

AMENDED IN SENATE MARCH 25, 2008

**SENATE BILL No. 1582**

**Introduced by Senator Simitian**

February 22, 2008

An act to amend Section 830.3 of the Penal Code, and to add Chapter 4.5 (commencing with Section 72435) to Division 38 of the Public Resources Code, relating to ocean resources.

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. This bill would require an owner or operator of a large passenger vessel, *on and after July 1, 2009*, to have an ocean ranger employed by the Department of Justice who is a licensed marine engineer *and a* peace officer on board 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. 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 to observe maintenance and operational procedures for onboard waste treatment systems and review relevant records, assist the passenger *passengers* and crew in reporting and investigating *crimes* onboard while in the marine waters of the state, and evaluate and respond to risks related to 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 July 1, 2009, 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 bill would authorize the department to assess on the owner or operator of a vessel a fee of \$1 per *passenger for each day the ocean ranger is aboard the large passenger vessel*. The Department of Justice would be required to revise the fee 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 into the Ocean Ranger Program Fund, which the bill would establish in the State Treasury to be used, upon appropriation by the Legislature, to implement this act. *The Department of Justice would be required, in cooperation with the Commission on Peace Officer Standards and Training, to develop an appropriate course of training for ocean rangers.*

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

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

SECTION 1. The Legislature finds and declares all of the following:

- (a) More cruise ships are calling upon California ports of call every year. The cruise ship fleet is increasing in size and carrying capacity and producing increasing volumes of solid and liquid waste.
- (b) Improperly treated wastes released into the environment can significantly impact California's aquatic ecosystems and the people and industries that depend upon them.
- (c) The cruise ship industry has a poor record on self-policing environmental practices.
- (d) California's zero-discharge law for cruise ships does not provide independent oversight of the industry or verification of the zero-discharge requirement.

(e) Millions of American citizens travel on cruise ships every year and numerous documented cases exist of serious crimes against passengers by other passengers and crew members.

(f) The cruise ship industry has failed to adopt adequate measures to protect passengers from theft, rape, assaults, and suspected homicides, or to provide the necessary assistance to United States public safety officers investigating these crimes. (g) Every cruise ship provides thousands of foreign citizens, both passengers and crew, with transport and access to multiple ports of call in the state with insufficient oversight from state and federal authorities.

(h) It is the intent of the Legislature to place a licensed marine engineer with peace officer status on all cruise ships traveling through the marine waters of the state. These employees of the state, to be known as ocean rangers, would help protect the state's coastal resources, investigate crimes against passengers, and provide support to state and federal homeland security agencies.

SEC. 2. Chapter 4.5 (commencing with Section 72435) is added to Division 38 of the Public Resources Code, to read:

### Chapter 4.5. Ocean Rangers

72435. (a) *For the purposes of this chapter, "ocean ranger" means an investigator specified in subdivision (b) of Section 830.1 of the Penal Code who is a marine engineer licensed by the United States Coast Guard and certified to perform environmental monitoring, and who has successfully completed a training course developed pursuant to subdivision (b).*

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

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

(2) *The Attorney General shall negotiate a memorandum of understanding with appropriate state, national, or provincial authorities from Alaska, Washington, Hawaii, and as applicable under international and federal law, Canada, and Baja California.*

*The memoranda shall establish terms and conditions of access to, and egress from, large passenger vessels for the ocean ranger from ports in those states or countries pursuant to this chapter or for equivalent law enforcement and environmental enforcement personnel from those foreign jurisdictions. The memoranda shall require the ocean ranger or the specified equivalent enforcement personnel to board the large passenger vessel at the last port of call made by the vessel before the vessel enters the marine waters of the state.*

(3) *On and after July 1, 2009, a large passenger vessel making a port of call in the state shall not disembark passengers at a California port if the last port of call is in Hawaii, Alaska, Washington, Canada, or Baja California and an ocean ranger authorized by this chapter or equivalent enforcement personnel specified in paragraph (2) authorized by a memorandum of understanding entered into pursuant to paragraph (2) has been denied access to the vessel by the vessel operator.*

(4) *For a large passenger vessel embarking for an international destination from a port in the state, and not returning to the state within seven days, or making a port of call in Hawaii or Alaska, arrangements shall be made between the operator of the vessel and the Department of Justice for the ocean ranger to disembark the ship or remain in the first port of call outside the state. If the memorandum of understanding cannot be reached with appropriate authorities in Baja California for a vessel bound for Mexico, arrangements shall be made for the ocean ranger to disembark the ship or remain in San Diego.*

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

(b) An owner or operator of a large passenger vessel entering and operating in the marine waters shall provide, upon request, records kept pursuant to Section 72425 for *records* inspection by the ocean rangers.

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

(a) Monitor a large passenger vessel's compliance with the requirements of Chapter 3 (commencing with Section 72420) and applicable federal laws and regulations regarding discharge of wastewater while the vessel is operating in the marine waters of the state.

(b) Observe maintenance and operational procedures for onboard waste treatment systems and review records kept pursuant to Section 72425.

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

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

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

(2) The Department of Justice shall revise the fee from time to time to ensure that the fee is sufficient to generate sufficient revenues only to cover the costs of implementing this chapter, plus a prudent reserve.

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

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