



2001

LEGISLATIVE SUMMARY
REPORT

State of California
California Environmental Protection Agency
Department of Pesticide Regulation
Paul Helliher, Director

STATE OF CALIFORNIA

Gray Davis
Governor

Winston H. Hickox
Secretary for Environmental Protection
California Environmental Protection Agency

**DEPARTMENT
OF
PESTICIDE REGULATION**

Paul Helliker
Director

October 2001

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INTRODUCTION

The Department of Pesticide Regulation (DPR) is an agency within the California Environmental Protection Agency (Cal/EPA). Cal/EPA was created by Governor Pete Wilson in 1991, to combine environmental programs previously administered in six separate state agencies. The six environmental agencies within Cal/EPA include DPR, the Department of Toxic Substances Control, the State Water Resources Control Board, the Integrated Waste Management Board, the Air Resources Board, and the Office of Environmental Health Hazard Assessment.

DPR is charged with the responsibility to administer California's statewide pesticide regulatory program, the largest of its kind in the nation. Before a pesticide can be possessed, sold, or used in California, the pesticide must be registered by DPR. Prior to registration, DPR's scientific staff review each product to ensure that it meets stringent standards, as prescribed in law (Food and Agricultural Code) and regulations (California Code of Regulations) governing pesticides in California. Reviews of data include, but are not limited to, the chemical properties of the product, intended use patterns, potential human health effects, and environmental fate of the product. The laws and regulations governing the possession, sale, and use of pesticides are enforced by DPR in cooperation with the Office of the County Agricultural Commissioner (CAC) within each county.

This summary contains brief descriptions of the legislation followed by DPR's Office of Legislation and Regulations during the first year of the 2001-2002 legislative session. This year alone, DPR monitored over 270 bills and actively tracked and analyzed 63 of those bills.

Urgency measures signed by the Governor took effect immediately upon his signature. Other legislation signed by the Governor takes effect on January 1, 2002.

For an electronic version of this summary, please refer to DPR's Internet Home Page at the following address: <http://www.cdpr.ca.gov>. You will find this Legislative Summary report under the "Laws and Regulations" site.

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
CCC	California Coastal Commission
CCR	California Code of Regulations
CDFA	California Department of Food and Agriculture
CDHS	California Department of Health Services
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CIWMB	California Integrated Waste Management Board
DBW	Department of Boating and Waterways
DFG	Department of Fish and Game
DIR	Department of Industrial Relations
DPR	Department of Pesticide Regulation
DTSC	Department of Toxic Substances Control
FAC	Food and Agricultural Code
FSA	Food Safety Account
HSC	Health and Safety Code
OAL	Office of Administrative Law
OEHHA	Office of Environmental Health Hazard Assessment
OES	Office of Emergency Services
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SPCB	Structural Pest Control Board
SWRCB	State Water Resources Control Board
TAC	Toxic Air Contaminant
U.S. EPA	United States Environmental Protection Agency
VOC	Volatile organic compound

SECTION I – BILL SUBJECT INDEX

The Bill Subject Index section of this summary identified legislative bills, tracked by DPR during the first year of the 2001-2002 legislative session, containing similar subject matter. For each bill, we have provided information on its status, author, and title. The status indicates whether the bill was chaptered, vetoed, two-year bill, died due to failure to meet legislative schedule deadlines, failed in committee, or was withdrawn by the bill author. The author is the name of the legislative member who introduced the bill for consideration. The title indicates the general subject matter addressed in the bill.

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Administration

<u>Bill No.</u>	<u>Status</u>	<u>Author</u>	<u>Subject</u>
AB 199	Vetoed	Correa	Public employees' retirement: benefits of members and former spouses
AB 304	Vetoed	Cmte on Agriculture	County agricultural commissioners
AB 619	Two-year bill	Wayne	State employees: scientists
AB 647	Chaptered	Horton	Whistleblower protection: reporting by Community College employee of improper governmental activities act
AB 711	Chaptered	Cmte on Env Safety	Administrative orders
AB 745	Vetoed	Cox	State-mandated local programs
AB 824	Chaptered	Cohn	Public employees' long-term care insurance
AB 1110	Vetoed	Simitian	Retail food facilities: inspection information: implementation grants
AB 1209	Two-year bill	La Suer	State-mandated local programs
AB 1681	Chaptered	Canciamilla	Workers' compensation: individually identifiable information
AJR 6	Two-year bill	Canciamilla	Retirement security and savings
SB 26	Chaptered	Figueroa	Professions and vocations
SB 67	Chaptered	Burton	State employees: compensation
SB 678	Two-year bill	Figueroa	Worker's compensation: individually identifiable information
SB 683	Chaptered	Ortiz	Public health information: confidentiality
SB 1022	Chaptered	Soto	State employees: compensation
SB 1024	Two-year bill	Cmte on Public Emp.	State employees: memorandum of understanding
SB 1161	Two-year bill	Polanco	State civil service: examinations

Air Emissions/Quality

<u>Bill No.</u>	<u>Status</u>	<u>Author</u>	<u>Subject</u>
AB 713	Two-year bill	Thompson	Air pollution: consumer products
AB 1173	Two-year bill	Keeley	Air pollution
AB 1272	Died	Mountjoy	Air pollution: electrical generators
AB 1390	Chaptered	Firebaugh	Air pollution
AB 1528	Two-year bill	Wyman	Air pollution: emission reduction credits
SB 88	Chaptered	Costa	Air pollution: odors
SB 433	Two-year bill	Monteith	Carl Moyer Memorial Air Standards Attainment Program
SB 527	Chaptered	Sher	Air pollution: penalties
SB 529	Two-year bill	Sher	Air pollution: penalties

2001 Legislative Summary

SB 603	Two-year bill	McClintock	Air emissions: exemptions
SB 644	Two-year bill	Machado	Air pollution: emission reduction credits: Agricultural practices
SB 1015	Two-year bill	McClintock	Air pollution: emission factors
SB 1086	Two-year bill	Alarcon	Air pollution: liquified natural gas: production

Agricultural Land

<u>Bill No.</u>	<u>Status</u>	<u>Author</u>	<u>Subject</u>
AB 605	Two-year bill	Negrete McLeod	California Dairy Producers Environmental Trust Fund
AB 709	Two-year bill	Wayne	Codisposal sites: cleanup
AB 1466	Two-year bill	Florez	Dairy farms: sanitation
ACA 8	Died	Keeley	California Water and Land Protection Trust Fund
SB 1087	Two-year bill	Alarcon	Environmental impact reports
SB 1177	Chaptered	Polanco	Cornfield rail yards
SB 1224	Chaptered	Cmte on Agr & Wtr	Farmland conservancy

California Environmental Quality Act

<u>Bill No.</u>	<u>Status</u>	<u>Author</u>	<u>Subject</u>
AB 254	Chaptered	Frommer	Brownfields loans: CLEAN program
AB 972	Chaptered	Calderon	School facilities: preliminary endangerment assessment: Phase I environmental assessment
AB 1086	Two-year bill	Calderon	Environmental quality: residential infill development project
AB 1283	Two-year bill	Florez	Environmental quality: dairies
AB 1532	Chaptered	Pavley	Environmental quality

Civil Procedure

<u>Bill No.</u>	<u>Status</u>	<u>Author</u>	<u>Subject</u>
AB 260	Chaptered	Frommer	State departments: investigations and hearings
AB 1701	Two-year bill	Cmte on Judiciary	Unruh Civil Rights Act
AB 1703	Two-year bill	Cmte on Judiciary	Civil actions: nonsuits
SB 11	Two-year bill	Escutia	Confidentiality of writings
SB 561	Chaptered	Morrow	Administrative Procedures Act
SB 562	Chaptered	Morrow	Civil procedure: limited civil cases

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Continuing Education

<u>Bill No.</u>	<u>Status</u>	<u>Author</u>	<u>Subject</u>
AB 423	Chaptered	Hertzberg	Farm labor contractors: license requirements
AB 652	Chaptered	Horton	University of California: Health Professions Education and Outreach
AB 1680	Vetoed	Cmte Labor & Emp	Farm Labor Contractors: educational classes

