

AMENDED IN SENATE AUGUST 20, 2002

AMENDED IN SENATE JUNE 25, 2002

AMENDED IN SENATE JUNE 13, 2002

AMENDED IN SENATE MAY 22, 2002

AMENDED IN ASSEMBLY APRIL 10, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2891**

**Introduced by Assembly Member Koretz**

February 25, 2002

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An act to amend Sections 33008, 33211.5, and 33211.6 of the Public Resources Code, relating to the Santa Monica Mountains Conservancy.

LEGISLATIVE COUNSEL'S DIGEST

AB 2891, as amended, Koretz. Santa Monica Mountains Conservancy.

(1) The Santa Monica Mountains Conservancy Act establishes the Santa Monica Mountains Conservancy within the Resources Agency, and prescribes its functions with respect to the Santa Monica Mountains Zone, as specified. Existing law provides that nothing in the act supersedes or limits a local ~~governments~~ *government's* exercise of its police powers, as specified.

~~This bill would provide that it is the exclusive right of the Legislature to determine both the use of state property and the manner by which the conservancy manages land acquired under the act. The bill would~~

provide that the act does not authorize the conservancy to regulate private property.

(2) Existing law specifies conditions of use that apply to property owned or subject to the interim management of the conservancy. Those conditions include authorizing property to be closed to public use only when fire, mudslide, landslide, or flood dangers pose a substantial risk of injury or loss of life and requiring property to be reopened as soon as those conditions no longer pose a danger of injury or loss of life.

This bill would modify the conditions of use that apply to property owned or subject to the management of the conservancy. This bill would authorize property to be closed when a federal, state, or local disaster or emergency declaration has been made by an authorized person or public agency, or where there is an emergency or potential emergency situation of a temporary nature that involves substantial risk or potential risk to life or property, and the temporary closure or restriction of access is necessary to protect the public health or safety. The bill would require property to be reopened when a federal, state, or local disaster or emergency declaration is no longer in effect, or where there is no longer an emergency or potential emergency situation of a temporary nature that involves substantial risk or potential risk to life or property.

(3) Existing law requires vehicles to park only in designated areas on conservancy property and prohibits vehicles from being operated off of roads. Existing law requires trails, campsites, and other public use areas on property owned or subject to the interim management of the conservancy to be designated and posted with prohibited activities and use restrictions clearly indicated.

This bill would require all vehicle use, including bicycles, to conform to posted laws. This bill would specify prohibited activities and use restrictions to be posted on public use areas owned or subject to the management of the conservancy. The bill would authorize the conservancy to exercise its discretion in determining whether to authorize any license, permit for special use, easement, project, or activity to be undertaken by the conservancy or its agents for the use of conservancy owned or managed land if that authorization is consistent with specified purposes, and certain requirements governing the lease of conservancy lands.

(4) Existing law prohibits the dumping of any refuse matter, except by permit, on property owned or managed by the conservancy, and posted against that dumping. Existing law prohibits injuring, defacing, or destroying any property owned or managed by the conservancy.



Existing law prohibits the violation of the posted conditions of use of property owned or managed by the conservancy. Existing law makes the dumping of refuse matter, the injuring, defacing, or destroying of property, or the violation of posted conditions of use of property owned by the conservancy, a misdemeanor punishable by a fine of not more than \$500 or imprisonment or both that fine and imprisonment. Existing law authorizes the reduction of the charged offense of violating posted conditions from a misdemeanor to an infraction punished by a fine of not less than \$5 and not more than \$500.

This bill would make the dumping of refuse matter, the injuring, defacing, or destroying of property, or a violation of the posted conditions of use of conservancy property, a misdemeanor punishable by a fine of not more than \$1,000 or imprisonment or both that fine and imprisonment. If the charged offense of violating posted conditions is reduced from a misdemeanor to an infraction, this bill would make the minimum fine \$100.

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 33008 of the Public Resources Code is  
2 amended to read:

3 33008. (a) The Legislature finds and declares that there are  
4 existing problems of substandard lots, incompatible land uses,  
5 conflicts with recreational use, and inadequate resource protection  
6 which, in some cases, cannot be addressed in a feasible manner by  
7 local government exercise of the police power or federal land  
8 acquisition as part of the Santa Monica Mountains National  
9 Recreation Area, and that it is necessary to enact the provisions of  
10 this division as a complement to the full exercise of the police  
11 power by local governments and the acquisition of lands by the  
12 federal government for the Santa Monica Mountains National  
13 Recreation Area.

