

CHAPTER 1043

An act to amend Sections 4 and 19 of, and to add Section 32.5 to, the Humboldt Bay Harbor, Recreation, and Conservation District Act (Chapter 1283, Statutes of 1970), relating to harbors.

[Approved by Governor September 11, 1984. Filed with Secretary of State September 12, 1984.]

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

SECTION 1. Section 4 of Chapter 1283 of the Statutes of 1970 is amended to read:

Sec. 4. A district for the acquisition, construction, maintenance, operation, development, and regulation of harbor works and improvements, including rail, water, and air terminal facilities, for the development, operation, maintenance, control, regulation, and management of Humboldt Bay upon the tidelands and lands lying under the inland navigable waters of Humboldt Bay, for the promotion of national and international commerce, navigation, fisheries, and recreation thereon, and for the development and protection of the natural resources of the area, may be established or organized and governed as provided in this act and it may exercise the powers expressly granted herein.

Anything herein to the contrary notwithstanding, the powers and authority granted herein shall not apply to public utilities operated under the jurisdiction of the Public Utilities Commission of the State of California.

SEC. 2. Section 19 of Chapter 1283 of the Statutes of 1970 is amended to read:

Sec. 19. The board of commissioners shall draft a master plan for harbor and port improvement and for the use of all of the tidelands and submerged lands which shall be conveyed to the district pursuant to the provisions of this act and other lands or areas subject to its jurisdiction. The board may from time to time modify the master plan by a majority vote of the board.

The provisions in the master plan shall not override or supersede any local existing zoning ordinance which was in effect on November 23, 1970; provided, that if any local zoning ordinance is repealed, or expires, or becomes nonoperative for any reason, thereafter the provisions of the master plan adopted by the board shall control as to all lands and waters under the jurisdiction of the district.

The district shall improve the Humboldt Bay Harbor for navigation and commerce through maintenance and construction of channels, shipways, berths, anchorage places, turning basins, breakwaters, bulkheads, wharves, processing plants, warehouses, roads, spur tracks or beltline railways, and any other work that is deemed necessary that would not otherwise be accomplished by other public or private agencies.

The district shall plan, designate, and protect wildlife habitats, establish open space areas and areas provided for recreational use with open access for the public, protect, conserve, supervise, and improve the wildlife and fish resources of, and control and enhance the aesthetic appearance of, the area.

The district shall regulate the use of Humboldt Bay by control of pollution, dredging, and filling within the area subject to its jurisdiction under Section 5.5.

The district shall work closely with the planning agencies of the adjacent corporate bodies in the exercise of those powers and duties.

SEC. 3. Section 32.5 is added to Chapter 1283 of the Statutes of 1970, to read:

Sec. 32.5. (a) The board may establish offices in other states or in foreign countries for the purpose of providing export trade services. The board may also create an export trading company, with offices where it deems appropriate, to promote the maritime and commercial interests of the district.

(b) Notwithstanding any other provision of this act, no moneys in the Humboldt Bay Harbor, Recreation and Conservation District Revenue Fund shall be used to establish, operate, or fund any out-of-state or foreign office or any export trading company, including transportation or warehousing services. However, any tolls, charges, compensation, or fees levied by the district for services provided by an out-of-state or foreign office or by an export trading company, other than for transportation or warehousing services on tide and submerged lands granted to the district, may be used for purposes of those offices or an export trading company.

(c) The district shall submit to the State Controller, at the end of each fiscal year or as soon thereafter as possible, detailed statements of all revenues and expenditures attributable to the operation of each out-of-state or foreign office and each export trading company, if any, for that fiscal year. The statements shall include, but not be limited to, a balance sheet, an income statement, and a statement of sources and applications of funds.

(d) As used in this section, "export trading company" means a person, partnership, association, or similar organization, whether operated for profit or as a nonprofit organization, which does business under the laws of the United States or the State of California and which is organized and operated principally for the purpose of facilitating export trade services, including, but not limited to, consulting, international market research, advertising, marketing, assistance to obtain insurance, product research and design, legal

assistance, transportation, including trade documentation and freight forwarding, communication, and processing of foreign orders to and for exporters and foreign purchasers, warehousing, and facilitating foreign exchange and financing. An export trading company established under this section shall not itself make loans or otherwise provide credit, become an insurance carrier, or take title to goods.