Employee Protections

<u>Bill No.</u>	<u>Status</u>	<u>Author</u>	<u>Subject</u>
AB 790	Two-year bill	Maldonado	Income and bank and corporation taxes: Preventative health care credit: agricultural workers
AB 883	Two-year bill	Florez	Migrant and seasonal farmworker health
AB 920	Two-year bill	Romero	Agricultural employees
AB 1550	Chaptered	Wiggins	Farmworker housing
SB 912	Chaptered	Chesbro	Employment of minors: agricultural packing plants

Endangered Species

<u>Bill No.</u>	<u>Status</u>	<u>Author</u>	<u>Subject</u>
AB 252	Vetoed	Pavley	Endangered species
AB 985	Two-year bill	Florez	Fully protected species
AB 1231	Two-year bill	Nation	Forest watershed analysis: salmonid population assessment protocols
AB 1598	Two-year bill	Hollingsworth	Fully protected species
SB 550	Two-year bill	Costa	Endangered species

Energy

<u>Bill No.</u>	<u>Status</u>	<u>Author</u>	<u>Subject</u>
AB 1	Chaptered	Aanestad	Electrical restructuring: energy efficiency programs
ABX1 110	Died	Kelley	Reclaimed water: electrical energy
ABX1 122	Died	Cardoza	Unemployment compensation benefits
SB 1003	Two-year bill	Poochigian	Energy: protection of agriculture

Enforcement/Compliance

<u>Bill No.</u>	<u>Status</u>	<u>Author</u>	<u>Subject</u>
AB 567	Two-year bill	Koretz	Agricultural employees: length of hand-held tool handles

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AB 879	Two-year bill	Keeley	Rural crime prevention programs
AB 960	Vetoed	Keeley	Crime prevention: environmental prosecution project
AB 1459	Two-year bill	Reyes	Farm labor contractors; violation reporting
AB 1674	Two-year bill	Cmte Labor & Emp	Industrial relations: enforcement
AB 1676	Two-year bill	Cmte Labor & Emp	Minimum labor standards: database of violations
SB 1160	Vetoed	Polanco	State attorneys and administrative law judges: compensation

Farming

<u>Bill No.</u>	<u>Status</u>	<u>Author</u>	<u>Subject</u>
AB 7	Two-year bill	Cardoza	Sales and use taxes: farm equipment and machinery
AB 52	Two-year bill	Wiggins	California Farmland Conservation Bond Act of 2002
AB 1242	Died	Wiggins	Budget Act of 2001
SB 1125	Chaptered	Burton	Farm labor contractors: licensing

Hazardous Waste

<u>Bill No.</u>	<u>Status</u>	<u>Author</u>	<u>Subject</u>
AB 702	Two-year bill	Jackson	Hazardous substance remediation: pilot project
AB 712	Two-year bill	Maldonado	Hazardous materials: inventory
AB 1187	Chaptered	Simitian	Solid waste: recycling: tires: used oil
AB 1201	Chaptered	Pavley	Stormwater pollution: used oil recycling fund
AB 1259	Chaptered	Wiggins	Hazardous waste facilities permits: suspension
AB 1313	Two-year bill	Pavley	Hazardous waste: fertilizing materials
AB 1708	Two-year bill	Cmte on Trans.	Hazardous waste: tow trucks
SB 189	Chaptered	Bowen	Controlled substance release: notification
SB 271	Chaptered	O'Connell	Hazardous waste: transportation: manifests: information
SB 468	Chaptered	Sher	Hazardous materials response actions: Brownfields: insurance
SB 470	Chaptered	Sher	Hazardous waste control management: used oil
SB 693	Two-year bill	Scott	Commencement of action: hazardous substances
SB 732	Chaptered	Ortiz	Toxic mold

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SB 1158	Chaptered	Knight	Hazardous waste: universal waste aerosol cans
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Internet

<u>Bill No.</u>	<u>Status</u>	<u>Author</u>	<u>Subject</u>
AB 228	Two-year bill	Campbell	Internet Tax Freedom Act: continuation
AB 763	Two-year bill	Shelley	Dymally-Alatorre Bilingual Services Act: Internet information
AB 805	Two-year bill	Shelley	State agency websites: non-English information
AB 1559	Two-year bill	Diaz	Department of Information Technology
AB 1624	Two-year bill	Zettel	Information technology
SB 666	Two-year bill	Peace	Privacy: personal information
SB 987	Two-year bill	Escutia	The Dymally-Alatorre Bilingual Services Act
SB 1193	Chaptered	Polanco	Small business financial development

Local Government

<u>Bill No.</u>	<u>Status</u>	<u>Author</u>	<u>Subject</u>
AB 69	Vetoed	Wright	Electricity: governmental entities in Los Angeles County: contracts
AB 428	Two-year bill	Cmte on Budget	Local government
AB 553	Chaptered	Runner	Castaic Lake Water Agency
AB 611	Two-year bill	Salinas	Rural Development Council
AB 682	Chaptered	Calderon	Mosquito abatement pest abatement or vector control district: traveling expenses
AB 1050	Two-year bill	Kehoe	Local agency meetings: closed session
AB 1203	Two-year bill	Dickerson	Rural crime prevention programs
AB 1628	Chaptered	Cmte on Agriculture	Fairs
SB 135	Chaptered	Figuroa	Contractors
SB 153	Chaptered	Knight	Pilot projects: state and local programs
SB 210	Chaptered	Cmte on Local Govt	Local Government Omnibus Act of 2001

Mill Assessment

<u>Bill No.</u>	<u>Status</u>	<u>Author</u>	<u>Subject</u>
AB 780	Chaptered	Thomson	Pesticide Mill Assessment
SB 605	Two-year bill	Costa	Pesticides

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Miscellaneous

<u>Bill No.</u>	<u>Status</u>	<u>Author</u>	<u>Subject</u>
AB 388	Two-year bill	Strom-Martin	Industrial hemp: research
SB 236	Two-year bill	O'Connell	Dogs and cats: microchip: permits
SB 359	Chaptered	Murray	Parks and recreation: urban parks and healthy communities
SB 392	Vetoed	Oller	State agencies and officers: reports
SB 413	Chaptered	Speier	State Auditor: whistleblowing
SB 442	Chaptered	Vasconcellos	Housing: special needs population
SB 486	Chaptered	Speier	Public safety: working warehouses
SB 662	Chaptered	Cmte on Judiciary	Maintenance of the codes
SB 788	Two-year bill	Alarcon	Parks and recreation: grants: urban river park projects

Pesticides

<u>Bill No.</u>	<u>Status</u>	<u>Author</u>	<u>Subject</u>
AB 573	Two-year bill	Canciamilla	Public Health Vector Control Act of 2001
AB 947	Two-year bill	Jackson	Pesticides: schoolsites
AB 1386	Two-year bill	Briggs	Pesticides: registration
SB 438	Two-year bill	Monteith	Pesticides: methodology

Pests

<u>Bill No.</u>	<u>Status</u>	<u>Author</u>	<u>Subject</u>
AB 11	Chaptered	Dickerson	Olive pests
AB 53	Two-year bill	Wiggins	Budget Act of 2000: appropriation: sudden oak death syndrome
AB 62	Two-year bill	Migden	Sudden oak death
AB 956	Two-year bill	Strickland	Pest control: Pierce's Disease
AB 1136	Two-year bill	La Suer	Pest control: eradication of Formosa termite
AB 1394	Chaptered	Wiggins	Pests: Pierce's disease and the glassy-winged sharpshooter
AB 1408	Two-year bill	Hollingsworth	Pest control
AB 1417	Two-year bill	Hollingsworth	Pest control
AB 1435	Two-year bill	Pacheco, Rod	Pest control: invasive species task force
AB 1608	Chaptered	Cmte on Agriculture	Plant quarantine and pest control
AB 1612	Chaptered	Matthews	Agricultural and seafood industries
ACR 5	Chaptered	Nation	Sudden oak death
ACR 26	Chaptered	Dickerson	Mosquito and Vector Control Awareness Week
SB 31	Two-year bill	Chesbro	Sudden oak death: appropriation

