California Department of Pesticide Regulation

A SUMMARY OF THE 1999 – 2000 LEGISLATIVE SESSION

State of California
California Environmental Protection Agency
Department of Pesticide Regulation
Paul E. Helliker, Director

State of California

Gray Davis
Governor

DEPARTMENT OF PESTICIDE REGULATION

Paul E. Helliker
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INTRODUCTION

This report summarizes the legislation tracked by the Department of Pesticide Regulation, Office of Legislation and Regulation during the 1999 – 2000 Legislative Session. These bills impacted or had the potential to impact the pesticide regulator program administered by the Department of Pesticide Regulation and the County Agricultural Commissioners.

The bills chaptered in 1999 became law on January 1, 2000, unless it was an urgency measure. The bills chaptered in 2000 became law on January 2, 2001, unless it was an urgency clause. This report provides a summary of the important bills that the Department followed during this Legislative Session.

ACRONYMS

AB	Assembly Bill
ACR	Assembly Concurrent Resolution
ALJ	Administrative Law Judge
APA	Administrative Procedures Act
ARB	Air Resources Board
CAC	County Agricultural Commissioner
Cal/EPA	California Environmental Protection Agency
CCR	California Code of Regulations
CDFA	California Department of Food and Agriculture
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CFR	Code of Federal Regulations
CIWMB	California Integrated Waste Management Board
DBW	Department of Boating and Waterwaysq
DFG	Department of Fish and Game
DHS	Department of Health Services
DPR	Department of Pesticide Regulation
DTSC	Department of Toxic Substances Control
US EPA	United States Environmental Protection Agency
FAC	Food and Agriculture Code
OEHHA	Office of Environmental Health Hazard Assessment
HSC	Health and Safety Code
OAL	Office of Administrative Law
OES	Office of Emergency Services
PCP	Pentachlorophenol
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SPCB	Structural Pest Control Board
SWRCB	State Water Resources Control Board
TAC	Toxic Air Contaminant
VOC	Volatile Organic Compound

BILL INDEX

The Bill Index Section of this summary identifies all the legislative bills tracked by the Department of Pesticide Regulation during the 1999 – 2000 Legislative Session. These bills would have or do have an impact on the Department of Pesticide Regulation.

Bill #	Author	Subject	Disposition
AB 86	McClintock	State government: realignment or closure	Died
AB 96	Shelley	Retirement benefits	Chaptered by Secretary of State - Chapter 871 Statutes of 2000
AB 113	Florez	Agricultural Economic Disaster Act of 2000	Died
AB 303	Thomson	Groundwater	Chaptered by Secretary of State – Chapter 708 Statutes of 2000
AB 511	Alquist	Taxation	Chaptered by Secretary of State – Chapter 107 Statutes of 2000
AB 524	Lempert	Fines	Died
AB 581	Firebaugh	Information technology: study	Vetoed by Governor
AB 641	Lempert	Water quality: enclosed bays and estuaries	Died
AB 654	Cardoza	Rendering plant: odor	Died
AB 717	Keeley	Timber harvesting plans silvicultural practices	Died
AB 730	Dickerson	Watershed protection	Died
AB 736	Thompson	Pest control: Mexican Fruit Fly Quarantine	Died
AB 786	Machado	Pesticides: school employees	Vetoed by Governor
AB 786	Machado	Pesticides: school employees	Vetoed by Governor

AB 833	Battin	California Environmental Protection Agency	Died
AB 858	Kuehl	Vehicle license fee offsets	Chaptered by Secretary of State - Chapter 106 Statutes of 2000
AB 885	Jackson	Onsite sewage treatment systems	Chaptered by Secretary of State - Chapter 781 Statutes of 2000
AB 1043	Shelley	Environmental health: portable classrooms	Died
AB 1196	Thompson	Solid waste: management plans: facilities permits	Died
AB 1232	Committee on Agriculture	Pierce Disease research	Chaptered by Secretary of State - Chapter 627 Statutes of 1999
AB 1278	Knox	Water quality: total maximum daily loads	Died
AB 1312	Machado	Records: administrative regulations	Died
AB 1321	Granlund	Driving hour restrictions	Died
AB 1450	Ducheny	Environmental quality	Died
AB 1615	Longville	Property tax revenue allocations	Chaptered by Secretary of State – Chapter 604, Statutes of 2000
AB 1640	Committee on Agriculture	Pest control: reporting pesticide use	Died
AB 1680	Ducheny	Environment and health indicators	Died
AB 1729	Bock	Drinking water: fluoridation	Died
AB 1740	Ducheny	2000-01 Budget	Vetoed by Governor
AB 1758	Kuehl	Endangered species	Vetoed by Governor
AB 1759	Papan	Public records: Internet reports	Vetoed by Governor.
AB 1771	Committee on Agriculture	Agricultural pest control	Chaptered by Secretary of State - Chapter 573 Statutes of 2000.
AB 1775	Lowenthal	Petroleum coke dust	Chaptered by Secretary of State - Chapter 500 Statutes of 2000.

AB 1782	Florez	Cattle disease control	Chaptered by Secretary of State – Chapter 425, Statutes of 2000
AB 1790	Wiggins	Tax relief: vineyards: Pierce's Disease	Chaptered by Secretary of State - Chapter 272 Statutes of 2000
AB 1802	Bock	Pollution: air	Died
AB 1803	Strickland	Rural crime prevention programs	Died
AB 1841	Dickerson	Vehicles: implements of husbandry	Vetoed by Governor
AB 1852	Longville	Meyers-Milias-Brown Act	Chaptered by Secretary of State - Chapter 316 Statutes of 2000
AB 1856	Kuehl	Harassment: liability of employees	Chaptered by Secretary of State - Chapter 1047 Statutes of 2000
AB 1865	Strickland	Water quality: septic tank systems	Died
AB 1866	Dutra	Home furnishings	Died
AB 1877	Maldonado	Air pollution: rules and regulations	Chaptered by Secretary of State - Chapter 501 Statutes of 2000
AB 1878	Lowenthal	Hazardous waste: disposal	Died
AB 1898	Wright	Private postsecondary education: Bureau for Private Postsecondary and Vocational Education: short-term career training	Chaptered by Secretary of State - Chapter 273 Statutes of 2000
AB 1952	Florez	Agricultural disasters	Died
AB 2004	Havice	Solid waste: diversion	Died
AB 2020	Leach	Infrastructure financing	Died
AB 2033	Torlakson	Joint powers agreements	Chaptered by Secretary of State - Chapter 724 Statutes of 2000
AB 2071	Briggs	Pest control: vertebrate pests	Chaptered by Secretary of State - Chapter 338 Statutes of 2000
AB 2100	Dutra	California Electronic Government and Information Act	Died

AB 2111	Campbell	Red imported fire ants	Vetoed by Governor
AB 2116	Briggs	School facilities: portable classrooms: detoxification	Died
AB 2147	Wiggins	Zoning ordinances: public schools	Died
AB 2163	Cunneen	Information technology	Died
AB 2193	Baldwin	Biometric and personal information	Died
AB 2244	Lowenthal	Regulated substances: local agencies	Chaptered by Secretary of State - Chapter 294 Statutes of 2000
AB 2260	Shelley	School safety	Chaptered by Secretary of State - Chapter 718 Statutes of 2000
AB 2282	Davis	Public records: resolution of enforcement actions	Chaptered by Secretary of State - Chapter 783 Statutes of 2000
AB 2287	Wildman	Underground storage tanks: water	Died
AB 2300	Florez	Joint powers authority	Chaptered by Secretary of State - Chapter 723 Statutes of 2000
AB 2301	Lowenthal	State agencies: contracts	Chaptered by Secretary of State - Chapter 62 Statutes of 2000
AB 2318	Lowenthal	Lindane: prohibition	Chaptered by Secretary of State - Chapter 326 Statutes of 2000
AB 2412	Migden	Sales and use taxes: retailer	Vetoed by Governor
AB 2422	Machado	School facilities: pest control	Died
AB 2439	Wright	Administrative procedures	Died
AB 2444	Thompson	Degrees of emergency: pest infestation and federal quarantine	Died
AB 2460	Thompson	Mexican fruit fly	Died
AB 2468	Romero	Farm operators: liability	Died
AB 2471	Wayne	State Environmental Goals and Policy Report	Vetoed by Governor

AB 2480	Baldwin	State funds	Died
AB 2488	Baldwin	Hazardous materials: business plans	Chaptered by Secretary of State - Chapter 296 Statutes of 2000
AB 2492	Kuehl	Storm water	Died
AB 2498	Kuehl	Water conveyance facilities	Died
AB 2600	Battin	Pest control	Died
AB 2644	Calderon	School facilities: contamination	Chaptered by Secretary of State - Chapter 443 Statutes of 2000
AB 2663	Thomson	Sustainable agriculture	Chaptered by Secretary of State – Chapter 670, Statutes of 2000
AB 2692	Aanestad	Groundwater monitoring: lead agency	Died
AB 2703	Committee on Agriculture	Pest Exclusion Emergency Fund	Died
AB 2707	Florez	Farm labor contractors	Chaptered by Secretary of State – Chapter 877 Statutes of 2000
AB 2739	Baugh	Hazardous materials handling charge	Died
AB 2752	Cardoza	Solid waste facility permits: sacred sites	Vetoed by Governor
AB 2796	Reyes	Integrated pest management	Died
AB 2799	Shelley	Public records: disclosure	Chaptered by Secretary of State - Chapter 982 Statutes of 2000
AB 2799	Shelley	Public records: disclosure	Chaptered by Secretary of State - Chapter 982 Statutes of 2000
AB 2815	Kuehl	Unemployment insurance: disability benefits	Vetoed by Governor
AB 2817	Honda	Information technology: innovation projects grant program	Chaptered by Secretary of State – Chapter 608, Statutes of 2000
AB 2861	Committee on Labor and Employment	Occupational health and medicine: occupational health centers	Died

AB 2872	Shelley	Resources and environmental protection: biomass facility grant program: cancer risk assessment guidelines: underground storage tanks: hazardous material loan program: fire safety: CUPA's: health conditions in port	Chaptered by Secretary of State - Chapter 144 Statutes of 2000
AB 2932	Committee on Environmental Safety and Toxic Materials	Discharge offset program	Died
AB 2935	Committee on Information Technology	Government records	Chaptered by Secretary of State - Chapter 924 Statutes of 2000
AB 2936	Committee on Information Technology	Department of Information Technology: repeal date	Died
HR 48	Pescetti	Relative to California Architecture Week.	Died
SB 89	Escutia	Environmental quality: minority and low-income populations	Chaptered by Secretary of State. Chapter 728 Statutes of 2000
SB 204	Lewis	Red imported fire ants	Chaptered by Secretary of State – Chapter 1010, Statutes of 1999
SB 229	McPherson	Income and bank and corporation taxes: irrigation	Died
SB 244	Solis	Surface mining and reclamation	Chaptered by Secretary of State. Chapter 515 Statutes of 2000
SB 257	Ortiz	Flood protection	Died
SB 280	Bowen	State buildings and publicly funded schools: standards	Vetoed by Governor
SB 553	Kelley	Urban water management plans	Chaptered by Secretary of State. Chapter 712 Statutes of 2000
SB 671	Chesbro	Pierce's disease	Chaptered by Secretary of State. Chapter 21 Statutes of 2000
SB 676	Sher	California Environmental Protection Agency	Died
SB 727	Committee on Budget and	Department of Pesticide Regulation	Died

