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REPORT TO LAW & LEGISLATION COMMITTEE
City of Sacramento

915 I Street, Sacramento, CA 95814-2671

STAFF REPORT
March 6, 2007

Honorable Members of the
Law and Legislation Committee

Title: Legislative Position: Support SB 4 relating to prohibiting smoking in state parks and on state beaches.

Location/Council District: Citywide

Recommendation: Staff recommends the Law and Legislation Committee adopt a support position on SB 4 relating to prohibiting smoking in state parks and on state beaches.

Contact: Mark Prestwich, Special Projects Manager, 808-5380

Presenters: Mark Prestwich, Special Projects Manager

Department: City Manager's Office

Division: Government Affairs

Organization No: 0320

Description/Analysis:

Issue: Shall the City support SB 4 which will prohibit smoking in state parks and on state beaches?

Policy Considerations: On February 6, 2007, the City's Law and Legislation Committee voted to move forward a proposal to the Sacramento City Council prohibiting smoking in City parks.

Environmental Considerations: None

Committee/Commission Action: None

Rationale for Recommendation: The staff recommendation is consistent with the Law and Legislation Committee's recent direction regarding a similar proposal to prohibit smoking in City parks.

Financial Considerations: Passage of SB 4 will not result in any costs to the City.

Emerging Small Business Development (ESBD): None

Respectfully Submitted by: _____
Mark Prestwich, Special Projects Manager

Approved by: _____
Patti Bisharat,
Director of Government Affairs

Recommendation Approved:

_____
GUSTAVO F. VIÑA
Assistant City Manager

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Attachment 1

Background

Senate Bill 4 was introduced December 4, 2006 by Senator Jenny Oropeza (Carson). Under existing state law, it is an infraction for a person to smoke a cigarette, cigar, or other tobacco-related product within 25 feet of a playground or tot lot sandbox area. This proposal would make it an infraction for a person to smoke a pipe, cigar, or cigarette on a state coastal beach or in a unit of the state's park system. The state Department of Parks and Recreation or other designated agency will be provided authority under this proposal to develop and post signs providing notice of the smoking prohibition.

The City of Sacramento is home to several state parks including: Old Sacramento State Historic Park (SHP), California State Railroad Museum, California State Capitol Museum, Governor's Mansion SHP, Leland Stanford Mansion SHP, Sutter's Fort SHP, California State Indian Museum SHP (located inside Sutter's Fort)

Attachment 2

March 6, 2007

Honorable Jenny Oropeza
Senator, 28th District
California State Senate
State Capitol
Sacramento, CA 95814

Support: Senate Bill 4 Relating to Prohibiting Smoking in State Parks and Beaches

Dear Senator Oropeza:

On behalf of the City of Sacramento, I am pleased to express the City's support of Senate Bill 4 that would prohibit smoking in state parks and on state beaches. The City believes your proposal will contribute to a healthier environment by reducing exposure to secondhand smoke and smoking related litter in state parks and on state beaches.

Thank you for introducing this legislation.

Sincerely,

Sandy Sheedy, Chair
Law and Legislation Committee

cc: Senator Darrel Steinberg
Senator Dave Cox
Assembly Member Dave Jones
Assembly Member Alan Nakanishi
Assembly Member Roger Niello
Mayor Fargo and Members of the City Council
David Jones, Emanuels Jones and Associates

SENATE BILL No. 4

Introduced by Senator Oropeza

December 4, 2006

An act to add Section 5008.9 to the Public Resources Code, relating to public resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 4, as introduced, Oropeza. Public resources: state beaches and parks: smoking ban.

(1) Existing law makes it an infraction for a person to smoke a cigarette, cigar, or other tobacco-related product within 25 feet of a playground or tot lot sandbox area.

This bill would make it an infraction for a person to smoke, as defined, a pipe, cigar, or cigarette on a state coastal beach or in a unit of the state park system, as defined. The bill would establish a state-mandated local program by creating a new crime.

This bill would permit the Department of Parks and Recreation or another relevant state agency to develop and post signs at a state coastal beach or a unit of the state park system to provide notice of the smoking prohibition, as specified.

(2) 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 5008.9 is added to the Public Resources
2 Code, to read:
3 5008.9. (a) For purposes of this section, the following
4 definitions apply:
5 (1) "Cigar" has the same meaning as defined in Section 104550
6 of the Health and Safety Code.
7 (2) "Cigarette" has the same meaning as defined in Section
8 104556 of the Health and Safety Code.
9 (3) "Smoke or smoking" means the carrying of a lighted pipe,
10 lighted cigar, or lighted cigarette, of any kind, or the lighting of a
11 pipe, cigar, or cigarette, of any kind, including, but not limited to,
12 tobacco, or any other weed or plant.
13 (4) "State coastal beach" means a sand area that is owned,
14 operated, or under the jurisdiction of the state, an agency of the
15 state, or a department of the state and that adjoins the ocean, a bay,
16 or an estuary. "State coastal beach" does not include an adjacent
17 parking lot.
18 (5) "Unit of the state park system" means an area specified in
19 Section 5002. "Unit of the state park system"does not include an
20 adjacent parking lot.
21 (b) A person shall not smoke a cigar, cigarette, or other
22 tobacco-related product on a state coastal beach or in a unit of the
23 state park system.
24 (c) A person who violates this section is guilty of an infraction
25 and shall be punished by a fine of two hundred fifty dollars ($250).
26 (d) The Department of Parks and Recreation or another relevant
27 state agency or department may develop and post signs at a state
28 coastal beach and a unit of the state park system to provide notice
29 of the smoking prohibition set forth in subdivision (b). New signs
30 shall be posted only when existing signs are replaced by the state.
31 SEC. 2. No reimbursement is required by this act pursuant to
32 Section 6 of Article XIII B of the California Constitution because
33 the only costs that may be incurred by a local agency or school
34 district will be incurred because this act creates a new crime or
35 infraction, eliminates a crime or infraction, or changes the penalty
36 for a crime or infraction, within the meaning of Section 17556 of
37 the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

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