

AMENDED IN ASSEMBLY APRIL 22, 2009

AMENDED IN ASSEMBLY MARCH 26, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 291

Introduced by Assembly Member Saldana

February 13, 2009

An act to add Section 30825 to the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 291, as amended, Saldana. Coastal resources: coastal development permits: penalties.

The California Coastal Act of 1976 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. The act authorizes civil liability to be imposed on any person who performs or undertakes development that is in violation of the act or that is inconsistent with any previously issued coastal development permit, subject to specified maximum and minimum amounts, varying according to whether the violation is intentional and knowing.

The bill would ~~require that if a person~~ *prohibit the commission from filing or acting upon an application for a coastal development permit from any person if that person* applying for a coastal development permit has a record of unresolved violations of the act, ~~that person would be ineligible to submit an application for a permit~~ until the violations have been resolved. The bill would also provide that this requirement would not apply if the executive director of the commission determines that

the application includes a provision that would fully resolve the violation consistent with the act. The bill would ~~require~~ *authorize* the commission to resolve any unresolved dispute between the executive director and an applicant regarding the implementation of the above provision at a noticed hearing.

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. Section 30825 is added to the Public Resources
2 Code, to read:
3 30825. (a) ~~The commission shall not file or act upon an~~
4 *application for a coastal development permit from any person who*
5 *has been issued a notice of intent, cease and desist order, restoration*
6 *order, or a notice of violation pursuant to Section 30809, 30810,*
7 *30811, or 30812, in addition to any other penalties, ~~shall be~~*
8 *ineligible to submit an application for a coastal development permit*
9 *until the violation has been resolved, as determined by the executive*
10 *director and consistent with this division.*
11 (b) Subdivision (a) does not apply if the executive director
12 determines that the application includes a provision that would
13 fully resolve the violation consistent with this division.
14 (c) Any unresolved dispute between the executive director and
15 an applicant regarding the implementation of this section ~~shall~~
16 *may be resolved by the commission at a noticed hearing pursuant*
17 *to subdivision (d) of Section 13056 of Title 14 of the California*
18 *Code of Regulations.*

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