	Fiscal Review		
SB 823	Sher	Air pollution: particulate matter	Died
SB 843	Polanco	Income and bank and corporation taxes	Died
SB 875	Escutia	State intellectual property	Died
SB 876	Escutia	Waste and used tires	Chaptered by Secretary of State. Chapter 838 Statutes of 2000
SB 956	Hayden	Packaging and labeling	Died
SB 1008	Leslie	Water quality	Died
SB 1010	Kelley	Pesticides: electronic marketing	Died
SB 1020	Figueroa	Toxic air contaminants: identification	Died
SB 1111	Sher	Asthma	Died
SB 1114	Hayden	Fish and wildlife	Died
SB 1136	Vasconcellos	Technology	Chaptered by Secretary of State. Chapter 1056 Statutes of 2000
SB 1246	Polanco	Unemployment: seasonal farmworkers	Died
SB 1254	Schiff	Confidentiality of writings	Died
SB 1293	Chesbro	Alcoholic beverages: Napa County wine	Chaptered by Secretary of State. Chapter 831 Statutes of 2000
SB 1300	Sher	Air pollution	Chaptered by Secretary of State. Chapter 729 Statutes of 2000
SB 1311	Chesbro	Salmon and steelhead trout habitat	Chaptered by Secretary of State. Chapter 38 Statutes of 2000
SB 1341	Burton	Water resources	Chaptered by Secretary of State. Chapter 720 Statutes of 2000
SB 1344	Peace	2000-01 Budget	Died
SB 1378	Brulte	Public employees: supervisory and managerial salary differential	Vetoed by Governor

SB 1408	Alarcon	Environmental Justice Technical Assistance Grant Demonstration Program	Died
SB 1419	Haynes	Medical profiling	Died
SB 1423	Chesbro	Alcoholic beverages: tied-house restrictions	Chaptered by Secretary of State. Chapter 205 Statutes of 2000
SB 1444	Johnson	Nonpoint source pollution: coastal waters	Died
SB 1469	Costa	School buildings: relocatable buildings	Chaptered by Secretary of State. Chapter 747 Statutes of 2000
SB 1513	Hayden	Genetically engineered food products	Died
SB 1514	Hayden	School food	Vetoed by Governor
SB 1516	Hayden	International trade: environment	Vetoed by Governor
SB 1521	Monteith	Personal Income Tax and Bank and Corporation Tax Laws: deductions: agricultural water filter systems and equipment	Died
SB 1523	Figueroa	Hazardous substances	Died
SB 1532	Morrow	California Environmental Quality Act: public information	Died
SB 1532	Morrow	California Environmental Quality Act: public information	Died
SB 1535	Costa	Farm products processors: licensing	Chaptered by Secretary of State. Chapter 768 Statutes of 2000
SB 1540	Sher	California River Restoration Act of 2000	Died
SB 1562	Burton	Mitigation of projects through wetlands restoration	Chaptered by Secretary of State. Chapter 925 Statutes of 2000
SB 1571	Costa	Water	Chaptered by Secretary of State. Chapter 1078 Statutes of 2000
SB 1586	Costa	CALFED funds	Died
SB 1588	Johannessen	CALFED	Died

SB 1589	Johannessen	CALFED	Died
SB 1590	Johannessen	Flood control	Died
SB 1596	Ortiz	Health reporting: confidentiality of information	Died
SB 1596	Ortiz	Health reporting: confidentiality of information	Died
SB 1610	Burton	Water: limitation on fill	Died.
SB 1631	Hayden	Environmental safety standards: schoolsites	Died
SB 1639	Murray	Structural pest control	Died
SB 1653	Committee on Budget and Fiscal Review	Department of Pesticide Regulation	Died
SB 1667	Alpert	Education and government	Vetoed by Governor
SB 1668	Committee on Budget and Fiscal Review	State employees	Died
SB 1740	Leslie	Noxious weed management	Chaptered by Secretary of State. Chapter 315 Statutes of 2000
SB 1750	Murray	Information technology: state services	Died
SB 1757	Bowen	Information technology: state offices: public access to computers	Died
SB 1757	Bowen	Information technology: state offices: public access to computers	Died
SB 1758	Peace	California Infrastructure and Economic Development Bank	Chaptered by Secretary of State. Chapter 1079 Statutes of 2000
SB 1771	Sher	Greenhouse gas emission reductions: climate change	Chaptered by Secretary of State. Chapter 1018 Statutes of 2000
SB 1775	Johannessen	Stockponds	Chaptered by Secretary of State. Chapter 306 Statutes of 2000.
SB 1789	Rainey	Hazardous substance sites: brownfields	Vetoed by Governor

SB 1794	Ortiz	Rice straw burning	Chaptered by Secretary of State. Chapter 1019 Statutes of 2000
SB 1810	Perata	California Environmental Quality Act: exemptions: vineyards	Died
SB 1822	Bowen	Employee computer records	Vetoed by Governor
SB 1824	Kelley	Certified unified program agencies: counties	Chaptered by Secretary of State. Chapter 730 Statutes of 2000
SB 1832	Chesbro	Forest legacy program	Chaptered by Secretary of State. Chapter 790 Statutes of 2000
SB 1834	Alpert	Water quality	Vetoed by Governor
SB 1859	Chesbro	Public officials	Chaptered by Secretary of State – Chapter 233, Statutes of 2000
SB 1865	Perata	Air pollution: civil and criminal penalties	Chaptered by Secretary of State. Chapter 805 Statutes of 2000
SB 1878	Johnston	Agricultural lands	Died
SB 1903	Speier	Medical information: requests for disclosure	Chaptered by Secretary of State. Chapter 1066 Statutes of 2000
SB 1940	Bowen	Medical information: authorization: pharmacists	Died
SB 1958	Lewis	Public entities: liability	Died
SB 1963	Chesbro	Nonindustrial timber operations	Died
SB 1964	Chesbro	Timber harvest plans	Vetoed by Governor
SB 1965	Brulte	Workers' compensation: information system	Died
SB 1970	Costa	Economic poisons: regulation	Chaptered by Secretary of State. Chapter 806 Statutes of 2000
SB 1972	Mountjoy	Reformulated gasoline: oxygenates and alkylates	Died

SB 1974	Poochigian	Taxation: irrigation system improvements	Died
SB 1979	Escutia	Water replenishment districts	Chaptered by Secretary of State. Chapter 894 Statutes of 2000
SB 1982	Alpert	Local government finance: reform	Died
SB 1986	Costa	Pollution	Chaptered by Secretary of State. Chapter 915 Statutes of 2000
SB 2027	Sher	Public records: disclosure	Vetoed by Governor
SB 2033	Figueroa	Structural Pest Control Board	Chaptered by Secretary of State. Chapter 539 Statutes of 2000
SB 2035	Committee on Environmental Quality	Hazardous waste management	Chaptered by Secretary of State. Chapter 343 Statutes of 2000
SB 2042	Johnston	Bay-Delta Program and ecosystem restoration program	Died
SB 2058	Morrow	Medical information	Died
SB 2063	Costa	Farmland security zone contracts	Died
SB 2065	Costa	Agriculture	Chaptered by Secretary of State. Chapter 589 Statutes of 2000
SB 2082	O'Connell	Animals: safety testing	Chaptered by Secretary of State. Chapter 476 Statutes of 2000
SB 2086	Johnston	Conservancies	Vetoed by Governor
SB 2095	Johnston	Water Recycling in Landscaping Act	Chaptered by Secretary of State. Chapter 510 Statutes of 2000
SB 2104	Morrow	Agricultural disasters	Chaptered by Secretary of State. Chapter 698 Statutes of 2000
SB 2130	Sher	Air pollution: penalties	Died
SB 2141	Poochigian	California Watershed Planning Act	Died

SB 2143	Bowen	Landlords: notice of pest control	Chaptered by Secretary of State – Chapter 234, Statutes of 2000
SB 2165	Sher	Waste discharge requirements	Chaptered by Secretary of State. Chapter 807 Statutes of 2000
SB 2179	Johannessen	Specially protected species	Died
SB 2181	Perata	State Lands Commission: enforcement powers	Died
SB 2182	Committee on Health and Human Services	Environmental health: food	Chaptered by Secretary of State. Chapter 870 Statutes of 2000
SB 2203	Committee on Environmental Quality	Environmental laboratories	Chaptered by Secretary of State. Chapter 733 Statutes of 2000
SCR 54	Burton	Legislature: adjournment	Chaptered by Secretary of State. Res. Chapter 11 Statutes of 2000
SJR 26	Kelley	Mission Creek and Desert Hot Springs Aquifers	Chaptered by Secretary of State. Res. Chapter 69 Statutes of 2000

DEPARTMENT SPONSORED LEGISLATION

Senate Bill No. 1970 (Costa) – Economic poisons
CHAPTER 806, Statutes of 2000

An act to amend Sections 2181, 2182, 12976, 12999.4, 12999.5, 14008, and 14033 of, and to add and repeal Section 12999.6 of, the Food and Agricultural Code, relating to economic poisons.