14 ~~(b) It is the exclusive right of the Legislature to determine both~~  
15 ~~the use of state property and the manner by which the conservancy~~  
16 ~~manages land acquired pursuant to this division. This division~~

17 (b) *The Legislature further finds and declares that the people*  
18 *of the State of California have an interest in the protection of*  
19 *resources and the use of lands acquired or managed by the*



1 *conservancy pursuant to this division, and that the conservancy in*  
2 *carrying out its duties pursuant to this division acts on behalf of*  
3 *the State of California.*

4 (c) *This division does not authorize the conservancy to regulate*  
5 *private property, nor does it supersede or limit a local*  
6 *government’s exercise of the police power, over private property,*  
7 *derived from any other provision of existing law or any law*  
8 *hereafter enacted.*

9 SEC. 2. Section 33211.5 of the Public Resources Code is  
10 amended to read:

11 33211.5. (a) The following conditions of use apply to  
12 property owned or subject to the management of the conservancy:

13 (1) Opening and closing hours shall be posted on any property  
14 upon which public use is permitted.

15 (2) Property may be closed to public use only when fire,  
16 mudslide, landslide, or flood dangers pose a substantial risk of  
17 injury or loss of life, or when a federal, state, or local disaster or  
18 emergency declaration has been made by an authorized person or  
19 public agency, or where there is an emergency or potential  
20 emergency situation of a temporary nature that involves  
21 substantial risk or potential risk to life or property, and the  
22 temporary closure or restriction of access is necessary to protect  
23 the public health and safety.

24 Any property closed shall be reopened as soon as the fire,  
25 mudslide, landslide, or flood dangers no longer pose a danger of  
26 injury or loss of life, or when a federal, state, or local disaster or  
27 emergency declaration is no longer in effect, or where there is no  
28 longer an emergency or potential emergency situation of a  
29 temporary nature that involves substantial risk or potential risk to  
30 life or property.

31 (3) Vehicles shall park only in designated areas and may not be  
32 operated off of roads or other areas designated for vehicle use. All  
33 vehicle use, including bicycles, shall conform to posted signs.

34 (b) Trails, campsites, and other public use areas on property  
35 owned or subject to the management of the conservancy shall be  
36 designated and posted with prohibited activities and use  
37 restrictions clearly indicated, including, but not limited to, the  
38 prohibition or restriction of smoking, fires, fireworks, animals,  
39 possession of dangerous weapons, or other activities that affect the



1 safety of visitors, campers, trail users, or the natural or historic  
2 resources of the property.

3 (c) Determining and posting conditions of use pursuant to  
4 subdivisions (a) and (b) may not be considered the adoption of  
5 regulations within the meaning of the Administrative Procedure  
6 Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of  
7 Division 3 of Title 2 of the Government Code).

8 (d) (1) The conditions of use and types of uses of property  
9 owned or subject to the management of the conservancy are  
10 considered to be of statewide significance. The types of uses and  
11 the management policies affecting those uses shall be consistent  
12 with the policies for permitted uses of lands within the state park  
13 system.

14 (2) Notwithstanding any other law, ordinance, rule, or  
15 regulation, the conservancy may exercise its discretion in  
16 determining whether to authorize any license, permit for special  
17 use, easement, project, activity, or other entitlement to be  
18 undertaken by the conservancy or its agents, for the use of  
19 conservancy owned or managed land. This subdivision shall not  
20 be construed to restrict the authority of the conservancy to lease  
21 lands consistent with the purposes of this division and the  
22 requirements of Section 33206.

23 SEC. 3. Section 33211.6 of the Public Resources Code is  
24 amended to read:

25 33211.6. (a) Dumping any refuse matter, except by permit  
26 signed by the executive director or the executive director's  
27 authorized representative, on property owned or managed by the  
28 conservancy, and posted against that dumping, shall be a  
29 misdemeanor punishable by a fine of not more than one thousand  
30 dollars (\$1,000), or imprisonment in the county jail for not more  
31 than six months, or both that fine and imprisonment.

32 (b) Injuring, defacing, or destroying any property owned or  
33 managed by the conservancy or any of the natural features thereof,  
34 shall be a misdemeanor punishable by a fine of not more than one  
35 thousand dollars (\$1,000), or imprisonment in the county jail for  
36 not more than six months, or both that fine and imprisonment.

37 (c) Violation of the posted conditions of use on any property  
38 owned or managed by the conservancy is a misdemeanor  
39 punishable by imprisonment in the county jail not exceeding 90  
40 days, or by a fine not exceeding one thousand dollars (\$1,000), or



1 by both that fine and imprisonment, except that at the time a  
2 particular action is commenced, the judge may, considering the  
3 recommendation of the prosecuting attorney, reduce the charged  
4 offense from a misdemeanor to an infraction. Any person  
5 convicted of the offense after such a reduction shall be punished  
6 by a fine of not less than one hundred dollars (\$100), nor more than  
7 five hundred dollars (\$500).

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