

AMENDED IN SENATE MAY 18, 2000

AMENDED IN SENATE MAY 4, 2000

AMENDED IN SENATE APRIL 13, 2000

**SENATE BILL**

**No. 1597**

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**Introduced by Senator O'Connell**  
(Principal coauthor: Assembly Member Jackson)

February 18, 2000

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An act to amend Section 70.4 of, and to add Sections 37 and 70.5 to, the Harbors and Navigation Code, relating to harbors and ports.

LEGISLATIVE COUNSEL'S DIGEST

SB 1597, as amended, O'Connell. Harbors and ports.

(1) Existing law prohibits cities, counties, and districts that have received funds for the construction or improvement of small craft harbors of refuge from excluding the use of those harbors by commercial boats.

This bill, instead, would prohibit those cities, counties, and districts from excluding the use of those harbors by any vessel in need of a safe harbor for refuge purposes. The bill would define "harbor of safe refuge" for purposes of the bill, and would designate certain harbors in the state as harbors of safe refuge. To the extent the bill would impose new duties on entities of local government, the bill would impose a state-mandated local program.

The bill would require each vessel entering and using a harbor of safe refuge to pay the published fees for services rendered while in the harbor and to comply with all other

applicable local, state, and federal laws while in the harbor and while using any facilities in the harbor.

(2) Existing law prohibits a grant of a franchise or lease of property of a port district from exceeding 50 years.

This bill would specifically exempt the Ventura Harbor District from this prohibition for the purpose of granting a franchise or lease for up to 99 years on property in Ventura Harbor that the district determines is necessary for the construction of an aquarium to be operated as a public interest project.

~~(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions. The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

- 1 SECTION 1. Section 37 is added to the Harbors and
- 2 Navigation Code, to read:
- 3 37. "Harbor of safe refuge" means a port, harbor,
- 4 inlet, or other body of water normally sheltered from
- 5 heavy seas by land and in which a vessel can navigate and
- 6 safely moor, as set forth in Section 70.5.



1 SEC. 2. Section 70.4 of the Harbors and Navigation  
2 Code is amended to read:

3 70.4. No city, county, or district that has received, or  
4 is receiving, money under this division for the  
5 construction or improvement of small craft harbors of  
6 refuge shall, consistent with the intent of Section 40,  
7 exclude the use of such harbor by any vessel, including,  
8 but not limited to, commercial boats, in need of a safe  
9 harbor for refuge purposes. Each vessel entering and  
10 using a harbor of safe refuge pursuant to this section shall  
11 pay the published fees for services rendered while in the  
12 harbor and shall comply with all other applicable local,  
13 state, and federal laws while in the harbor and while using  
14 any facilities in the harbor.

15 SEC. 3. Section 70.5 is added to the Harbors and  
16 Navigation Code, to read:

17 70.5. The following are harbors of safe refuge:

- 18 (a) Bodega Bay Harbor.
- 19 (b) Channel Islands Harbor.
- 20 (c) Crescent City Harbor.
- 21 (d) Dana Point Harbor.
- 22 (e) Fort Bragg Harbor.
- 23 (f) Humboldt Bay Harbor.
- 24 (g) Kings Harbor.
- 25 (h) Marina del Rey Harbor.
- 26 (i) Monterey Harbor.
- 27 (j) Morro Bay Harbor.
- 28 (k) Moss Landing.
- 29 (l) Newport Beach Harbor.
- 30 (m) Oceanside Harbor.
- 31 (n) Pillar Point Harbor.
- 32 (o) Port San Luis Harbor.
- 33 (p) Santa Barbara Harbor.
- 34 (q) Santa Cruz Harbor.
- 35 (r) Ventura Harbor.

36 SEC. 4. Notwithstanding the requirements of Section  
37 6271, the Ventura Port District may grant a franchise or  
38 lease for up to 99 years on property in the Ventura Harbor  
39 that is necessary, as determined by the Ventura Port



1 District, for the construction of an aquarium to be  
2 operated as a public interest project.

3 ~~SEC. 5. Notwithstanding Section 17610 of the~~  
4 ~~Government Code, if the Commission on State Mandates~~  
5 ~~determines that this act contains costs mandated by the~~  
6 ~~state, reimbursement to local agencies and school~~  
7 ~~districts for those costs shall be made pursuant to Part 7~~  
8 ~~(commencing with Section 17500) of Division 4 of Title~~  
9 ~~2 of the Government Code. If the statewide cost of the~~  
10 ~~claim for reimbursement does not exceed one million~~  
11 ~~dollars (\$1,000,000), reimbursement shall be made from~~  
12 ~~the State Mandates Claims Fund.~~

13 *SEC. 5. No reimbursement is required by this act*  
14 *pursuant to Section 6 of Article XIII B of the California*  
15 *Constitution because a local agency or school district has*  
16 *the authority to levy service charges, fees, or assessments*  
17 *sufficient to pay for the program or level of service*  
18 *mandated by this act, within the meaning of Section 17556*  
19 *of the Government Code.*