LEGISLATIVE COUNSEL'S DIGEST
(1) Existing law provides for presentation of evidence to the Director of the Department of Food and Agriculture, for purposes of convening a hearing by a trial board in regard to the neglect, incompetence, or misconduct in office of a county agricultural commissioner, as specified. This bill would, instead, authorize presentation of the evidence to the Secretary of Food and Agriculture or the Director of the Department of Pesticide Regulation, for the above-specified conduct. The secretary would be authorized to convene the trial board when the alleged offenses come under the jurisdiction of the Department of Food and Agriculture and the director would convene the trial board when the alleged offenses come under the jurisdiction of the Department of Pesticide Regulation.
(2) Existing law provides that, except as provided, the director may, after investigation and hearing, adopt regulations to govern the possession, sale, or use of any pesticide which the director finds necessary, as specified. This bill would revise procedures relating to adopting regulations.
(3) Existing law authorizes the levy of civil penalties for specified violations and provides the person charged with a violation with the opportunity to review the director's evidence and present evidence on his or her behalf at the hearing. This bill would revise this procedure by authorizing the person to review the evidence prior to the hearing.
(4) Existing law provides for the levying of civil penalties for specified violations regarding pesticides. Those penalties are imposed by a county agricultural commissioner after a hearing by that commissioner. This bill would provide that it is unlawful to refuse or neglect to pay a civil penalty levied as described above. Additionally, this bill would authorize the director to initiate and maintain enforcement actions for violations committed in multiple jurisdictions or in other specified cases, or to refer those violations to the district attorney or the Attorney General. In cases where the director takes enforcement action, the director would be authorized to impose a fine up to $5,000 for each violation after a noticed hearing. Procedures for judicial review of the director's decision would also be provided. The director's authority under these provisions would only apply prospectively to violations occurring on or after January 1, 2001, and would only remain in effect until January 1, 2006, unless a later enacted statute deletes or extends that date.
(5) Existing law provides for the refusal, revocation, or suspension of a permit regarding the use of pesticides for specified violations. This bill would, in addition, provide for the refusal, revocation, or suspension of a permit regarding the use of pesticides, as specified, for the failure to pay a civil penalty or comply with a final, lawful order from an agricultural commissioner.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:
SECTION 1. Section 2181 of the Food and Agricultural Code is amended to read:
2181. Upon satisfactory evidence presented to the Secretary or the Director of the Department of Pesticide Regulation that the commissioner of any county is guilty of neglect of duty, incompetence, or misconduct in office, the trial board that is selected, pursuant to this article, shall hold a hearing at the time and place specified by the trial board. The secretary shall convene the trial board when the alleged offenses come under the jurisdiction of the Department of Food and Agriculture, and the director shall

convene the trial board when the alleged offenses come under the jurisdiction of the Department of Pesticide Regulation.
SEC. 2. Section 2182 of the Food and Agricultural Code is amended to read:
2182. The county agricultural commissioner's trial board shall be composed of the Secretary and the Director of the Department of Pesticide Regulation, a person who has knowledge of, or experience in, agriculture, selected by the board of supervisors of the county of the charged commissioner, and a hearing officer from the Office of Administrative Hearings, who shall be chairman and a voting member of such board. The department that convenes the trial board is responsible, under Section 11370.4 of the Government Code, for the cost of the services provided for by the Office of Administrative Hearings in carrying out the provisions of this section.
SEC. 3. Section 12976 of the Food and Agricultural Code is amended to read:
12976. The director may adopt regulations to govern the possession, sale, or use of any pesticide which the director finds necessary to carry out the purposes of Division 6 (commencing with Section 11401) or this division.
SEC. 4. Section 12999.4 of the Food and Agricultural Code is amended to read:
12999.4. (a) In lieu of civil prosecution by the director, the director may levy a civil penalty against a person violating Sections 12115, 12116, 12671, 12992, 12993, Chapter 10 (commencing with Section 12400) of Division 6, Article 4.5 (commencing with Section 12841), Chapter 7.5 (commencing with Section 15300), or the regulations adopted pursuant to those provisions, of not more than five thousand dollars ($5,000) for each violation.
(b) Before a civil penalty is levied, the person charged with the violation shall be given a written notice of the proposed action, including the nature of the violation and the amount of the proposed penalty, and shall have the right to request a hearing within 20 days after receiving notice of the proposed action. A notice of the proposed action that is sent by certified mail to the last known address of the person charged shall be considered received even if delivery is refused or the notice is not accepted at that address. If a hearing is requested, notice of the time and place of the hearing shall be given at least 10 days before the date set for the hearing. Prior to the hearing, the person shall be given an opportunity to review the director's evidence. At the hearing, the person shall be given the opportunity to present evidence on his or her own behalf. If a hearing is not timely requested, the director may take the action proposed without a hearing.
(c) If the person against whom the director levied a civil penalty requested and appeared at a hearing, the person may seek review of the director's decision within 30 days of the date of the decision pursuant to Section 1094.5 of the Code of Civil Procedure.
(d) After the exhaustion of the review procedure provided in this section, the director, or his or her representative, may file a certified copy of a final decision of the director that directs the payment of a civil penalty and, if applicable, any order that denies a petition for a writ of administrative mandamus, with the clerk of the superior court of any county. Judgment shall be entered immediately by the clerk in conformity with the decision or order. No fees shall be charged by the clerk of the superior court for the performance of any official service required in connection with the entry of judgment pursuant to this section.
(e) Any money recovered under this section shall be paid into the Department of Pesticide Regulation Fund for use by the department, upon appropriation, in administering this division and Division 6 (commencing with Section 11401).
SEC. 5. Section 12999.5 of the Food and Agricultural Code is amended to read:
12999.5. (a) In lieu of civil prosecution by the director, the commissioner may levy a civil penalty against a person violating Division 6 (commencing with Section 11401), Article 10 (commencing with Section 12971) or Article 10.5 (commencing with Section 12980) of this chapter, Section 12995, Article 1 (commencing with Section 14001) of Chapter 3, Chapter 7.5 (commencing with Section 15300), or a regulation adopted pursuant to any of these provisions, of not more than one thousand dollars ($1,000) for each violation. It is unlawful and grounds for denial of a permit under Section 14008 for any person to refuse or neglect to pay a civil penalty levied pursuant to this section once the order is final.
(b) Before a civil penalty is levied, the person charged with the violation shall be given a written notice of the proposed action including the nature of the violation and the amount of the proposed penalty, and shall have the right to request a hearing within 20 days after receiving notice of the proposed action. A

notice of the proposed action that is sent by certified mail to the last known address of the person charged shall be considered received even if delivery is refused or the notice is not accepted at that address. If a hearing is requested, notice of the time and place of the hearing shall be given at least 10 days before the date set for the hearing. At the hearing, the person shall be given an opportunity to review the commissioner's evidence and to present evidence on his or her own behalf. If a hearing is not timely requested, the commissioner may take the action proposed without a hearing.

(c) If the person upon whom the commissioner levied a civil penalty requested and appeared at a hearing, the person may appeal the commissioner's decision to the director within 30 days of the date of receiving a copy of the commissioner's decision. The following procedures apply to the appeal:

(1) The appeal shall be in writing and signed by the appellant or his or her authorized agent, state the grounds for the appeal, and include a copy of the commissioner's decision. The appellant shall file a copy of the appeal with the commissioner at the same time it is filed with the director.

(2) The appellant and the commissioner may, at the time of filing the appeal or within 10 days thereafter or at a later time prescribed by the director, present the record of the hearing including written evidence that was submitted at the hearing and a written argument to the director stating grounds for affirming, modifying, or reversing the commissioner's decision.

(3) The director may grant oral arguments upon application made at the time written arguments are filed.

(4) If an application to present an oral argument is granted, written notice of the time and place for the oral argument shall be given at least 10 days before the date set therefor. The times may be altered by mutual agreement of the appellant, the commissioner, and the director.

(5) The director shall decide the appeal on the record of the hearing, including the written evidence and the written argument described in paragraph (2), that he or she has received. If the director finds substantial evidence in the record to support the commissioner's decision, the director shall affirm the decision.

(6) The director shall render a written decision within 45 days of the date of appeal or within 15 days of the date of oral arguments or as soon thereafter as practical.

(7) On an appeal pursuant to this section, the director may affirm the commissioner's decision, modify the commissioner's decision by reducing or increasing the amount of the penalty levied so that it is within the director's guidelines for imposing civil penalties, or reverse the commissioner's decision. Any civil penalty increased by the director shall not be higher than that proposed in the commissioner's notice of proposed action given pursuant to subdivision (b). A copy of the director's decision shall be delivered or mailed to the appellant and the commissioner.

(8) Any person who does not request a hearing pursuant to subdivision (b) may not file an appeal pursuant to this subdivision.

(9) Review of a decision of the director may be sought by the appellant within 30 days of the date of the decision pursuant to Section 1094.5 of the Code of Civil Procedure.

(d) The commissioner may levy a civil penalty pursuant to subdivisions (a) to (c), inclusive, against a person violating paragraph (1), (2), or (8) of subdivision (a) of Section 1695 of the Labor Code, which pertains to registration with the commissioner, carrying proof of that registration, and filing changes of address with the commissioner.

(e) After the exhaustion of the appeal and review procedures provided in this section, the commissioner or his or her representative, may file a certified copy of a final decision of the commissioner that directs the payment of a civil penalty and, if applicable, a copy of any decision of the director or his or her authorized representative rendered on an appeal from the commissioner's decision and a copy of any order that denies a petition for a writ of administrative mandamus, with the clerk of the superior court of any county. Judgment shall be entered immediately by the clerk in conformity with the decision or order. No fees shall be charged by the clerk of the superior court for the performance of any official service required in connection with the entry of judgment pursuant to this section.

SEC. 6. Section 12999.6 is added to the Food and Agricultural Code, to read:

12999.6. (a) The director may initiate and maintain enforcement actions for violations described in subdivision (b) and to impose the fine described in subdivision (b), or may refer any of those violations to the proper enforcement agency, including the district attorney in the county where the violations have occurred or the Attorney General.

(b) If the director determines that violations of statutes as defined in Section 12999.5, committed in multiple jurisdictions are not appropriate matters to be enforced by a commissioner, or in the case of priority investigations, as defined in the 1995 Cooperative Agreement or subsequent modifications to that agreement between the California Department of Pesticide Regulation, the California Agricultural Commissioners and Sealers Association, and the United States Environmental Protection Agency, Region IX, the director may take the appropriate action. The director may levy a penalty of not more than five thousand dollars ($5,000) for each violation. The department may adopt regulations to enforce this section.

(c) Before a civil penalty is levied, the person charged with the violation shall be given a written notice of the proposed action, including the nature of the violation and the amount of the proposed penalty, and shall have the right to request a hearing within 20 days after receiving notice of the proposed action. A notice of the proposed action that is sent by certified mail to the last known address of the person charged shall be considered received even if delivery is refused or the notice is not accepted at that address. If a hearing is requested, notice of the time and place of the hearing shall be given at least 10 days before the date set for the hearing. Prior to the hearing, the person shall be given an opportunity to review the director's evidence. At the hearing the person shall be given the opportunity to present evidence on his or her own behalf. If a hearing is not timely requested, the director may take the action proposed without a hearing.

(d) If the person against whom the director levied a civil penalty requested and appeared at a hearing, the person may seek judicial review of the director's decision within 30 days of the date of the decision pursuant to Section 1094.5 of the Code of Civil Procedure.

(e) After exhaustion of the review procedure provided in this section, the director, or his or her representative, may file a certified copy of a final decision of the director that directs the payment of a civil penalty and, if applicable, any order that denies a petition for writ of administrative mandamus, with the clerk of the superior court of any county. Judgment shall be entered immediately by the clerk in conformity with the decision or order. No fees shall be charged by the clerk of the superior court for the performance of any official service required in connection with the entry of judgment pursuant to this section.

(f) Any money recovered under this section shall be paid into the Department of Pesticide Regulation Fund for use by the department, upon appropriation, in administering this division and Division 6 (commencing with Section 11401).

(g) This section shall only apply to violations that occur on or after January 1, 2001.

(h) This section shall remain in effect only until January 2, 2006, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2006, deletes or extends that date.