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SB 305	Two-year bill	Machado	Pest control: structural pest control devices
SB 594	Chaptered	Chesbro	Pest control: Pierce's disease
SB 1223	Two-year bill	Cmte on Agri & Wtr	Red imported fire ants

Public Information/Accessibility/Guidelines

<u>Bill No.</u>	<u>Status</u>	<u>Author</u>	<u>Subject</u>
AB 192	Chaptered	Canciamilla	State bodies: open meetings
AB 1014	Chaptered	Papan	California Public Records Act: disclosure procedures
AB 1397	Two-year bill	Koretz	Public records: University of California employees

Schools

<u>Bill No.</u>	<u>Status</u>	<u>Author</u>	<u>Subject</u>
AB 51	Two-year bill	Shelley	Lead-safe schools
AB 80	Two-year bill	Havice	School safety: lead
AB 445	Chaptered	Cardenas	School Facilities Fee Assistance Fund
AB 662	Two-year bill	Vargas	Pupil suspension and expulsion
AB 130	Two-year bill	Goldberg	School facilities: site contamination: Belmont Learning Complex
SB 21	Two-year bill	Escutia	Lead-safe schools
SB 286	Vetoed	Soto	School safety: hazardous substances
SB 740	Chaptered	O'Connell	Charter schools

State Funds/Budget/Fees

<u>Bill No.</u>	<u>Status</u>	<u>Author</u>	<u>Subject</u>
AB 95	Dead	Cardenas	2001-02 Budget
AB 435	Chaptered	Cmte on Budget	Resources: fish and game license and other entitlements: implementation of the Budget Act of 2001
AB 439	Two-year bill	Matthews	Agricultural block grants: expenditure guidelines
AB 1204	Two-year bill	Aroner	Filing fees: Department of Fish and Game
SB 75	Dead	Peace	2001-02 Budget
SB 738	Chaptered	Peace	Budget Act of 2000: Contingencies or emergencies
SB 739	Chaptered	Peace	2001-02 Budget

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Water Quality/Assessment

<u>Bill No.</u>	<u>Status</u>	<u>Author</u>	<u>Subject</u>
AB 15	Two-year bill	Harman	Storm water discharges
AB 107	Two-year bill	Nation	Vessels: wrecks and wrecked property; ballast water
AB 358	Chaptered	Kelley	Water quality: Cathedral City
AB 378	Chaptered	Calderon	Water quality: cleanup
AB 537	Two-year bill	Canciamilla	San Francisco Bay Delta
AB 560	Chaptered	Jackson	Local used oil collection programs: storm water runoff pollution
AB 599	Chaptered	Liu	Groundwater contamination: quality monitoring program
AB 617	Two-year bill	Calderon	Regional water control boards: notice of pollution or nuisance
AB 639	Chaptered	Nakano	Coastal waters: contamination
AB 1192	Two-year bill	Pavley	Water Quality and Watershed Protection Act of 2002
AB 1393	Two-year bill	Thomson	Water quality
AB 1565	Two-year bill	Mountjoy	Drinking water: fluoridation
AB 1664	Chaptered	Pavley	Water quality
SB 58	Chaptered	Alpert	California Ocean Resources Enhancement and Hatchery Program
SB 72	Chaptered	Kuehl	Storm water
SB 221	Chaptered	Kuehl	Land use: water supplies
SB 315	Chaptered	Alpert	San Diego Advisory Committee for Environmentally Superior Antifouling Paints
SB 435	Two-year bill	Monteith	Taxation: agriculture: irrigation
SB 469	Two-year bill	Alpert	Water quality: total maximum daily loads
SB 471	Chaptered	Sher	Proposition 65: toxic chemicals
SB 609	Chaptered	Costa	Water Omnibus Act of 2001
SB 672	Chaptered	Machado	California Water Plan: urban water management plans
SB 710	Two-year bill	Alpert	Water quality: total maximum daily loads
SB 727	Two-year bill	Costa	Environmental Water Account Act of 2001

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SB 815	Two-year bill	Machado	Discharger Legacy Pollutant Reduction Program
SB 847	Two-year bill	Ackerman	Recycled water
SB 1107	Two-year bill	Alarcon	Water quality: total maximum daily loads
SB 1146	Two-year bill	Margett	Water quality

SECTION II – 2001 CHAPTERED LEGISLATION: SUMMARY

The following information summarizes the content of legislative bills which were signed by Governor Davis and chaptered by the Secretary of State during the first year of the 2001-2002 legislative session. These bills impact, or have the potential to impact, DPR and the pesticide regulatory program.

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Assembly Bills

AB 192 Canciamilla – State bodies: open meetings
(Chapter 243, Statutes of 2001)

This bill makes changes to the Bagely-Keene Open Meeting Act and strengthens existing statutes that provide for open public access to meetings of state agencies.

AB 260 Frommer – State departments: investigations and hearings
(Chapter 74, Statutes of 2001)

This bill allows state agencies to issue interrogatories during the course of their investigations. It also allows state courts greater flexibility in fashioning remedies in antitrust actions brought by the Attorney General's office on behalf of the state.

AB 284 Jackson – Public health: fungal contamination in indoor environments
(Chapter 550, Statutes of 2001)

The California Research Bureau (CRB), in consultation with the State Department of Health Services (DHS) is required to perform a study and publish findings to address fungal contamination affecting indoor environments. CRB is also required to submit a report to the Legislature and DHS detailing their findings by January 1, 2003.

AB 446 Committee on Business and Professions – Professions and vocations
(Chapter 306, Statutes of 2001)

This is a Department of Consumer Affairs omnibus bill that eliminates, in part, an obsolete Structural Pest Control Board licensing category for individuals who perform wood roof cleaning and treatment.

AB 560 Jackson – Local used oil collection programs: storm water runoff pollution
(Chapter 500, Statutes of 2001)

This bill authorizes local governments to use devices, such as storm drain inlet filters, to capture oil and oil by-products that cause storm water pollution; and allows the use of CIWMB funds for implementation.

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AB 599 Liu – Groundwater contamination monitoring program
(Chapter 522, Statutes of 2001)

Requires SWRCB to integrate existing ground water monitoring programs and design needed new programs to establish a comprehensive monitoring program capable of assessing each ground water basin in the state. Also requires SWRCB to establish an interagency task force and an advisory committee to the task force to provide specified information. They would also require SWRCB, in consultation with other specified agencies, to submit a specified report to the Legislature by March 1, 2003.

AB 1014 Papan – California Public Records Act
(Chapter 355, Statutes of 2001)

Expands the Public Records Act by requiring state and local agencies to assist the public in preparing public record requests and inform a requestor the date and time that public records will be made available.

AB 1608 Committee on Agriculture – Plant quarantine and pest controls
(Chapter 256, Statutes of 2001)

Requires entities that conduct plant quarantine programs and activities to control pest and plant diseases to accept accredited laboratory test results. Additionally, should an agency wish to reject these test results, they would need the approval of the Secretary of the California Department of Food and Agriculture.

AB 1664 Pavley – Water quality
(Chapter 869, Statutes of 2001)

Amends the Water Code and made various changes in SWRCB's enforcement authority, how various civil penalties are assessed, the amount of the civil penalties, how criminal culpability is assigned, SWRCB's authority to pay monies to regional water quality control boards, and criminal penalties for supervisors and operators of wastewater treatment plants.

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AB 1681 Canciamilla – Workers’ compensation: individually identifiable information
(Chapter 792, Statutes of 2001)

The Commission on Health and Safety and Worker’s Compensation is added to the list of entities in the Labor Code that may use the individually identifiable information from worker’s compensation reports, only with express permission of the individual.

ACR 5 Nation – Sudden Oak Death
(Resolution Chapter 149, Statutes of 2001)

This measure urges state agencies involved with sudden oak death to coordinate with federal agencies to seek funding to address issues related to the syndrome.

