

AMENDED IN ASSEMBLY JUNE 22, 2010

AMENDED IN SENATE APRIL 28, 2010

AMENDED IN SENATE APRIL 21, 2010

SENATE BILL

No. 1039

Introduced by Senator Ducheny

February 12, 2010

An act to add Section 19.5 to the San Diego Unified Port District Act (Chapter 67 of the Statutes of 1962, First Extraordinary Session), relating to harbors and ports.

LEGISLATIVE COUNSEL'S DIGEST

SB 1039, as amended, Ducheny. Harbors and ports: San Diego Unified Port District.

Existing law, the San Diego Unified Port District Act, provides for the San Diego Unified Port District. Under the act, the Board of Commissioners of the San Diego Unified Port District has the sole authority to adopt and modify a master plan for harbor and port improvement and for the use of the tidelands and submerged lands under the San Diego Unified Port District's jurisdiction.

~~This bill would authorize the board, in implementing the master plan, to consider the inclusion of cooperative infrastructure and capital projects that directly address maritime impacts in the cities that host maritime industrial activities and that are consistent with the public trust doctrine~~ *require the board, in implementing the master plan, to include funding for cooperative infrastructure and capital projects on and off tidelands and submerged lands, consistent with the public trust doctrine, that directly address maritime industrial impacts by the port in cities that host maritime terminals. The bill would specify conditions*

for eligibility for cities to receive funding for cooperative infrastructure and capital projects.

By requiring the board to provide this funding, this bill would impose a state-mandated local program.

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, 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.

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

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

1 ~~SECTION 1. It is the intent of the Legislature that the San~~
 2 ~~Diego Unified Port District promote continued support for its~~
 3 ~~working waterfront by being able to use revenues derived from~~
 4 ~~maritime industrial activities for cooperative infrastructure and~~
 5 ~~capital projects in the cities that host those activities.~~

6 SECTION 1. *It is the intent of the Legislature that the San*
 7 *Diego Unified Port District provide financial incentives to*
 8 *communities to preserve and expand the working waterfront by*
 9 *using revenues for cooperative infrastructure and capital projects*
 10 *in the cities that host a working waterfront in order to address the*
 11 *adverse environmental and economic impacts on those cities.*

12 SEC. 2. Section 19.5 is added to the San Diego Unified Port
 13 District Act (Chapter 67 of the Statutes of 1962, First Extraordinary
 14 Session), to read:

15 ~~Sec. 19.5. In implementing the master plan adopted pursuant~~
 16 ~~to Section 19, the board may consider the inclusion of cooperative~~
 17 ~~infrastructure and capital projects that directly address maritime~~
 18 ~~impacts in the cities that host maritime industrial activities and~~
 19 ~~that are consistent with the public trust doctrine.~~

20 Sec. 19.5. (a) *In order to protect and enhance the economic*
 21 *benefits of import and export activities for the San Diego region*
 22 *and the state, it is necessary to provide incentives to communities*
 23 *that experience the adverse environmental, economic, quality of*

1 *life, and other impacts that result from hosting a working*
2 *waterfront, such as a decrease in recreation opportunities, the*
3 *loss of municipal revenue opportunities, increased noise and traffic,*
4 *and negative effects upon air quality. Such impacts are also*
5 *described generally as “maritime industrial impacts.”*

6 *(b) In implementing the master plan adopted pursuant to Section*
7 *19, the board shall include funding for cooperative infrastructure*
8 *and capital projects on and off tidelands and submerged lands,*
9 *consistent with the public trust doctrine, that directly address*
10 *maritime industrial impacts by the port in cities that host maritime*
11 *terminals.*

12 *(c) Cities that demonstrate all of the following shall be eligible*
13 *to receive maritime industrial impacts funding from the board for*
14 *cooperative infrastructure and capital projects:*

15 *(1) Host at least one maritime terminal.*

16 *(2) Have census tracts near maritime terminals that exceed state*
17 *standards for average annual particulate matter exposure and*
18 *have been designated as an environmental justice community, as*
19 *determined by the San Diego County Air Pollution Control District.*

20 *(3) Have census tracts near maritime terminals that are less*
21 *than or equal to 80 percent of regional median income.*

22 *(4) Have a planning area near the maritime terminal, with*
23 *residential zones that have restricted public access to the tidelands*
24 *and submerged lands and waterfront that are within close*
25 *proximity to the planning area.*

26 *(d) The board shall make a good faith effort to fund, on an*
27 *annual basis, projects that address maritime industrial impacts*
28 *that are proposed by eligible cities. The board shall dedicate*
29 *revenues, on an annual basis, for those projects that meet the*
30 *criteria established in subdivision (c). For purposes of this section,*
31 *there is a presumption of good faith if a board decision to approve*
32 *a project is made within 180 days from a request for funding.*

33 *(e) The State Lands Commission shall be the final arbiter of*
34 *any disputes with regard to eligibility and approval of projects,*
35 *consistent with the commission’s authority over projects on and*
36 *off tidelands and submerged lands, as set forth in Section 30.5.*
37 *The commission shall, to the extent feasible, rely on both of the*
38 *following:*

39 *(1) Existing local, state, and federal agency studies.*

40 *(2) Port studies conducted on port impacts.*

1 *SEC. 3. If the Commission on State Mandates determines that*
2 *this act contains costs mandated by the state, reimbursement to*
3 *local agencies and school districts for those costs shall be made*
4 *pursuant to Part 7 (commencing with Section 17500) of Division*
5 *4 of Title 2 of the Government Code.*

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