SEC. 7. Section 14008 of the Food and Agricultural Code is amended to read:

14008. Any permit may be refused, revoked, or suspended for violation of any of the conditions of the permit, or of a previous permit, or for violation of any provision of this division or of the regulations that are issued pursuant to it, or for the failure to pay a civil penalty or comply with any lawful order of the commissioner, once that order is final.

SEC. 8. Section 14033 of the Food and Agricultural Code is amended to read:

14033. The director shall adopt regulations that govern the use of 2,4-D and any other herbicide which he finds and determines is injurious to any crop that is being grown in any area of the state. The regulations of the director may prescribe the time when, and the conditions under which, a restricted herbicide may be used in different areas of the state. They may provide that a restricted herbicide shall be used only under permit of the commissioner or under the direct supervision of the commissioner, subject to any of the following limitations:

In certain areas.

In excess of certain quantities or concentrations.

DEPARTMENT PRIORITY LEGISLATION

AB 786 (Machado) – Pesticides: school employees
Vetoed

An act to add Chapter 11 (commencing with Section 12420) to Division 6 of the Food and Agricultural Code, relating to pesticide regulation.

LEGISLATIVE COUNSEL'S DIGEST
Existing law establishes regulations and requirements for persons applying pesticides in various circumstances. This bill would require a specified program of training in the handling and application of pesticides by school employees, as defined. This bill would also require the Department of Pesticide Regulation to prepare and distribute to all school districts, material that may be used to train school employees, as specified by July 1, 2001. By imposing additional duties on local entities, 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.
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.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:
SECTION 1. Chapter 11 (commencing with Section 12420) is added to Division 6 of the Food and Agricultural Code, to read:
CHAPTER 11. PESTICIDE APPLICATION BY SCHOOL EMPLOYEES-TRAINING
12894. (a) For purposes of this section, "school employee" means a classified employee, as that term is defined in Section 41401 of the Education Code, to whom both of the following apply:
(1) The classified employee works as a pest control, vector control or environmental health specialist for a school district or works in grounds or landscape maintenance or school building or school facility maintenance.
(2) The classified employee is required, as part of his or her duties, to handle pesticides.
(b) School employees shall receive training in the safe handling and application of pesticides. The training shall be completed prior to the school employee handling pesticides, shall be updated as necessary before new pesticides for which training has not been received are handled, and shall be repeated at least annually. Training shall ensure that the school employee has a basic grounding in the training material prepared and distributed by the department pursuant to subdivision (c). The school district shall keep a record of the training received by each school employee.
(c) The Department of Pesticide Regulation shall, by July 1, 2001, prepare and distribute to all school districts, material that may be used to train school employees in the safe handling and application of pesticides. The training material may consist of appropriate leaflets from the Pesticide Safety Information Series and other material as the department determines may be necessary to ensure that the school employee has a basic grounding in the subject areas described in subdivision (b) of Section 6724 of Title 3 of the California Code of Regulations that are applicable to the specific pesticide handling situation by the school employee.

(d) Subdivision (c) shall become operative on January 1, 2001. All other requirements of this section shall become operative on January 1, 2002.
SEC. 2. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars ($1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

AB 786 Veto Message

To Members of the California Assembly:

I am returning Assembly Bill 786 without my signature.

This bill would require school district employees, who apply pesticides as part of their regular duties, to receive training in the safe use of pesticides. The bill would also require the Department of Pesticide Regulation (DPR) to distribute training materials on the safe handling of pesticides to all schools.

AB 786 is unnecessary. The training materials required by the bill are already available to schools either by request or by accessing the DPR web site. By imposing additional duties on local entities, this bill would impose a state-mandated local program. In addition, the bill sets an inappropriate precedent by codifying what is already required by regulation. The California Code of Regulations (Title 3, Sections 6724) requires pesticide safety training of all employees who handle pesticides in their work setting.

Sincerely,

GRAY DAVIS

AB 1043 (Shelley) – Environmental health: portable classrooms
Died in the Senate Appropriations Committee

An act to add Chapter 8 (commencing with Section 119320) to Part 12 of Division 104 of the Health and Safety Code, relating to environmental health.

LEGISLATIVE COUNSEL'S DIGEST
AB 1043, as amended, Shelley. Environmental health: portable classrooms. Existing law regulates environmental health issues, including food, drugs, occupational safety, and consumer products. This bill would require the State Department of Health Services, by January 1, 2002, to conduct a comprehensive review of the environmental health conditions in portable classrooms, as defined, including, but not limited to, specified components. The bill would require the department to conduct the review in consultation with specified other entities and would require that the department issue a report on the review to the appropriate committees of the Legislature .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. Chapter 8 (commencing with Section 119320) is added to Part 12 of Division 104 of the Health and Safety Code, to read:
CHAPTER 8. PORTABLE CLASSROOMS
119320. (a) By January 1, 2002, the State Department of Health Services and the State Air Resources Board, in consultation with the State Department of Education, the Department of General Services, and the Office of Environmental Health Hazard Assessment, shall conduct a comprehensive review of the environmental health conditions in portable classrooms as defined in subdivision (k) of Section 17070.15

of the Education Code and shall issue a report on the review to the appropriate committees of the Legislature. This review shall include, but shall not be limited to, all of the following:
(1) Specifications for design and construction.
(2) School maintenance practices.
(3) Potential for toxic contamination.
(4) Assessment of air quality.
(5) Analysis of student absenteeism and its causes.
(b) The review required by this section shall include recommendations regarding design standards, ventilation, or other mitigating actions, as necessary to ensure the protection of children's health.

AB 2260 (Shelley) – School Safety
Chapter 718, Statutes of 2000

Under existing law, the Department of Pesticide Regulation has primary responsibility for enforcing pesticide laws and regulations. Existing law establishes and maintains various programs to promote health and prevent disease.

This bill would establish the Healthy Schools Act of 2000. The bill would require that the preferred method of managing pests at schoolsites be effective least toxic pest management practices and would further require that the state take the necessary steps, pursuant to specified provisions, to facilitate the adoption of effective least management practices at schoolsites. The bill would require each schoolsite to maintain records of all pesticide use at the schoolsite for a period of 4 years and make the records available to the public upon request, thus imposing a state-mandated local program. The bill would require that licensed and certified pest control operators include information on any school pesticide application that they perform as part of their otherwise applicable pesticide use reporting requirements.

The bill would require, on an annual basis, the school district designee to provide to all staff and parents or guardians of pupils enrolled at a school written notification addressing, among other things, expected pesticide use, thus imposing a state-mandated local program. The bill would require that the recipients be afforded the opportunity to register with the school district to receive information regarding individual pesticide applications. The bill would require the school district designee to post warning signs prior to application of pesticides at a schoolsite, thus imposing a state-mandated local program.

The bill would require the Department of Pesticide Regulation to promote and facilitate the voluntary adoption of integrated pest management programs as specified, maintain an internet website, and establish an integrated pest management training program. The bill would provide definitions of terms for the Healthy Schools Act of 2000.

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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

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.

AB 2752 (Cardoza) – Solid waste facility permits: sacred sites
Vetoed

(1) The existing California Environmental Quality Act requires the lead agency, as defined, to prepare an environmental impact report on a project, as defined, that it intends to carry out or approve that it finds may have a significant effect on the environment, as defined.

This bill would require a lead agency to minimize, to the extent feasible, any significant impact of a project on the free exercise of Native American religion, thus imposing a state-mandated local program.
(2) Existing law prohibits the operation of a solid waste facility without a solid waste facilities permit and authorizes an enforcement agency to issue a solid waste facilities permit only if it makes certain findings regarding the consistency of the permit with the California Integrated Waste Management Act of 1989 and the regulations adopted by the California Integrated Waste Management Board. The board is required to concur or object to the issuance of a solid waste facilities permit pursuant to a specified procedure. If the board fails to concur or object in writing within a 60-day review period, the board is deemed to have concurred in the issuance of the permit.
The bill would prohibit the board from concurring in the issuance of a solid waste facilities permit until prescribed conditions are met if the board receives a petition alleging that the location of a solid waste landfill would impact an Indian tribe, as specified. The bill would require the board to issue a report within a prescribed time period containing designated information, if the board does not concur in the issuance of a permit.
The bill also would make certain legislative declarations regarding the regulation of solid waste landfill sites and the authority of local governmental entities regarding the handling of solid waste.
(3) 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.
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.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:
SECTION 1. The Legislature recognizes the authority and responsibility of a city council or a county board of supervisors to initiate and adopt land use designations and zoning for solid waste landfill sites. The Legislature further recognizes the authority of a city or county to adopt a policy that subregions be responsible for providing sufficient solid waste facilities to handle the solid waste generated in each subregion, and that solid waste not be shipped from one subregion to any other subregion, except where an emergency exists.
SEC. 2. Section 21083.2.5 is added to the Public Resources Code, to read:
21083.2.5. A lead agency shall minimize, to the extent feasible, any significant impact of a project on the free exercise of Native American religion, as protected by the United States Constitution and the California Constitution.
SEC. 3. Section 44009.5 is added to the Public Resources Code, to read:
44009.5. (a) Notwithstanding Section 44009 or any other provision of law, if the board receives a petition from an Indian tribe alleging that the location of a proposed new solid waste landfill is within one mile of a reservation on which an Indian tribe resides, and within one mile of a sacred site which is of spiritual importance to that tribe and which contains more than one historically or archaeologically significant location identified by a city, county, or the State of California, and is a location the land use designation and zoning of which was not initiated by the city council or county board of supervisors within which the solid waste landfill is located prior to January 1, 2000, and is a project for which an environmental impact report is required to be prepared pursuant to Division 13 (commencing with Section 21000) and for which the environmental impact report has identified potentially significant adverse effects on Native American resources, the board shall not concur in the issuance of a solid waste facilities permit unless all of the following conditions have been met:
(1) Within 30 days of receiving the petition, the board refers the petition to the Native American Heritage Commission established pursuant to Chapter 1.75 (commencing with Section 5097.9) of Division 5.
(2) Within 60 days of receiving the petition from the board, the commission holds a public hearing, and after the public hearing the commission finds and determines, based upon substantial evidence, all of the following:
(A) That the sacred site is not central or indispensable to the religious practices of the Indian tribe.

(B) That the solid waste landfill will not interfere with, or impair, the religious or spiritual beliefs or practices of the Indian tribe.
(C) That there was no evidence that the sacred site existed prior to the designation of the location of the solid waste landfill.
(b) An affected Indian tribe may enforce this section by filing an action in the Superior Court in Sacramento County.
c) If the board does not concur in the issuance of a solid waste permit pursuant to this section, the board shall issue a report within six months from the date of its decision stating all of the following:
(1) Whether the city or county has initiated proceedings to adopt land use designations for an alternative solid waste landfill site in the vicinity of the solid waste landfill site identified pursuant to subdivision (a).
(2) Whether the city or county has initiated solid waste landfill siting discussions with a federally recognized Indian tribe.
(3) The options and the feasibility of purchasing or otherwise preserving the sacred site identified pursuant to subdivision (a) as an undeveloped land preserve.
(d) For purposes of this section, "Indian tribe" has the same meaning as defined in subsection (h) of Section 1377 of Title 33 of the United States Code.
SEC. 4. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars ($1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

Veto Message

To Members of the California Assembly:

I am returning Assembly Bill 2752 without my signature.

