shall be on a large~~  
26 ~~passenger vessel, if the Attorney General has a memorandum of~~  
27 ~~understanding with the jurisdiction of the last port of call or the~~  
28 ~~next port of call of that vessel.~~

29 ~~(ii) If there is no memorandum of understanding with the~~  
30 ~~applicable jurisdiction, an ocean ranger shall be on a large~~  
31 ~~passenger vessel three months after a memorandum of~~  
32 ~~understanding has been entered into between the Attorney General~~  
33 ~~and the applicable jurisdiction.~~

34 ~~(3) On and after the applicable date specified in subparagraph~~  
35 ~~(B) of paragraph (2), a large passenger vessel making a port of~~  
36 ~~call in the state shall not disembark passengers at a California port~~  
37 ~~if the last port of call is in Hawaii, Alaska, Washington, Canada,~~  
38 ~~or Baja California and an ocean ranger authorized by this chapter~~  
39 ~~or equivalent enforcement personnel specified in paragraph (2)~~  
40 ~~authorized by a memorandum of understanding entered into~~

1 pursuant to paragraph (2) has been denied access at the last port  
2 of call to the vessel by the vessel operator.

3 ~~(4) For a large passenger vessel embarking for an international~~  
4 ~~destination from a port in the state, and not returning to the state~~  
5 ~~within seven days, or making a port of call in Hawaii or Alaska,~~  
6 ~~arrangements shall be made between the operator of the vessel and~~  
7 ~~the Department of Justice for the ocean ranger to disembark the~~  
8 ~~ship or remain in the first port of call outside the state. If the~~  
9 ~~memorandum of understanding cannot be reached with appropriate~~  
10 ~~governmental authorities in Baja California for a vessel bound for~~  
11 ~~Mexico, arrangements shall be made between the Attorney General~~  
12 ~~and the large passenger vessel operator for the ocean ranger to~~  
13 ~~disembark the ship.~~

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

18 ~~(b) An owner or operator of a large passenger vessel entering~~  
19 ~~and operating in the marine waters shall provide, upon request,~~  
20 ~~applicable records for inspection by the ocean rangers.~~

21 ~~72435.2. The ocean ranger shall do all of the following:~~

22 ~~(a) Monitor a large passenger vessel's compliance with the~~  
23 ~~requirements of Chapter 3 (commencing with Section 72420) if~~  
24 ~~the applicable federal agencies approve an application made~~  
25 ~~pursuant to subdivision (a) of Section 72440 and applicable federal~~  
26 ~~laws and regulations regarding discharge of wastewater while the~~  
27 ~~vessel is operating in the marine waters of the state.~~

28 ~~(b) Observe maintenance and operational procedures for onboard~~  
29 ~~waste treatment systems.~~

30 ~~(c) Assist the passengers and crew, as needed, with reporting~~  
31 ~~and investigating crimes occurring onboard while in the marine~~  
32 ~~waters of the state.~~

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

34 ~~72435.3. (a) (1) The Department of Justice may assess on the~~  
35 ~~owner or operator of a large passenger vessel a fee of one dollar~~  
36 ~~(\$1) per day per passenger for each day the ocean ranger will be~~  
37 ~~aboard the large passenger vessel pursuant to this chapter.~~

38 ~~(2) The Department of Justice shall revise the fee from time to~~  
39 ~~time to ensure that the fee is sufficient to generate sufficient~~

1 revenues only to cover the costs of implementing this chapter, plus  
2 a prudent reserve.

3 ~~(b) The moneys collected pursuant to subdivision (a) shall be~~  
4 ~~deposited into the Ocean Ranger Program Fund, which is hereby~~  
5 ~~established in the State Treasury. The moneys in the fund shall be~~  
6 ~~available, upon appropriation by the Legislature, for the training~~  
7 ~~of ocean rangers and the implementation of this chapter.~~

8 ~~72435.4. The Department of Justice shall implement this~~  
9 ~~chapter in conformity with all applicable requirements of~~  
10 ~~international and federal law.~~