

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: July 13, 2009  
POSITION: Neutral

BILL NUMBER: SB 4  
AUTHOR: J. Oropeza

**BILL SUMMARY: State Beaches and Parks: Smoking Ban**

Existing law prohibits smoking and the disposal of smoking related waste within 25 feet of any playground. A violation of the law is punishable by a \$250-fine for each incident. This proposal would extend the smoking ban to state coastal beaches and state parks, and each violation would be punished by a \$100-fine. This proposal would also require the Department of Parks and Recreation (Parks) or another relevant state agency to develop and post signs to provide notice of the smoking ban.

**FISCAL SUMMARY**

This bill would require Parks to post the no smoking signs only when existing signs are replaced. Consequently, the bill should not impose any new additional costs on Parks. In addition, Parks would enforce the proposed ban with tis existing lifeguards and rangers, as they are responsible for law enforcement and public safety throughout the state park system.

Parks also indicates that revenues from the proposed fines would be negligible. Based on the existing arrangement for fine revenues generated in the state park system, a portion of the proposed fines would go to the county (whichever county the citation is given in) and the remainder would be deposited into the State Parks and Recreation Fund.

The California Coastal Commission (Commission) advises that depending on the size, design, number, and proposed placement of the no smoking signs, it could determine that they do not require a Commission permit.

This proposal would not result in a state reimbursable mandate because this proposal would only create a new infraction. The bill contains an appropriate "crimes and infractions" state-mandated cost disclaimer.

**COMMENTS**

This bill would have a minor fiscal impact and concerns a policy matter on which we are neutral.

Currently, Parks prohibits smoking in certain situations, such as on specific guided walks, buildings, and trails. Additional smoking restrictions are imposed where there are high fire risks. This bill would expand the existing smoking ban to all the areas in the state park system and state coastal beaches except their adjacent parking lots.

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Analyst/Principal (0633) M. Almy	Date	Program Budget Manager Karen Finn	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

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**BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED)**

**AUTHOR**

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Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							Fund Code
	LA	(Dollars in Thousands)							
	CO	PROP	2009-2010		2010-2011		2011-2012		
	RV	98	FC	FC	FC	FC			
3720/Coastal Comm	SO	No	-----	See Fiscal Summary	-----			0001	
3790/Parks & Rec	SO	No	-----	No/Minor Fiscal Impact	-----			0001	
1646/Fines & Forf	RV	No	-----	See Fiscal Summary	-----			0392	
<u>Fund Code</u>	<u>Title</u>								
0001	General Fund								
0392	Parks and Recreation Fund, State								