This bill would nullify a countywide vote which amended the San Diego County General Plan ad Zoning Ordinance and designated Gregory Canyon as a landfill, site. Specifically, this bill would grant jurisdiction to the Native American Heritage Commission over a proposed landfill within one mile of a sacred site of importance to a tribe. The legislation presently affects on site, Gregory Canyon, which is in private ownership.

While I am sensitive to the concerns raised by the tribe in this case, I am also sensitive to the fact that San Diego County voters approved the siting of this landfill, as Proposition C, by a 68% county-wide vote in 1994. In no Senate or Assembly district did the measure receive less than 60% support from voters. The Trial Court and 4th District Court of Appeals upheld Proposition C in 1997. In the same year the State Supreme Court denied a petition for review.

The proposed landfill will be subjected to an extensive EIR/EIS process which includes review by the State Water Quality Control Board, the San Diego Water Authority, and nine other Federal, State, and local agencies. Project opponents may have some valid concerns, but they will have ample opportunity to have their concerns addressed during the current Environmental Review process.
I am a firm believer in following an established process. Landfill proponents placed an initiative before the voters of San Diego County nearly 6 years ago. The voters responded with more than two thirds supporting the designation of Gregory Canyon as a landfill site. The courts have refused to nullify that decision. I am loath to overturn a vote of the electorate and the decision of two courts of law.

Sincerely,

GRAY DAVIS

AB 2796 (Reyes) – Integrated pest management
Died in Senate Environmental Quality Committee

Existing law restricts the use of pesticides in agricultural products, regulates the reporting of pesticide use, and authorizes the Secretary of Food and Agriculture to undertake specified pest control measures with regard to various pests. Existing law also establishes a grant program that funds the development of various pest management research projects, including integrated pest management.
This bill would define integrated pest management as a sustainable approach to managing pests by combining biological, cultural, physical, and chemical tools in a way that minimizes economic, health, and environmental risks.
Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:
SECTION 1. Chapter 2.5 (commencing with Section 13181) is added to Division 7 of the Food and Agricultural Code, to read:
CHAPTER 2.5. INTEGRATED PEST MANAGEMENT
13181. For purposes of this chapter division , "Integrated Pest Management (IPM)" means a sustainable approach to managing pests by combining biological, cultural, physical, and chemical tools in a way that minimizes economic, health, and environmental risks.

SB 1408 (Alarcon) – Environmental Justice Technical Assistance Grant Demonstration Program
Died in Assembly Appropriations Committee, held under submission

Under existing law, the Office of Planning and Research is the coordinating agency in state government for environmental justice programs.
This bill would enact the Environmental Justice Technical Assistance Grant Demonstration Program. The bill would require the office, from funds appropriated to it for that purpose, to allocate grants to community-based nonprofit organizations in communities with low-income populations or minority populations to obtain technical assistance in connection with the organization's participation in a decision involving a permit, remediation order, or corrective action by any board, department, or office within the California Environmental Protection Agency, a decision involving a permit by the Department of Transportation or a project of the department , or in a decision involving a certification by the State Energy Resources Conservation and Development Commission. The office would be required to give priority to grant proposals that would include specified activities. The bill would limit the amount of the grant to $25,000 for participating in a project.
This bill would require the office to submit an evaluation of the program to the Legislature no later than June 30, 2004. The provisions enacted by the bill would become inoperative on June 30, 2004, and would be repealed on January 1, 2005.
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 as follows:
(a) Many communities with low-income and minority populations are subject to disproportionately high and adverse human health or environmental effects.
(b) One of the causes of this historical inequality of environmental burdens is the lack of financial and other resources in communities with low-income and minority populations to obtain technical assistance with complicated state permitting, remediation order, and corrective action processes.
(c) Without that technical assistance, communities with low-income and minority populations are at a disadvantage in terms of effectively voicing their concerns about a project.
d) The provision of technical assistance grants to community-based organizations in communities with low-income and minority populations will facilitate greater participation by those communities in permitting, remediation order, and corrective action decisions and reduce the risk that already overburdened communities will be subject to additional environmental degradations.

SEC. 2. Article 7 (commencing with Section 65055) is added to Chapter 1.5 of Division 1 of Title 7 of the Government Code, to read:
Article 7. Environmental Justice Technical Assistance Grant Demonstration Program
65055. (a) From funds appropriated to it for that purpose, the office shall allocate grants to community-based nonprofit organizations in communities with low-income populations or minority populations, as determined by the office, to obtain technical assistance in connection with the organization's participation in a any of the following:
(1) A decision involving a permit, remediation order, or corrective action by any board, department, or office within the California Environmental Protection Agency, in a Agency.
(2) A decision involving a permit by the Department of Transportation, or in an environmental impact report or negative declaration is required, or a decision involving a Department of Transportation project where an environmental impact report or a negative declaration is required.
(3) A decision involving a certification by the State Energy Resources Conservation and Development Commission.
(b) A grant to any community-based nonprofit organization pursuant to this article shall not exceed twenty-five thousand dollars ($25,000) for participation in a project involving one or more permits, certifications, remediation orders, or corrective actions.
65056. In allocating grants pursuant to this article, the office shall give priority to proposals that would increase an organization's ability to engage in one or more of the following activities:
(a) Identify issues related to environmental justice as defined in subdivision (c) of Section 65040.12 of the Government Code.
(b) Collect and interpret health and environmental data.
(c) Identify pollution sources.
(d) Resolve environmental problems.
(e) Monitor projects and implementation of mitigation measures.
65057. The office shall submit an evaluation of the program authorized by this article to the Legislature no later than June 30, 2004.
65058. This article shall become inoperative on June 30, 2004, and as of January 1, 2005, is repealed, unless a later enacted statute, that becomes effective on or before January 1, 2005, deletes or extends the dates on which it becomes inoperative and is repealed.

SB 1419 (Haynes) – Medical profiling
Failed passage in the Assembly Judiciary Committee

Existing law sets forth the Confidentiality of Medical Information Act, regulating the disclosure of medical information, as defined.
This bill would establish the Medical Profiling Prohibition Act, prohibiting the practice of medical profiling, as defined, except in limited, specified instances. This bill would provide specified remedies, and criminal and civil penalties for a violation of these provisions. Because this bill would create a new crime, it 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 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:
SECTION 1. Part 2.7 (commencing with Section 60) is added to Division 1 of the Civil Code, to read:
PART 2.7. MEDICAL PROFILING PROHIBITION ACT
CHAPTER 1. GENERAL PROVISIONS
This part shall be known and may be cited as the Medical Profiling Prohibition Act.
61. The provisions of this part are severable. If any provision of this part or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.
CHAPTER 2. DEFINITIONS

62. For purposes of this part:
(a) "Agency" means any state office, officer, department, division, bureau, board, commission, or other state or local governmental agency, or any contractor, subcontractor, or grantee thereof, except that the term agency shall not include any agency established under Article VI of the California Constitution.
(b) "Contractor," "subcontractor," or "grantee" means any entity which contracts with the State of California, or receives a grant from the State of California, to provide services to the residents of the State of California or any subcontractor thereof.
(c) "Medical profiling" means either of the following:
(1) The use of medical records or other individually identifiable patient information in the possession of a provider of health care for the purpose of determining whether a patient possesses any characteristic that has been previously identified through research as being associated with criminal activity.
(2) The use of medical records or other individually identifiable patient information in the possession of a provider of health care for the purpose of determining whether a patient possesses any characteristic that has been previously identified through research as establishing a propensity for conduct that could be the basis of the restriction or termination of a person's fundamental rights under the California or United States Constitution, including, but not limited to, parenting, freedom of speech, religion, or association, equal protection of the law and due process of the law, and the prohibition on the taking of property without just compensation.
(d) "Research" means a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge.
(e) All other terms used in this part shall have the same meaning as provided in Section 56.05.
CHAPTER 3. PROHIBITION of MEDICAL PROFILING
63. Notwithstanding Section 56.16 or any other provision of this code, no person, including any provider of health care as defined in subdivision (h) of Section 56.05 or any agency as defined in subdivision (a) of Section 62, shall engage in the practice of medical profiling unless one of the following applies:
(a) The agency or provider of health care has first obtained an expressed written authorization for the release of such information in accordance with Section 56.11.
(b) The release of medical information to an agency is specifically required by statute or by regulation monitoring the prescribing of controlled substances .
(c) The release of medical information is provided for under subdivision (b) or (c) of Section 56.10.
64. Any violations of this chapter shall be enforced in accordance with Sections 56.35, 56.36, and 56.37.
SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIIIB of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIIIB of the California Constitution.

SB 1523 (Figueroa) – Hazardous substances
Failed passage in the Assembly Agriculture Committee

Existing law The existing Hazardous Substances Information and Training Act provides that an employer who has complied with specified pesticide regulations shall be deemed to have complied with the obligations of an employer toward his or her employees, as specified under that act .
This bill would provide that, with regard to agricultural employees, as defined, this compliance is met only if the pesticide regulations require the posting of warning signs when any pesticide is applied and the application results in a reentry interval of 24 hours or longer.
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. Section 6399.1 of the Labor Code is amended to read:
6399.1. (a) Compliance with regulations of the Director of Pesticide Regulation issued pursuant to Section 12981 of the Food and Agricultural Code shall be deemed compliance with the obligations of an employer toward his or her employees under this chapter, except as provided in subdivision (b).

(b) With regard to gricultural employees, as defined in subdivision (b) of Section 1140.4 covered by regulations adopted by the Director of Pesticide Regulation pursuant to Section 12981 of the Food and Agricultural Code, subdivision (a) is satisfied only if those regulations require the posting of warning signs when any pesticide is applied and the application results in a reentry interval of 24 hours or longer.

DEPARTMENT PRIORITY B CHAPTERED LEGISLATION

AB 511 Alquist: Taxation
Chapter 107, Statutes of 2000
The Sales and Use Tax Law provides various exemptions from that tax. Existing law authorizes cities, counties, and cities and counties to impose local sales and use taxes or transactions and use taxes, and provides that exemptions from state sales and use tax are incorporated into those local taxes. This bill would, on or after January 1, 2001, and before January 1, 2006, additionally exempt tangible personal property purchased by eligible entities, as defined, that locate or expand a business in a California county with a specified unemployment rate and that qualify for receiving this Rural Investment Tax exemption by the California Infrastructure and Economic Development Bank (CIEDB) board. This bill contains other related provisions and other existing laws.