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Senate Bills

SB 32 Escutia – Contaminated property: restoration
(Chapter 764, Statutes of 2001)

Authorizes a legislative body of a city or county to adopt an ordinance that would establish a program to restore and allow reuse of property contaminated by hazardous materials. It also requires Cal/EPA to publish numerical environmental restoration site screening levels by March 21, 2004, and a guidance document that explains how those levels should be used for various purposes. Cal/EPA is also required to conduct a study to evaluate the usefulness of screening numbers in encouraging remediation of contaminated property in a specified study area.

SB 72 Kuehl – Storm water
(Chapter 492, Statutes of 2001)

SWRCB is required to develop minimum monitoring requirements for regulated municipalities and industries that are subject to certain storm water requirements. SWRCB is also required to summary the storm water monitoring results and make them available on the Internet in the year that the Legislature appropriates sufficient funds for that purpose.

SB 373 Torlakson – Environmental education: waste recycling
(Chapter 926, Statutes of 2001)

Establishes a pilot project to improve the environmental education component of California schools curriculum, including integrated pest management. Additionally, this will increase school efforts to reduce the sources of waste and to encourage greater recycling program.

SB 468 Sher – Hazardous materials response actions: brownfields: insurance
(Chapter 549, Statutes of 2001)

Changes the conditions under which an administering agency can take action against a responsible party to remediate a hazardous materials release site, and change the way the administrator of the Orphan Share Reimbursement Trust Fund is appointed.

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SB 561 Morrow – Administrative Procedures Act
(Chapter 59, Statutes of 2001)

Makes clarifying modifications to the Administrative Procedures Act regarding electronic posting of proposed rulemaking action and related documents.

SB 562 Morrow – Civil procedure: limited civil cases
(Chapter 44, Statutes of 2001)

Makes minor procedural changes to the Food and Agricultural Code as well as other sections of law relating to the transferal of court judgments and registry of actions.

SB 702 Escutia – Chronic disease: environmental determinants
(Chapter 538, Statutes of 2001)

Requires OEHHA, in consultation with the Division of Environmental and Occupational Disease Control of DHS, to develop, with assistance from the University of California, possible approaches for establishing an Environmental Health surveillance System (EHSS) for the purposes of establishing an ongoing surveillance of environmental exposures and the diseases afflicting Californians. A report on the possible approaches is to be provided to the Legislature by July 1, 2003. It also states the intent of the Legislature to establish an EHSS.

SB 1007 Machado – State Payment Card Act
(Chapter 427, Statutes of 2001)

Authorizes the Director of the Department of General Services, in consultation with the Director of e-Government, to encourage the adoption of standard payment policies and procedures for all state agencies.

SB 1191 Speier – State and local reporting requirements
(Chapter 745, Statutes of 2001)

Revises and deletes obsolete reporting requirements for state and local agencies.

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SB 1193 Polanco – Small business financial development
(Chapter 674, Statutes of 2001)

Requires all state agency Web sites to include a link to their individual Web page that contains rulemaking actions proposed by that agency, e.g. notices to adopt, amend, or repeal a regulation. Additionally, the California Health and Human Services Agency must provide any person who files a request for notices of regulatory action the option of receiving the notices electronically, and that these notices include a hyperlink to the proposed regulatory action on the departmental Web site.

2001 Legislative Summary

Major Bill Text: AB 780 (Thomson)

CHAPTER 523
PASSED THE ASSEMBLY SEPTEMBER 14, 2001
PASSED THE SENATE SEPTEMBER 13, 2001
AMENDED IN SENATE SEPTEMBER 12, 2001
AMENDED IN SENATE AUGUST 30, 2001
AMENDED IN SENATE AUGUST 21, 2001
AMENDED IN SENATE JULY 9, 2001
AMENDED IN SENATE JUNE 26, 2001
AMENDED IN ASSEMBLY MAY 31, 2001
AMENDED IN ASSEMBLY APRIL 23, 2001

INTRODUCED BY Assembly Member Thomson
(Coauthor: Senator Alpert)

FEBRUARY 22, 2001

An act to amend Sections 12841 and 12841.1 of, and to add Section 12847.5 to, the Food and Agricultural Code, relating to pesticides, and making an appropriation therefor.

(Approved by Governor October 4, 2001. Filed with Secretary of State October 5, 2001.)

I am signing Assembly Bill 780. However, due to the rapid decline in our economy and a budget shortfall of \$1.1 billion in the first three months of this fiscal year alone, I have no choice but to oppose additional General Fund spending. As a result, I am deleting the \$7 million General Fund appropriation contained in the bill.

This bill reauthorizes the pesticide mill assessment, which funds approximately 60% of the programmatic activity of the Department of Pesticide Regulation (DPR), at the current rate of 17.5 mils until June 30, 2004. I am signing this bill to maintain the current assessment rate because it does not add an additional financial burden on the regulated industries. Moreover, this action will avoid the potential for the assessment to revert to an unacceptably low level in future years.

However, I am directing the Director of DPR to bring the stakeholders together as specified by this bill to help craft a longer term solution for support of the Department.

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I am committed to the continuation of California's nationally renowned pesticide regulatory program and the benefits it provides. Because DPR has sufficient funding for the current fiscal year, I believe that addressing the funding shortfall for the 2002-03 fiscal year during the budget development process would be more appropriate.

GRAY DAVIS, Governor

LEGISLATIVE COUNSEL'S DIGEST

AB 780, Thomson. Pesticide mill assessments.

(1) Until January 1, 2003, existing law requires every registrant of a pesticide product to pay the Director of Pesticide Regulation an assessment of 17.5 mills per dollar of sales for all sales by that person of registered pesticides for use in this state. Existing law further provides that effective January 1, 2003, and thereafter, the mill assessment rate would be reduced to 9 mills per dollar of sales, for all sales of pesticide for use in this state.

This bill would specify that sales made electronically, telephonically, or by other means that result in a pesticide product being shipped to or used in the state are sales. This bill would also provide that the mill assessment rate commencing January 1, 2003, to June 30, 2004, shall be 17.5 mills per dollar of sales and commencing July 1, 2004, and thereafter, shall be 9 mills per dollar of sales for all sales of registered pesticides for use in this state.

(2) Existing law also allows the Director of Pesticide Regulation, until January 1, 2003, to collect an additional mill assessment, as specified, to fund provision of pesticide consultation to the Department of Pesticide Regulation by the Department of Food and Agriculture.

This bill would allow the director to continue to collect this assessment, as specified, until July 1, 2004.

(3) The bill would also require the Department of Pesticide Regulation, with assistance from a subcommittee of the Pest Management Advisory Committee containing members from specified groups or agencies, to prepare an analysis and report on specified issues to the Legislature by January 1, 2003, the purpose of which would be to recommend a funding solution for the department that would eliminate the need to reauthorize the mill

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assessment on pesticide and consumer product sales every 5 years and that would preserve the accountability of the department to the entities contributing to the financing of the department.

(4) This bill would appropriate \$7,000,000 from the General Fund to the Department of Pesticide Regulation to implement the provisions of this act.

Appropriation: yes.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 12841 of the Food and Agricultural Code is amended to read:

12841. (a) It is unlawful for any person to sell for use in this state any pesticide products that have been registered by the director for which the mill assessment established by this article, and the regulations adopted pursuant to it, is not paid at the times specified in Section 12843.

(b) Except as provided in subdivision (d), every person who sells for use in this state a pesticide product that has been registered by the director shall pay to the director the applicable assessment. Those sales expressly include all sales made electronically, telephonically, or by any other means that result in a pesticide product being shipped to or used in this state. There is a rebuttable presumption that pesticide products that are sold or distributed into or within this state by any person are sold or distributed for use in this state.