AB 885 Jackson: Onsite sewage treatment systems
Chapter 781, Statutes of 2000
Existing law authorizes a California regional water quality control board to prohibit, under specified circumstances, the discharge of waste from individual disposal systems or community collection and disposal systems that use subsurface disposal. This bill would require the State Water Resources Control Board, on or before January 1, 2004, and in consultation with the State Department of Health Services, the California Coastal Commission, the California Conference of Directors of Environmental Health, counties, cities, and other interested parties, to adopt, specified regulations or standards for the permitting and operation of prescribed onsite sewage treatment systems that meet certain requirements. This bill contains other related provisions.

AB 1771 Committee on Agriculture: Agricultural pest control
Chapter 573, Statutes of 2000
Under existing law, the Secretary of the Department of Food and Agriculture and the Director of Pesticide Regulation are authorized to annually allocate funds to each county for specified purposes related to agricultural pest control according to a specified formula, but until July 1, 2000, existing law requires that $5,500,000 of the total amount appropriated for this purpose be utilized solely for high-risk pest exclusion activities, as specified. This bill would indefinitely extend this required allocation for high-risk pest exclusion activities, make the allocation authority of the secretary and director subject to appropriation in the annual Budget Act, and would make related conforming changes. This bill contains other related provisions.

AB 2033 Torlakson: Joint powers agreements
Chapter 724, Statutes of 2000
Existing law authorizes public agencies to enter into joint exercise of power agreements to jointly exercise any power common to the contracting agencies and to issue bonds pursuant to the Marks-Roos Local Bond Pooling Act of 1985. Among other conditions for the issuance of bonds, existing law requires that the local agency, within whose boundaries the capital public improvement to be financed by the bonds is to be located, publish notice of a hearing in a newspaper of general circulation. This bill would require that a copy of the resolution be sent by certified mail to the Attorney General and the California Debt and

Investment Advisory Commission not later than 5 days after the adoption of the resolution authorizing, issuing, or accepting the benefit of bonds. This bill contains other related provisions.

AB 2071 Briggs: Pest control: vertebrate pests
Chapter 338, Statutes of 2000
Existing law, which is to be repealed on January 1, 2001, requires the Secretary of Food and Agriculture to establish and administer a research program to control vertebrate pests that pose a significant threat to the welfare of the state's agricultural economy and the public. Existing law imposes a state-mandated local program by requiring county agricultural commissioners to pay an assessment on the vertebrate pest control materials sold, distributed, or applied by the county for vertebrate pest control purposes. Existing law also establishes the Vertebrate Pest Control Research Account in the Department of Food and Agriculture Fund and continuously appropriates the money in the account to the secretary for purposes of the program. Under existing law, commencing with the 1997 calendar year, the secretary is authorized to set a different level of assessment in the amount necessary to provide revenue for a specified purpose. This bill would continue that existing law beyond January 1, 2001, by extending that repeal date to January 1, 2006, thereby imposing a state-mandated local program, and continuing in effect a continuously appropriated fund. The bill would limit the sale of vertebrate pest control material to sales by the county commissioner or as authorized by the secretary. The bill also would specify that when the secretary sets a different level of assessment, the new level of assessment may only commence at the beginning of the subsequent calendar year. The bill would make related changes. This bill contains other related provisions and other existing laws.

AB 2282 Davis: Public records: resolution of enforcement actions
Chapter 783, Statutes of 2000
Existing law provides that public records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record, except as specifically provided. Existing provisions of the Governor's Reorganization Plan No. 1 of 1991 establish the California Environmental Protection Agency consisting of the State Air Resources Board, the California Integrated Waste Management Board, the State Water Resources Control Board and each California regional water quality control board, the Department of Pesticide Regulation, and the Department of Toxic Substances Control. This bill would require, on and after April 1, 2001, every final enforcement order issued by the California Environmental Protection Agency and various boards and departments within the agency, under any provision of law that is administered by one of these entities, to be displayed for at least one year on the entity's Internet website, if the order is a public record that is not otherwise exempt from disclosure. This bill contains other related provisions.

AB 2301 Lowenthal: State agencies: contracts
Chapter 62, Statutes of 2000
Under existing law, 2 or more public agencies, by agreement, may exercise any power common to the contracting parties. Existing law also authorizes state agencies to enter into agreements to furnish services, materials, or equipment to, or perform work for, other state agencies upon the terms and conditions and for consideration as they may determine, and subject to approval of the Director of General Services. This bill would authorize each state agency to contract with a joint powers authority to perform examinations and related services for the state agency with respect to the issuance of professional and vocational licenses, certifications, commissions, permits, or other similar accreditations, subject to approval of the Director of General Services pursuant to a specified provision of existing law or other approval as required by law. The bill would specifically authorize the Cooperative Personnel Services Joint Powers Authority to administer examinations and provide related services for state agencies, subject to the approval of the Director of General Services or other approval as required by law. This bill contains other related provisions.

AB 2663 Thomson: Sustainable agriculture
Chapter 670, Statutes of 2000
Existing law requires the Legislature to provide for a continuing sound and healthy agriculture in California and to encourage a productive and profitable agriculture. Existing law enumerates major principles of the state's agricultural policy. This bill would state that it is the intent of the Legislature that programs at the University of California relating to sustainable agriculture practices be adequately funded and incorporated into appropriate programs of the state and university to maximize the access of California farmers and ranchers to the information. This bill would also request that the Regents of the University of California fulfill this intent of the Legislature. This bill would also include in the principles of the state's agricultural policy, maximizing the ability of farmers, ranchers, and processors to learn about practices that will enable them to achieve specified state agricultural policies.

AB 2799 Shelley: Public records: disclosure
Chapter 982, Statutes of 2000
The California Public Records Act provides that any person may receive a copy of any identifiable public record from any state or local agency upon payment of fees covering direct costs of duplication or a statutory fee if applicable. The act provides that it shall not be construed to permit an agency to obstruct the inspection or copying of public records and requires any notification of denial of any request for records pursuant to the act to set forth the names and titles or positions of each person responsible for the denial. The act also requires computer data to be provided in a form determined by the agency. This bill would provide that nothing in the act shall be construed to permit an agency to delay or obstruct the inspection or copying of public records. This bill would delete the requirement that computer data be provided in a form determined by the agency and would require any agency that has information that constitutes an identifiable public record not otherwise exempt from disclosure that is in an electronic format to make that information available in an electronic format when requested by any person. The bill would require the agency to make the information available in any electronic format in which it holds the information, but would not require release of a record in the electronic form in which it is held if its release would jeopardize or compromise the security or integrity of the original record or any proprietary software in which it is maintained. Because these requirements would apply to local agencies as well as state agencies, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

AB 2817 Honda: Information technology: innovation projects grant program
Chapter 608, Statutes of 2000
Existing law sets forth the duties of the Department of Finance in generally supervising matters concerning the financial and business policies of the state, and sets forth the duties of the Department of Information Technology in overseeing the information technology activities of the state. This bill would require the Department of Finance and the Department of Information Technology, jointly, no later than 3 months from the date of the enactment of the 2000-01 Budget Act, to promulgate guidelines and a standard form for applications by certain state agencies for grants for information technology innovation projects. It would require applications submitted under these provisions to include specified information. It would require the Information Technology Innovation Council, which would be established pursuant to the bill, to evaluate the applications and make recommendations to the Department of Finance and the Department of Information Technology. The bill would require the Department of Finance to award the grants according to those recommendations, and would require the Department of Finance and the Department of Information Technology to report on various aspects of the projects funded by the grants to specified legislative committees at specified intervals. This bill contains other related provisions.

SB 1136 Vasconcellos: Technology
Chapter 1056, Statutes of 2000
Existing law establishes the Trade and Commerce Agency and describes the duties of the Secretary of Trade and Commerce. Existing law establishes various offices and programs within the Trade and Commerce Agency, including the Competitive Technology Advisory Committee. This bill would rename the Trade and Commerce Agency the Technology, Trade, and Commerce Agency, and establish

additional duties for its secretary. It would also, among other things, establish the Division of Science, Technology, and Innovation within the Technology, Trade, and Commerce Agency to administer specified existing offices and programs, would provide that the division is under the supervision of a Deputy Secretary of Science, Technology, and Innovation, and would specify his or her duties. The bill would repeal the Competitive Technology Advisory Committee and would establish the California Research and Development Council and the Small Business Competitiveness Council, as specified. This bill contains other related provisions and other existing laws.

SB 1300 Sher: Air pollution
Chapter 729, Statutes of 2000
Existing law requires the State Air Resources Board to inventory sources of air pollution within the air basins of the state and determine the kinds and quantity of air pollutants, including the contribution of natural sources, as specified. This bill would require the inventory to also include the contribution of mobile sources and area sources of emissions, as specified. This bill contains other related provisions and other existing laws.

SB 1740 Leslie: Noxious weed management
Chapter 315, Statutes of 2000
Existing law designates the Department of Food and Agriculture as the lead department in noxious weed management. Existing law creates the Noxious Weed Management Account in the Department of Food and Agriculture Fund, and appropriates $500,000 for 3 specified fiscal years from the General Fund for expenditure by the Secretary of Food and Agriculture, for the purpose of managing and eradicating noxious weeds through local weed management areas, as specified. Existing law requires each weed management area to create a cost-share plan, as specified. Existing law requires the department to establish an oversight committee, with a described membership representation, to monitor the bill's provisions and requires the department to report on or before April 1 of each year, as specified, to the Legislature. (2) The bill would appropriate $5,000,000 from the General Fund to the Noxious Weed Management Account, and would specify the purposes for which these funds may be spent. This bill would direct the secretary and weed management areas to consider the use of the California Conservation Corp and local conservation corps in implementing integrated weed management plans. Additionally, this bill would require county agricultural commissioners to submit a cost-share integrated weed management plan with specified goals to aggressively control noxious weeds in order to receive funds from the account. This bill would provide a specified formula and criteria for the distribution of funds from this account to the specified counties. This bill would require that the oversight committee also consider input from county agricultural commissioners and would include among the members of the committee, representatives from local government. This bill contains other existing laws.

SB 1771 Sher: Greenhouse gas emission reductions: climate change
Chapter 1018, Statutes of 2000
Existing law imposes various emission limitations for the control of vehicular and nonvehicular air pollution. The State Air Resources Board is designated by state law as the air pollution control agency for all purposes set forth in federal law. This bill would require the Secretary of the Resources Agency to establish the California Climate Action Registry as a public benefit nonprofit corporation, that would record and register voluntary greenhouse gas emission reductions made by California entities after 1990. The bill would require the registry to perform various functions, including adopting standards for verifying emissions reductions, adopting a list of approved auditors that would verify emissions reductions, referring entities to approved firms to verify emissions reductions, establishing emissions reduction goals, designing and implementing efficiency improvement plans, maintaining a record of all emissions baselines and reductions, and recognizing, publicizing, and promoting entities that participate in the registry. This bill contains other related provisions and other existing laws.

SB 1903 Speier: Medical information: requests for disclosure
Chapter 1066, Statutes of 2000
Existing law, the Confidentiality of Medical Information Act, provides that, except in specified circumstances, medical information, as defined, may not be disclosed by providers of health care, health care service plans, or contractors, as defined, without the patient's written authorization. Existing law also prohibits a provider of health care, health care service plan, or contractor from intentionally sharing, selling, or otherwise using any medical information not necessary to provide health care services to the patient, except as specified. Existing law also prohibits a provider of health care, a health care services plan, or a contractor from further disclosing medical information to any person or entity that is not engaged in providing direct health care services, as specified. A violation of the act resulting in economic loss or personal injury to a patient is a misdemeanor and subjects the violating party to liability for specified damages and administrative fines and penalties. For purposes of the act, 'providers of health care' includes corporations organized for the primary purpose of maintaining medical information, as specified. This bill would make the provisions prohibiting sharing, selling, or using medical information for purposes other than provision of health care services applicable to corporations and their subsidiaries and affiliates. The bill would also require a valid authorization for the release of medical information to a person or entity not otherwise authorized by law to obtain such information. Violation of these requirements resulting in economic loss would be a misdemeanor. By creating new crimes, the bill would create a state-mandated local program. The bill would also require specified corporations and entities that maintain medical profiles, summaries, or information, except as specified, to provide the patient with a copy thereof at no charge, upon request. This bill contains other related provisions and other existing laws.

SB 2033 Figueroa: Structural Pest Control Board
Chapter 539, Statutes of 2000
Existing law establishes the Structural Pest Control Board to administer licensing and regulation provisions related to the practice of pest control and its various branches and authorizes the appointment of a registrar to serve as the executive officer and secretary of the board. The provisions establishing the board and authorizing the appointment of a registrar become inoperative on July 1, 2001, and are repealed on January 1, 2002. This bill would delete these inoperative and repeal dates and would provide instead that the provisions establishing the board and authorizing the appointment of a registrar would become inoperative on July 1, 2005, and would be repealed on July 1, 2006. This bill contains other related provisions and other existing laws.

SB 2065 Costa: Agriculture
Chapter 589, Statutes of 2000
Existing law generally sets forth various powers and duties of the Department of Food and Agriculture. This bill would create the Food Biotechnology Task Force, which would be cochaired by the Secretary of the California Health and Welfare Agency, the Secretary of the California Trade and Commerce Agency, and the Secretary of the California Department of Food and Agriculture. The task force would consult with appropriate state agencies and the University of California. The task force would also be required to contract with the California Council on Science and Technology, the University of California, or other entities, as specified. The task force would be required to report issues studied, findings, basis for their findings, and recommendations to the Governor and the Legislature by January 1, 2003. This bill would appropriate $125,000 from the General Fund for the purposes of these provisions and express the intent of the Legislature to make further funds available to accomplish these purposes. This bill contains other related provisions and other existing laws.

SB 2095 Johnston: Water Recycling in Landscaping Act
Chapter 510, Statutes of 2000
Existing law, known as the Water Conservation in Landscaping Act, requires a model water efficient landscape ordinance adopted by the Department of Water Resources to be enforced by a city, county, or city and county and have the same force and effect as if adopted by the local agency, unless the local agency has adopted a water efficient landscape ordinance or has adopted findings based on climatic,

geological, or topographical conditions, or water availability that states that this ordinance is unnecessary. This bill would require any local public or private entity that produces recycled water and determines that within 10 years it will provide recycled water within the boundaries of a local agency, to notify the local agency of that fact. The bill would require a local agency, within 180 days of receipt of the notice, to adopt and enforce a specified recycled water ordinance, unless the local agency adopted a recycled water ordinance or other regulation requiring the use of recycled water in its jurisdiction prior to January 1, 2001. By imposing new duties on local legislative bodies, the bill would create a state-mandated local program. This bill contains other related provisions and other existing laws.

SB 2203 Committee on Environmental Quality: Environmental laboratories
Chapter 733, Statutes of 2000
Existing law requires laboratories that perform analyses for pesticide residues in food to obtain certification by the State Department of Health Services and permits these laboratories to also apply for accreditation under the National Environmental Laboratory Accreditation Program (NELAP) if it chooses to meet standards adopted by the National Environmental Laboratory Accreditation Conference (NELAC) and become eligible for recognition by other states and agencies that require or accept NELAP accreditation. This bill would permit these laboratories to apply for NELAP accreditation in lieu of certification in certain circumstances. This bill contains other related provisions and other existing laws.

SJR 26 Kelley: Mission Creek and Desert Hot Springs Aquifers
Chapter 69, Statutes of 2000
This measure would memorialize the President and the Congress of the United States to enact legislation to make available necessary funds to implement groundwater protection measures for the Mission Creek and Desert Hot Springs Aquifers.

DEPARTMENT PRIORITY B
DEAD LEGISLATION

AB 717 Keeley: Timber harvesting plans silvicultural practices
Existing law, the Z'berg-Nejedly Forest Practice Act of 1973 (the Forest Practice Act), prohibits a person from conducting timber operations, as defined, until the person files a timber harvesting plan with the Department of Forestry and Fire Protection, in accordance with specified requirements. This bill would , on and after January 1, 2001, and until and including December 31, 2002, prohibit the Director of Forestry and Fire Protection from approving any timber harvesting plan that proposes the use of any silvicultural prescription, including, but not limited to, clearcutting, that would result in the removal of more than 70% of the preharvest volume of any area greater than 2 1/2 acres within any 10-year period. The bill would, to ensure the retention of minimal levels of forest diversity, also prohibit the approval of plans that do not meet specified requirements. This bill contains other related provisions and other existing laws.

AB 1680 Ducheny: Environment and health indicators
The Budget Act of 2000 allocated funds to the Department of Forestry and Fire Protection for costs associated with fire prevention, detection, and suppression. This bill would appropriate $25,240,000 from the General Fund to the department, for expenditure in the 2000-01 fiscal year, for specified fire suppression and detection costs. This bill contains other related provisions and other existing laws.

AB 2287 Wildman: Underground storage tanks: water
Existing law requires the Department of Toxic Substances Control to conduct or contract for epidemiological studies to identify and monitor the health effects of hazardous materials. This bill would require the California Environmental Protection Agency to submit a list of mass-use chemicals, as defined, to the Legislature, by January 15, 2001, for which there is a lack of complete data, as specified. This bill contains other related provisions and other existing laws.

SB 843 Polanco: Income and bank and corporation taxes
Under the Personal Income Tax Law and the Bank and Corporation Tax Law, various provisions of the federal Internal Revenue Code as enacted as of a specified date are referenced in various sections of the Revenue and Taxation Code. That law provides that for taxable years beginning on or after January 1, 1998, the specified date of those referenced Internal Revenue Code sections is January 1, 1998, unless otherwise specifically provided. This bill would change the specified date of those referenced Internal Revenue Code sections to January 1, 2000, for taxable years beginning on or after January 1, 2000, and thereby would make numerous substantive changes to both the Personal Income Tax Law and the Bank and Corporation Tax Law with respect to those areas of preexisting conformity that are subject to changes under federal laws enacted after January 1, 1998, and that have not been or are not being excepted or modified. This bill contains other related provisions and other existing laws.

SB 875 Escutia: State intellectual property
Existing law sets forth the rights and duties of various state entities in respect to intellectual property developed by or on behalf of the entity. This bill would require the director to create a special advisory committee, to include specified representatives, to develop recommendations on how the state should organize and manage the cataloging, marketing, licensing, and legal protection through enforcement, of all intellectual property owned or controlled by the state, according to specified criteria. It would require the This bill contains other existing laws.

SB 1246 Polanco: Unemployment: seasonal farmworkers
Existing law provides for the Employment Development Department to administer various job training and placement programs and services. This bill would enact the Agricultural Labor Employment Stabilization Act of 2000 and, until 2006, would require the department to develop a farmworker employment pilot program to provide off-season, community-based, employment opportunities for farmworkers or to contract with one or more private, nonprofit entities to develop the pilot program . The bill would specify guidelines for the pilot program and would require farmworkers to meet specified eligibility requirements to participate in the pilot program. This bill contains other related provisions.

SB 1254 Schiff: Confidentiality of writings
Existing law provides for the confidentiality of trade secrets, government records, records maintained by financial and other institutions, privileged communications, and other writings. This bill would enact the 'Sunshine in the Courts Act.' The act would provide, as a matter of public policy, that in any action based on financial fraud, as defined, or based on personal injury or wrongful death caused by a defined defective product or defined environmental hazard, the court shall not enter or enforce a part or all of any confidentiality agreement, settlement agreement, stipulated agreement, or protective order, except as specified, unless a protective order regarding that writing or information is entered by the court after a noticed motion, as specified. The bill would establish the bases for these protective orders and a procedure for contesting a court order, judgment, agreement, or contract that violates this provision, and would provide that a prevailing plaintiff is entitled to attorneys' fees and costs, as specified. The bill would entitle the party seeking protection to costs and attorney's fees if the action contesting the order, judgment, agreement, or contract is determined by the court to be frivolous, solely intended to cause unnecessary delay, or is brought by a vexatious litigant. The bill would prohibit the sale or offer for sale by an attorney of information obtained through discovery, as specified. The bill would also require the Attorney General to file a motion with the court to lift a protective order if the Attorney General determines that disclosure is required to protect the health b of one or more persons . The bill would also make conforming changes in the law regarding trade secrets.

SB 1344 Peace: 2000-01 Budget
This bill would have made appropriations for support of state government for the 2000-01 fiscal year. This bill contained other related provisions.

SB 1596 Ortiz: Health reporting: confidentiality of information
Existing law provides for the confidentiality of certain records and other information procured by the State Department of Health Services in connection with morbidity and mortality studies, the Birth Defects Monitoring Program, and the statewide cancer reporting system. Existing law requires an authorized disclosure of this information to be made pursuant to an agreement that the information will be kept confidential. This bill would have revised and recast these provisions to expand the types of records to which these provisions apply to include medical and pathology records and records of health status, and to required that this information be used solely for statistical, scientific, and medical research purposes relating to the cause of condition of health, except as specified, in accordance with prescribed procedures. The bill would have required the confidentiality agreement to be in writing. It would also provide that any person who violates these provisions would be subject to civil and criminal penalties and other actions, and that further access to confidential information maintained by the department may be denied. By creating new crimes, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

DEPARTMENT PRIORITY B
VETOED LEGISLATION

AB 1759 Papan: Public records: Internet reports
Under the California Public Records Act, certain public records are required to be made available for public inspection. This bill would require every state agency that establishes and maintains, or causes to be maintained, a site on the Internet to make available on the Internet a list of all reports and studies initiated and prepared by that state agency or prepared pursuant to a contract with that state agency that are otherwise subject to disclosure pursuant to the act.

Veto message

To Members of the California Assembly:

I am returning Assembly Bill No. 1759 without my signature.

This bill would require all State agencies to post on their Internet sites a list of all of its reports and studies that are subject to disclosure under the Public Records Act (PRA). The bill would require that the list must be continuously updated to include every report within 10 days after its initiation or completion.