(c) (1) Upon application of any registrant, the director shall determine whether a fertilizer or paper product is used as a carrier for a pesticide, and is sold in combination, and whether the mill assessment under this article shall be on the pesticide value only, when the product is designed, developed, and manufactured, and sold primarily for other than a pesticide use. If the director finds that the combination product has such a major component and is designed, developed, manufactured, and sold primarily for other than a pesticide use, the assessment provided by this article shall be paid on the equivalent percentage of the sales price of the active ingredients of the pesticide product. The director shall establish this percentage of the sales price. The percentage shall be the ratio of that portion of the sales price attributable to the pesticide portion to the total sales price of the combination product.

(2) For purposes of this section, "active ingredient" means any active ingredient that is required to be stated on the label on any registered pesticide under Section 12883.

(d) Assessments provided for in this article for sales of registered pesticides that are sold for use in this state shall be paid by the registrant except as follows:

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(1) In those cases where the registrant did not first sell the pesticide into or within this state or have actual knowledge, at the time of its sale, that the pesticide would be sold for use in this state, the assessment shall be paid by the licensed pesticide broker, licensed pest control dealer, or other person who first sold the pesticide for use in this state.

(2) No person is required to pay an assessment on registered products that are labeled only for use in further manufacturing or formulating of pesticides.

(e) It has been and continues to be the intent of the Legislature that this division requires the department to register all pesticides prior to their sale for use in this state and, except as otherwise provided by law, requires the department to regulate and control the use of pesticides in accordance with this division. Except as provided in Section 12841.1, the department shall continue to collect the assessment as provided in this article at the same rate on all registered agricultural and registered nonagricultural pesticides.

(f) (1) Except as provided in paragraph (2), the mill assessment shall be paid at the following rates per dollar of sales for all sales of pesticides for use in this state:

(A) From January 1, 1998, to March 31, 1999, inclusive, the rate shall be 15.15 mills (\$0.01515) plus any additional assessment authorized by Section 12841.1.

(B) From April 1, 1999, to December 31, 2002, inclusive, the rate shall be 17.5 mills (\$0.0175) plus any additional assessment authorized by Section 12841.1.

(C) From January 1, 2003, to June 30, 2004, inclusive, the rate shall be 17.5 mills (\$0.0175).

(D) Effective July 1, 2004, and thereafter, the rate shall be 9 mills (\$0.009).

(2) In order to avoid the accumulation of unneeded revenues, the director shall, by the adoption of an emergency regulation pursuant to subdivision (h), set the mill assessment rate lower than the rate established in subparagraphs (A), (B), and (C) of paragraph (1) if the director determines that program needs are adequately met and that revenues collected would result in a prudent reserve in the Department of Pesticide Regulation Fund by the end of the 2001-02 fiscal year greater than two million five hundred thousand dollars (\$2,500,000). In no case shall the lower mill rate result in revenues that are less than the revenues that the rate established in subparagraphs (A) and (B) of paragraph (1) would generate if each mill was valued at one million four hundred eighty-two thousand dollars (\$1,482,000).

(g) The revenue collected from the mill assessment shall be deposited in the Department of Pesticide Regulation Fund, except as specified in Section 12841.1, and distributed as follows:

(1) Notwithstanding Sections 2282 and 12784, the director shall pay, in accordance with the criteria set forth in Section 12844, the following amounts to the counties as reimbursement for costs incurred by the counties in the administration and enforcement of Division 6 (commencing with Section 11401), this chapter, Chapter 3 (commencing with Section 14001), Chapter 3.4 (commencing with Section 14090), and Chapter 3.5 (commencing with Section 14101):

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(A) From January 1, 1998, to March 31, 1998, inclusive, five-eighths of the money received during that period pursuant to this section.

(B) Beginning April 1, 1998, and thereafter, an amount equal to the revenue derived from 6 mills (\$0.006) per dollar of sales for all pesticide sales for use in this state.

(2) All funds not otherwise distributed pursuant to this subdivision shall remain in the Department of Pesticide Regulation Fund and shall be available for expenditure, upon appropriation, to support the department's operations.

(h) Any change to the mill assessment rate established pursuant to subparagraphs (A) and (B) of paragraph (1) of subdivision (f) shall be made by the adoption of an emergency regulation and shall be determined by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health, safety, and general welfare.

Thereafter, the regulations shall be adopted pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code and shall remain in effect for no more than four consecutive quarters. The director shall make available to the public, at least 60 days prior to the adoption of an emergency regulation establishing a new rate, the information upon which the director has calculated the new rate.

SEC. 2. Section 12841.1 of the Food and Agricultural Code is amended to read:

12841.1. (a) Between January 1, 1998, and July 1, 2004, the director may collect an assessment, in addition to the mill assessment collected pursuant to Section 12841, for all pesticide sales for use in this state except for sales for use in this state of those nonagricultural pesticides labeled only for home, industrial, or institutional use. The director may only collect up to an additional three-fourths mill (\$0.00075) per dollar of sales, as part of the rate established pursuant to Section 12841, if necessary to fund, or augment the funding for, an appropriation to the Department of Food and Agriculture to provide pesticide consultation to the department pursuant to Section 11454.2. The necessity of this additional assessment shall be determined by the Secretary of Food and Agriculture, in consultation with the director, on an annual basis after consideration of all other revenue sources, including any reserves, which may be appropriated for this purpose. The secretary's written determination, including a request for a specified additional assessment and the basis for that request, shall be provided to the department in a time and manner prescribed by the director to fulfill the requirements of Section 12841, and shall be made available to the public pursuant to the requirements of subparagraph (B) of paragraph (1) of subdivision (f) of Section 12841.

(b) The revenue collected pursuant to this section shall be deposited monthly in a separate account in the Department of Food and Agriculture Fund. These revenues shall be expended only by the Department of Food and Agriculture, upon appropriation, to provide consultation to the department pursuant to Section 11454.2. No funds may be expended prior to the execution of a memorandum of understanding pursuant to

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subdivision (b) of Section 11454.2. The consultation activities to be undertaken by the Department of Food and Agriculture are limited solely to those specifically authorized in the memorandum of understanding executed pursuant to Section 11454.2. These funds may not be expended for scientific risk assessment activities. The department shall be reimbursed from the Department of Food and Agriculture Fund for revenue collection activities.

(c) This section shall remain in effect only until July 1, 2004, and as of that date is repealed, unless a later enacted statute, that is enacted before July 1, 2004, deletes or extends that date.

SEC. 3. Section 12847.5 is added to the Food and Agricultural Code, to read:

12847.5. (a) (1) By January 1, 2003, the Department of Pesticide Regulation shall analyze the following issues and report its findings to the Legislature:

(A) The ongoing funding needs for the department to allow it to carry out its responsibilities under state statutes and regulations.

(B) The appropriate mix of general funds and special funds, including the pesticide mill assessment, to support the department's activities.

(C) The appropriate rate of mill assessment on pesticide products that are used primarily in agricultural production and the appropriate rate for all other pesticide products.

(D) Potential improvements in the efficiency of the department's operations, including mechanisms to share workload with the United States Environmental Protection Agency associated with requests to register pesticides for use in California.

(2) The purpose of the analysis and report shall be to recommend a funding solution for the department that will eliminate the need to reauthorize the mill assessment on pesticide and consumer product sales every five years and that will preserve the accountability of the department to the entities contributing to the financing of the department.

(b) (1) To assist the department in preparing the analysis and report required under subdivision (a), the director shall convene a subcommittee of the Pest Management Advisory Committee by January 1, 2002, that shall include, but shall not be limited to, at least two representatives from the following groups or agencies:

(A) Department of Pesticide Regulation.

(B) Environmental advocates.

(C) Consumer product manufacturers.

(D) Pesticide manufacturers.

(E) Production agriculture.

(F) Farm labor advocates.

(G) Employee unions.

(H) County agriculture commissioners.

(I) Public health advocates.

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(J) Legislative staff from policy or fiscal committees.

(2) The subcommittee shall be disbanded upon completion of the report required in subdivision (a).

SEC. 4. The sum of seven million dollars (\$7,000,000) is hereby appropriated from the General Fund to the Department of Pesticide Regulation to implement this act.