The legislation is not clear and fails to indicate if the reports and studies to be posted would be those completed on or after date of enactment, or how the public is to access the reports. Consumers would have great difficulty, even those with extensive knowledge of the Internet, finding a list without links or clear instructions to make this effort worthwhile. As written, the bill would only provide information in a highly inefficient and confusing form. A stand-alone list of reports and studies does not seem to meet the stated intent of the Public Record Act.

Sincerely,

GRAY DAVIS

AB 2412 Migden: Sales and use taxes: retailer
The Sales and Use Tax Law imposes a tax on the gross receipts from the sale in this state of, or the storage, use, or other consumption in this state of, tangible personal property. That law imposes the sales tax upon 'retailers,' and defines a 'retailer engaged in business in this state' to include specified entities. Existing law provides that every retailer engaged in business in this state and making sales of tangible personal property for storage, use, or other consumption in this state, that engages in specified activity in this state shall, at the time of sale or at the time the storage, use, or other consumption becomes taxable, collect the tax from the purchaser. This bill would clarify that the processing of orders electronically, by fax, telephone, the Internet, or other electronic ordering process, does not relieve a retailer of responsibility for collection of the tax from the purchaser if the retailer is engaged in business in this state. This bill contains other related provisions.

Veto message

To the Members of the Assembly:

I am returning Assembly Bill 2412 without my signature.

This bill would impose sales tax collection obligations on retailers who process orders electronically, by fax, telephone, the Internet, or other electronic ordering process, if the retailer is engaged in business in this state.

In order for the Internet to reach its full potential as a marketing medium and job creator it must be given time to mature. At present, it is less than 10 years old. Imposing sales taxes on Internet transactions at this point in its young life would send the wrong signal about California's international role as the incubator of the dot-com community.

Moreover, the Internet must be subject to a stable and non-discriminatory legal environment, particularly in the area of taxation. Unfortunately, AB 2412 does not provide such a stable environment: it singles out companies that are conducting transactions electronically and attempts to impose tax collection obligations on them to which, according to California courts, they are not subject. Furthermore, AB 2412 re-enacts provisions that the Legislature has recently repealed due to court decisions.

In the next 3 to 5 years, however, I believe we should review this matter. Therefore I am signing SB 1933, which creates the California Commission on Tax Policy in the New Economy. The Commission will examine sales tax issues in relation to technology and consumer behavior and make recommendations.

Sincerely,

GRAY DAVIS

SB 280 Bowen: State buildings and publicly funded schools: standards
Existing law requires all new state public buildings and publicly funded schools to be models of energy efficiency and to be designed, constructed, and equipped with all energy efficiency measures, materials, and devices that are feasible and cost-effective over the life of the building. Existing law also requires all state public buildings and publicly funded schools, when renovated or remodeled, to be retrofitted to meet specified building standards. This bill would require until July 1, 2003, all new public buildings for which design and construction begins after January 1, 2001, except for publicly funded schools, to exceed the minimum building energy efficiency standards mandated by the California Building Standards Code if the measures achieve certain cost savings. This bill contains other related provisions.

Veto message

To members of the Senate:

I am returning SB 280 without my signature.

This bill would require State buildings to exceed existing minimum energy efficiency standards, and direct the Integrated Waste Management Board to adopt more comprehensive "green" building standards that would apply to State buildings constructed after July 1, 2003.

This bill is unnecessary. In early August, I issued Executive Order D-16-00 that directs the Secretary of State and Consumer Services Agency to include sustainable building practices into the plans for all new State buildings. The order establishes the goal that State buildings become the model of energy, water, and materials efficiency while providing healthy, productive and comfortable indoor environments and long term benefits to Californians.

Sincerely,

GRAY DAVIS

SB 1516 Hayden: International trade: environment
Existing provisions of the United States Constitution grant the United States Congress the power to regulate commerce with foreign nations. This bill would require the Secretary for Environmental Protection and the Secretary of the Resources Agency to review and assess existing and proposed international trade agreements that may lead to challenges to California laws and regulations concerning the environment and to make the assessments available to the Legislature and the public on a regular basis.

Veto message

To Members of the California State Senate:

I am returning Senate Bill SB 1516 without my signature.

This bill would require the Secretary of Resources and the Secretary of the California Environmental Protection Agency to report to the Legislature concerning the impact of existing and proposed international trade agreements on state environmental laws and regulations.

This bill does nothing to redress the problem it identifies. The legislative findings indicate that "California's role as a global leader in environmental protection policies, and the Legislature's role in enacting those policies, is subject to challenge by international trade agreements." Unfortunately this bill, and any assessment prepared pursuant to this bill, would not change the content of international treaties. Under World Trade Organization rules and North American Free Trade Agreement (NAFTA), California is not a party to the treaty and does not have a place at any forum reviewing actions under General Agreement on Tariffs and Trade (GATT) or NAFTA. Nor would the bill provide any mechanism for California to participate more effectively in consultations with the federal government over trade disputes involving environmental laws.

Existing provisions of the United States Constitution grant the United States Congress the sole power to regulate commerce with foreign nations. Therefore, the expenditure of the resources necessary to comply with this measure would be unproductive.

Sincerely,

GRAY DAVIS

SB 1822 Bowen: Employee computer records
Existing law requires employers, generally, to grant employees the right to inspect personnel files. This bill would prohibit an employer from secretly monitoring the electronic mail or other computer records generated by an employee. The bill would provide that an employer who intends to inspect, review, or retain any electronic mail or any other computer records generated by an employee shall prepare and distribute to all employees the employer's workplace privacy and electronic monitoring policies and practices. The bill would apply to specified public entities. Because a violation of this prohibition would be a misdemeanor, the bill would impose a state-mandated local program by creating a new crime. This bill contains other related provisions and other existing laws.

Veto message

To Members of the California State Senate:

I am returning Senate Bill No. 1822 without my signature.

This bill would require employers, by March 1, 2001, to execute signed or electronically verifiable agreements between an employer and employees regarding the right of the employer to monitor the e-mail traffic and computer files of employees. If such agreements are not provided, the bill prohibits

employers from monitoring business computers by employees to guard against inappropriate business or personal uses.

As I previously have, when considering this issue, I start from the common-sense presumption that employees in today's wired economy understand that computers provided for business purposes are company property and that their use may be monitored and controlled. This has been the case for some time with phones owned by the employer, the billings of which are regularly monitored by many employers to determine inappropriate uses (for example, dialing 976 lines or making long-distance calls of a personal nature). Every employee also understands that expense reports submitted for reimbursement are subject to employer verification as to their legitimacy and accuracy.

Under current law, employers are potentially liable if the employer's agents or employees use the employer's computers for improper purposes, such as sexual harassment, defamation and the like. It therefore follows that any employer has a legitimate need to monitor, either on a spot basis or at regular intervals, such company property, including e-mail traffic and computer files stored on either employer-owned hard drives, diskettes or CD ROMs.

Accordingly, this bill places unnecessary and complicating obligations on employers and may likely to lead to litigation by affected employees over whether the required notice was provided and whether it was read and understood by the employee. I support reasonable privacy protections for employees in the workplace, but not at the price of undue regulatory burdens and potential legal exposure to businesses for doing what any employee should assume is the employer's right when they accept employment. For these reasons, I am vetoing this bill.

Sincerely,

GRAY DAVIS

SB 1834 Alpert: Water quality
The Porter-Cologne Water Quality Control Act requires the State Water Resources Control Board, on or before February 1, 2001, in consultation with the California regional water quality control boards and other entities, to prepare a detailed program for the purposes of implementing the state's nonpoint source management plan and requires the state board to develop guidance to be used by the state board and the regional boards for the purpose of describing the process by which the that plan will be enforced. This bill would require the state board to develop, on or before January 1, 2003, guidelines to be used by the state board and the regional boards for the purpose of describing the process by which state and federal antidegradation requirements for point and nonpoint sources of pollution are implemented.

Veto message

To Members of the California Senate:

I am returning Senate Bill 1834 without my signature.

This bill would require the State Water Resources Control Board (SWRCB) to adopt guidelines, by January 1, 2003, that describe the process by which the SWRCB and the Regional Water Quality Control Boards (RWQCB) would implement state and federal antidegradation requirements for point and nonpoint source pollution.

Pursuant to federal regulations that require the states to adopt implementation procedures for antidegradation, California has already developed adequate guidance on this subject. In response to a 1968 directive from the U. S. Department of the Interior, the SWRCB adopted Resolution No. 68-16, the state antidegradation policy, which covers both surface waters and groundwater and protects potential as well as actual uses. Resolution 68-16 is incorporated as a water quality objective for all st ate waters in

all of the basin plans for the nine RWQCBs and is addressed in SWRCB legal memoranda, providing a detailed description of the state's antidegradation policy.

While I believe SB 1834 is redundant and unnecessary, I am asking the SWRCB to review the application of the antidegradation policy and to ensure that staff receive adequate training on this subject.

Sincerely,

GRAY DAVIS

SB 2027 Sher: Public records: disclosure
The California Public Records Act provides that except for exempt records, every state or local agency, upon request, shall make records available to any person upon payment of fees to cover costs. This bill would require that written requests for inspection or copies of public records be directed to the head of each public agency or his or her designees or, in the case of multimembered bodies, to the executive officer, executive secretary, administrator, or similar chief executive pursuant to specified procedures. The bill would also require that a determination by a state or local agency that a request for a public record is denied be in writing and would provide that any person who is notified of a denial of a request for public records may appeal to the Attorney General pursuant to specified procedures within 20 days of the date of denial and in cases where the agency fails to provide any response under these provisions. By creating new duties for local agency officials, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

Veto message

To Members of the California State Senate:

I am returning Senate Bill No. 2027 without my signature.

The bill would create a procedure for a person to request the Attorney General (AG) to review a denial by a public agency of a written request for disclosure of information under the Public Records Act, and would set up the time limits for the AG to complete the review. The bill would establish penalties of up to $100 per day if a public agency declines to comply with a request for disclosure of information and the court determines that the agency acted in bad faith. The AG would be required to mail a copy of the opinion to the requester and to the denying agency, maintain copies for public inspection, publish the opinions annually in a special volume of AG Opinions, and made the opinions available on the Internet.

While proponents of this bill contend that a weakness of the Public Records Act is the lack of recourse when state agencies refuse to comply, this bill does not address that issue. Instead the bill sets up a bureaucratic reporting mechanism, involving the preparation, posting and mailing of AG opinions on the merits of a state agency's decision to withhold requested information. The costs to comply with this bill would be borne by the General Fund and would likely be significant. Therefore, I am vetoing this bill.

I do, however, believe that state agencies should be fully responsive to legitimate public record requests. Accordingly, I am directing my Secretary of State and Consumer Affairs, Aileen Adams to conduct a review of all state agencies' performance in responding to PRA requests and to make recommendations on appropriate procedures to ensure a timely response.

Sincerely,

GRAY DAVIS

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