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Major Bill Text: SB 562 (Morrow)

CHAPTER 44
AMENDED IN ASSEMBLY JUNE 6, 2001
AMENDED IN SENATE APRIL 16, 2001
AMENDED IN SENATE MARCH 28, 2001

INTRODUCED BY Senator Morrow

FEBRUARY 22, 2001

An act to amend Sections 86, 472b, 564, 638, 912, and 1206 of, and to add Section 89 to, the Code of Civil Procedure, to amend Section 11937 of the Food and Agricultural Code, to amend Section 946.6 of the Government Code, and to amend Sections 16370, 16373, 16376, and 16379 of the Vehicle Code, relating to civil procedure.

LEGISLATIVE COUNSEL'S DIGEST

SB 562, Morrow. Civil procedure: limited civil cases.

(1) Existing law establishes the parameters for limited civil cases. Existing law provides that actions to enforce and foreclose liens of mechanics, materialmen, artisans, laborers, and all other persons having mechanics' liens, where the total amount of the liens is \$25,000 or less, constitute limited civil cases. This bill would include petitions to release mechanics' liens where the total amount of a lien is \$25,000 or less, to the list of proceedings that constitute limited civil cases.

(2) Existing law establishes the requisite conditions for an action or proceeding to be treated as a limited civil case. This bill would specify that the existence of a statute relating to the authority of the court in a limited civil case does not imply that the same authority does or does not apply in an unlimited case. The bill would also provide that the existence of a statute relating to the authority of the court in an unlimited case does not imply the existence of the same authority in a limited civil case.

(3) Existing law delineates various circumstances in which a superior court may appoint a receiver in a pending action, but limits that authority to cases other than limited civil cases. This bill would delete the limitation of the provision to cases other than limited civil cases.

(4) Existing law provides that when an application to bring a claim against a public entity or public employee is denied by the governing body of that entity, a person may petition the court for an order relieving the petitioner from the prohibition against bringing

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a suit against the public entity. This bill would specify that where an action to which the claim relates would be a limited civil case, the proceeding to petition a court pursuant to these provisions would also constitute a limited civil case.

(5) The bill would also make related changes.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 86 of the Code of Civil Procedure is amended to read:

86. (a) The following civil cases and proceedings are limited civil cases:

(1) Cases at law in which the demand, exclusive of interest, or the value of the property in controversy amounts to twenty-five thousand dollars (\$25,000) or less. This paragraph does not apply to cases that involve the legality of any tax, impost, assessment, toll, or municipal fine, except actions to enforce payment of delinquent unsecured personal property taxes if the legality of the tax is not contested by the defendant.

(2) Actions for dissolution of partnership where the total assets of the partnership do not exceed twenty-five thousand dollars (\$25,000); actions of interpleader where the amount of money or the value of the property involved does not exceed twenty-five thousand dollars (\$25,000).

(3) Actions to cancel or rescind a contract when the relief is sought in connection with an action to recover money not exceeding twenty-five thousand dollars (\$25,000) or property of a value not exceeding twenty-five thousand dollars (\$25,000), paid or delivered under, or in consideration of, the contract; actions to revise a contract where the relief is sought in an action upon the contract if the action otherwise is a limited civil case.

(4) Proceedings in forcible entry or forcible or unlawful detainer where the whole amount of damages claimed is twenty-five thousand dollars (\$25,000) or less.

(5) Actions to enforce and foreclose liens on personal property where the amount of the liens is twenty-five thousand dollars (\$25,000) or less.

(6) Actions to enforce and foreclose, or petitions to release, liens of mechanics, materialmen, artisans, laborers, and of all other persons to whom liens are given under the provisions of Chapter 2 (commencing with Section 3109) of Title 15 of Part 4 of Division 3 of the Civil Code, or to enforce and foreclose an assessment lien on a common interest development as defined in Section 1351 of the Civil Code, where the amount of the liens is twenty-five thousand dollars (\$25,000) or less. However, where an action to enforce the lien affects property that is also affected by a similar pending action that is not a limited civil case, or where the total amount of the liens sought to be foreclosed against the same property aggregates an amount in excess of twenty-five thousand dollars (\$25,000), the action is not a limited civil case.

(7) Actions for declaratory relief when brought pursuant to either of the following:

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(A) By way of cross-complaint as to a right of indemnity with respect to the relief demanded in the complaint or a cross-complaint in an action or proceeding that is otherwise a limited civil case.

(B) To conduct a trial after a nonbinding fee arbitration between an attorney and client, pursuant to Article 13 (commencing with Section 6200) of Chapter 4 of Division 3 of the Business and Professions Code, where the amount in controversy is twenty-five thousand dollars (\$25,000) or less.

(8) Actions to issue temporary restraining orders and preliminary injunctions, and to take accounts, where necessary to preserve the property or rights of any party to a limited civil case; to make any order or perform any act, pursuant to Title 9 (commencing with Section 680.010) of Part 2 (enforcement of judgments) in a limited civil case; to appoint a receiver pursuant to Section 564 in a limited civil case; to determine title to personal property seized in a limited civil case.

(9) Actions under Article 3 (commencing with Section 708.210) of Chapter 6 of Division 2 of Title 9 of Part 2 for the recovery of an interest in personal property or to enforce the liability of the debtor of a judgment debtor where the interest claimed adversely is of a value not exceeding twenty-five thousand dollars (\$25,000) or the debt denied does not exceed twenty-five thousand dollars (\$25,000).

(10) Arbitration-related petitions filed pursuant to either of the following:

(A) Article 2 (commencing with Section 1292) of Chapter 5 of Title 9 of Part 3, except for uninsured motorist arbitration proceedings in accordance with Section 11580.2 of the Insurance Code, if the petition is filed before the arbitration award becomes final and the matter to be resolved by arbitration is a limited civil case under paragraphs (1) to (9), inclusive, of subdivision (a) or if the petition is filed after the arbitration award becomes final and the amount of the award and all other rulings, pronouncements, and decisions made in the award are within paragraphs (1) to (9), inclusive, of subdivision (a).

(B) To confirm, correct, or vacate a fee arbitration award between an attorney and client that is binding or has become binding, pursuant to Article 13 (commencing with Section 6200) of Chapter 4 of Division 3 of the Business and Professions Code, where the arbitration award is twenty-five thousand dollars (\$25,000) or less.

(b) The following cases in equity are limited civil cases:

(1) Cases to try title to personal property when the amount involved is not more than twenty-five thousand dollars (\$25,000).

(2) Cases when equity is pleaded as a defensive matter in any case that is otherwise a limited civil case.

(3) Cases to vacate a judgment or order of the court obtained in a limited civil case through extrinsic fraud, mistake, inadvertence, or excusable neglect.

SEC. 2. Section 89 is added to the Code of Civil Procedure, to read:

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89. (a) The existence of a statute relating to the authority of the court in a limited civil case does not, by itself, imply that the same authority does or does not exist in an unlimited civil case.

(b) The existence of a statute relating to the authority of the court in an unlimited civil case does not, by itself, imply that the same authority does or does not exist in a limited civil case.

SEC. 3. Section 472b of the Code of Civil Procedure is amended to read:

472b. When a demurrer to any pleading is sustained or overruled, and time to amend or answer is given, the time so given runs from the service of notice of the decision or order, unless the notice is waived in open court, and the waiver entered in the minutes. When an order sustaining a demurrer without leave to amend is reversed or otherwise remanded by any order issued by a reviewing court, any amended complaint shall be filed within 30 days after the clerk of the reviewing court mails notice of the issuance of the remittitur.

SEC. 4. Section 564 of the Code of Civil Procedure is amended to read:

564. (a) A receiver may be appointed, in the manner provided in this chapter, by the court in which an action or proceeding is pending in any case in which the court is empowered by law to appoint a receiver.

(b) A receiver may be appointed by the court in which an action or proceeding is pending, or by a judge thereof, in the following cases:

(1) In an action by a vendor to vacate a fraudulent purchase of property, or by a creditor to subject any property or fund to the creditor's claim, or between partners or others jointly owning or interested in any property or fund, on the application of the plaintiff, or of any party whose right to or interest in the property or fund, or the proceeds thereof, is probable, and where it is shown that the property or fund is in danger of being lost, removed, or materially injured.

(2) In an action by a secured lender for the foreclosure of a deed of trust or mortgage and sale of property upon which there is a lien under a deed of trust or mortgage, where it appears that the property is in danger of being lost, removed, or materially injured, or that the condition of the deed of trust or mortgage has not been performed, and that the property is probably insufficient to discharge the deed of trust or mortgage debt.

(3) After judgment, to carry the judgment into effect.

(4) After judgment, to dispose of the property according to the judgment, or to preserve it during the pendency of an appeal, or pursuant to Title 9 (commencing with Section 680.010) (enforcement of judgments), or after sale of real property pursuant to a decree of foreclosure, during the redemption period, to collect, expend, and disburse rents as directed by the court or otherwise provided by law.

(5) Where a corporation has been dissolved, as provided in Section 565.

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- (6) Where a corporation is insolvent, or in imminent danger of insolvency, or has forfeited its corporate rights.
- (7) In an action of unlawful detainer.
- (8) At the request of the Public Utilities Commission pursuant to Sections 855 and 5259.5 of the Public Utilities Code.
- (9) In all other cases where necessary to preserve the property or rights of any party.
- (10) At the request of the Office of Statewide Health Planning and Development, or the Attorney General, pursuant to Section 129173 of the Health and Safety Code.
- (11) In an action by a secured lender for specific performance of an assignment of rents provision in a deed of trust, mortgage, or separate assignment document. The appointment may be continued after entry of a judgment for specific performance if appropriate to protect, operate, or maintain real property encumbered by a deed of trust or mortgage or to collect rents therefrom while a pending nonjudicial foreclosure under power of sale in a deed of trust or mortgage is being completed.
- (12) In a case brought by an assignee under an assignment of leases, rents, issues, or profits pursuant to subdivision (g) of Section 2938 of the Civil Code.
- (c) A receiver may be appointed, in the manner provided in this chapter, including, but not limited to, Section 566, by the superior court in an action brought by a secured lender to enforce the rights provided in Section 2929.5 of the Civil Code, to enable the secured lender to enter and inspect the real property security for the purpose of determining the existence, location, nature, and magnitude of any past or present release or threatened release of any hazardous substance into, onto, beneath, or from the real property security. The secured lender shall not abuse the right of entry and inspection or use it to harass the borrower or tenant of the property. Except in case of an emergency, when the borrower or tenant of the property has abandoned the premises, or if it is impracticable to do so, the secured lender shall give the borrower or tenant of the property reasonable notice of the secured lender's intent to enter and shall enter only during the borrower's or tenant's normal business hours. Twenty-four hours' notice shall be presumed to be reasonable notice in the absence of evidence to the contrary.
- (d) Any action by a secured lender to appoint a receiver pursuant to this section shall not constitute an action within the meaning of subdivision (a) of Section 726.
- (e) For purposes of this section:
 - (1) "Borrower" means the trustor under a deed of trust, or a mortgagor under a mortgage, where the deed of trust or mortgage encumbers real property security and secures the performance of the trustor or mortgagor under a loan, extension of credit, guaranty, or other obligation. The term includes any successor in interest of the trustor or mortgagor to the real property security before the deed of trust or mortgage has been discharged, reconveyed, or foreclosed upon.
 - (2) "Hazardous substance" means (A) any "hazardous substance" as defined in subdivision (f) of Section 25281 of the Health and Safety Code as effective on January 1,

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1991, or as subsequently amended, (B) any "waste" as defined in subdivision (d) of Section 13050 of the Water Code as effective on January 1, 1991, or as subsequently amended, or (C) petroleum, including crude oil or any fraction thereof, natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel, or any mixture thereof.

(3) "Real property security" means any real property and improvements, other than a separate interest and any related interest in the common area of a residential common interest development, as the terms "separate interest," "common area," and "common interest development" are defined in Section 1351 of the Civil Code, or real property consisting of one acre or less that contains 1 to 15 dwelling units.

(4) "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including continuing migration, of hazardous substances into, onto, or through soil, surface water, or groundwater.

(5) "Secured lender" means the beneficiary under a deed of trust against the real property security, or the mortgagee under a mortgage against the real property security, and any successor in interest of the beneficiary or mortgagee to the deed of trust or mortgage.

SEC. 5. Section 638 of the Code of Civil Procedure is amended to read:

638. A referee may be appointed upon the agreement of the parties filed with the clerk, or judge, or entered in the minutes, or upon the motion of a party to a written contract or lease that provides that any controversy arising therefrom shall be heard by a referee if the court finds a reference agreement exists between the parties:

(a) To hear and determine any or all of the issues in an action or proceeding, whether of fact or of law, and to report a statement of decision.

(b) To ascertain a fact necessary to enable the court to determine an action or proceeding.

(c) In any matter in which a referee is appointed pursuant to this section, a copy of the order shall be forwarded to the office of the presiding judge. The Judicial Council shall, by rule, collect information on the use of these referees. The Judicial Council shall also collect information on fees paid by the parties for the use of referees to the extent that information regarding those fees is reported to the court. The Judicial Council shall report thereon to the Legislature by January 1, 2003. This subdivision shall become inoperative on January 1, 2004.

SEC. 6. Section 912 of the Code of Civil Procedure is amended to read:

912. Upon final determination of an appeal by the reviewing court, the clerk of the court shall remit to the trial court a certified copy of the judgment or order of the reviewing court and of its opinion, if any. The clerk of the trial court shall file the certified copy of the judgment and opinion of the reviewing court, shall attach the same to the judgment roll if the appeal was from a judgment, and shall enter a note of the judgment of the

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reviewing court stating whether the judgment or order appealed from has been affirmed, reversed or modified, in the margin of the original entry of the judgment or order, and also in the register of actions.

SEC. 7. Section 1206 of the Code of Civil Procedure is amended to read:

1206. (a) Upon the levy under a writ of attachment or execution not founded upon a claim for labor, any miner, mechanic, salesman, servant, clerk, laborer or other person who has performed work or rendered personal services for the defendant within 90 days prior to the levy may file a verified statement of the claim therefor with the officer executing the writ, file a copy thereof with the court that issued the writ, and give copies thereof, containing his or her address, to the plaintiff and the defendant, or any attorney, clerk or agent representing them, or mail copies to them by registered mail at their last known address, return of which by the post office undelivered shall be deemed a sufficient service if no better address is available, and that claim, not exceeding nine hundred dollars (\$900), unless disputed, must be paid by the officer, immediately upon the expiration of the time for dispute of the claim as prescribed in Section 1207, from the proceeds of the levy remaining in the officer's hands at the time of the filing of the statement or collectible by the officer on the basis of the writ.

(b) The court issuing the writ must make a notation in the register of actions of every preferred labor claim of which it receives a copy and must endorse on any writ of execution or abstract of judgment issued subsequently in the case that it is issued subject to the rights of a preferred labor claimant or claimants and giving the names and amounts of all preferred labor claims of which it has notice. In levying under any writ of execution the officer making the levy shall include in the amount due under the execution any and all preferred labor claims that have been filed in the action and of which the officer has notice, except any claims that may have been finally disallowed by the court under the procedure provided for herein and of which disallowance the officer has actual notice. The amount due on preferred labor claims that have not been finally disallowed by the court shall be considered a part of the sum due under any writ of attachment or execution in augmentation of the amount thereof and it shall be the duty of any person, firm, association or corporation on whom a writ of attachment or execution is levied to immediately pay to the levying officer the amount of the preferred labor claims, out of any money belonging to the defendant in the action, before paying the principal sum called for in the writ.

(c) If any claim is disputed within the time, and in the manner prescribed in Section 1207, and a copy of the dispute is mailed by registered mail to the claimant or the claimant's attorney at the address given in the statement of claim and the registry receipt is attached to the original of the dispute when it is filed with the levying officer, or is handed to the claimant or the claimant's attorney, the claimant, or the claimant's assignee, must within 10 days after the copy is deposited in the mail or is handed to the claimant or the

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claimant's attorney petition the court having jurisdiction of the action on which the writ is based, for a hearing before it to determine the claim for priority, or the claim to priority is barred. If more than one attachment or execution is involved, the petition shall be filed in the court having jurisdiction over the senior attachment or execution. The hearing shall be held within 20 days from the filing of the petition unless the court continues it for good cause. Ten days' notice of the hearing shall be given by the petitioner to the plaintiff and the defendant, and to all parties claiming an interest in the property, or their attorneys. The notice may be informal and need specify merely the name of the court, names of the principal parties to the senior attachment or execution and name of the wage claimant or claimants on whose behalf it is filed but shall specify that the hearing is for the purpose of determining the claim for priority. The plaintiff or the defendant, or any other party claiming an interest may contest the amount or validity of the claim in spite of any confession of judgment or failure to appear or to contest the claim on the part of any other person.

(d) There shall be no cost for filing or hearing the petition and the hearing on the petition shall be informal but all parties testifying must be sworn. Any claimant may appear on the claimant's own behalf at the hearing and may call and examine witnesses to substantiate his or her claim. An appeal may be taken from a judgment in a proceeding under this section in the manner provided for appeals from judgments of the court where the proceeding is had, in an action of the same jurisdictional classification.

(e) The officer shall retain in possession until the determination of the claim for priority so much of the proceeds of the writ as may be necessary to satisfy the claim, and if the claim for priority is allowed, the officer shall pay the amount due, including the claimant's cost of suit, from such proceeds, immediately after the order allowing the claim becomes final.

SEC. 8. Section 11937 of the Food and Agricultural Code is amended to read:

11937. Upon the expiration of 30 days after any judgment becomes final, which is not stayed or satisfied in any action which results in a judgment for damages, the clerk of a court shall forward to the director a certified copy of the judgment or a certified copy of the register of actions, and a certificate of facts relative to the judgment, on a form which is provided by the director.

SEC. 9. Section 946.6 of the Government Code is amended to read:

946.6. (a) Where an application for leave to present a claim is denied or deemed to be denied pursuant to Section 911.6, a petition may be made to the court for an order relieving the petitioner from Section 945.4. The proper court for filing the petition is a superior court that would be a proper court for the trial of an action on the cause of action to which the claim relates. If the petition is filed in a court which is not a proper court for the determination of the matter, the court, on motion of any party, shall transfer the

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proceeding to a proper court. Where an action on the cause of action to which the claim relates would be a limited civil case, a proceeding pursuant to this section is a limited civil case.

(b) The petition shall show each of the following:

(1) That application was made to the board under Section 911.4 and was denied or deemed denied.

(2) The reason for failure to present the claim within the time limit specified in Section 911.2.

(3) The information required by Section 910. The petition shall be filed within six months after the application to the board is denied or deemed to be denied pursuant to Section 911.6.

(c) The court shall relieve the petitioner from Section 945.4 if the court finds that the application to the board under Section 911.4 was made within a reasonable time not to exceed that specified in subdivision (b) of Section 911.4 and was denied or deemed denied pursuant to Section 911.6 and that one or more of the following is applicable:

(1) The failure to present the claim was through mistake, inadvertence, surprise, or excusable neglect unless the public entity establishes that it would be prejudiced in the defense of the claim if the court relieves the petitioner from Section 945.4.

(2) The person who sustained the alleged injury, damage or loss was a minor during all of the time specified in Section 911.2 for the presentation of the claim.

(3) The person who sustained the alleged injury, damage or loss was physically or mentally incapacitated during all of the time specified in Section 911.2 for the presentation of the claim and by reason of that disability failed to present a claim during that time.

(4) The person who sustained the alleged injury, damage or loss died before the expiration of the time specified in Section 911.2 for the presentation of the claim.

(d) A copy of the petition and a written notice of the time and place of hearing shall be served before the hearing as prescribed by subdivision (b) of Section 1005 of the Code of Civil Procedure on (1) the clerk or secretary or board of the local public entity, if the respondent is a local public entity, or (2) the Attorney General, if the respondent is the state. However, if the petition involves a claim arising out of alleged actions or inactions of the Department of Transportation, service of the petition and notice of the hearing shall be made on the Attorney General or the Director of Transportation. Service on the Attorney General may be accomplished at any of the Attorney General's offices in Los Angeles, Sacramento, San Diego, or San Francisco. Service on the Director of Transportation may be accomplished only at the Department of Transportation's headquarters office in Sacramento.

(e) The court shall make an independent determination upon the petition. The determination shall be made upon the basis of the petition, any affidavits in support of or

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in opposition to the petition, and any additional evidence received at the hearing on the petition.

(f) If the court makes an order relieving the petitioner from Section 945.4, suit on the cause of action to which the claim relates shall be filed with the court within 30 days thereafter.

SEC. 10. Section 16370 of the Vehicle Code is amended to read:

16370. The department shall suspend the privilege of any person to operate a motor vehicle upon receiving a certified copy of a judgment, or a certified copy of the register of actions (or a comparable court record of another jurisdiction) in an action resulting in a judgment for damages, and a certificate of facts relative to the judgment, on a form provided by the department, indicating that the person has failed for a period of 30 days to satisfy a judgment rendered against him or her.

SEC. 11. Section 16373 of the Vehicle Code is amended to read:

16373. (a) The clerk of a court shall, subject to subdivision (b), issue upon the request of a judgment creditor a certified copy of any judgment or a certified copy of the register of actions in an action resulting in a judgment for damages, and a certificate of facts relative to the judgment on a form provided by the department.

(b) The judgment creditor may pay the required fees and request the documents specified in subdivision (a) upon the expiration of 30 days after the judgment has become final, if the judgment has not been stayed or satisfied within the amounts specified in this chapter as shown by the records of the court. The court shall determine the required fees, which shall be commensurate with the cost incurred by the court in carrying out this section.

SEC. 12. Section 16376 of the Vehicle Code is amended to read:

16376. (a) If the person against whom judgment is rendered is a nonresident and the person fails within the prescribed time to satisfy the judgment in full or to the extent specified in this chapter, all privileges of operating a motor vehicle in this state given to the person under this code shall be suspended while the judgment remains in effect and unsatisfied and until the nonresident gives proof of his or her financial responsibility in the manner and to the extent provided in Chapter 3 (commencing with Section 16430) for accidents occurring after the date of the giving of proof.

(b) The department shall forward a certified copy of the judgment of a court of record to the appropriate officer in charge of the licensing of drivers in the state of which the person is a resident.

SEC. 13. Section 16379 of the Vehicle Code is amended to read:

16379. (a) The department shall not suspend a license and shall restore any suspended license following nonpayment of a final judgment when the judgment debtor gives proof

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of financial responsibility for future damages and when the trial court in which the judgment was rendered orders the payment of the judgment in installments and while the payment of any installment payment is not in default.

(b) Whenever the trial court orders the payment of a judgment in installments as provided in this section, upon payment of the required fees by the judgment creditor, it shall forward a certified copy of the order to the department, together with a certified copy of the judgment or a certified copy of the register of actions in an action resulting in a judgment for damages and a certificate of facts relative to the judgment on a form provided by the department.

(c) The court shall determine the required fees, which shall be commensurate with the cost incurred by the court in carrying out the provisions of this section.

2001 Legislative Summary

Major Bill Text: SB 1191 (Speier)

CHAPTER 745
AMENDED IN ASSEMBLY JULY 19, 2001
AMENDED IN ASSEMBLY JUNE 27, 2001
AMENDED IN ASSEMBLY JUNE 13, 2001
AMENDED IN SENATE APRIL 18, 2001

INTRODUCED BY Senator Speier

MARCH 14, 2001

An act to repeal sections 13127.93, and 14104 and to amend section 13135 of the Food and Agricultural Code, relating to reports submitted to the Legislature, the Governor, and state entities, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1191, Speier. State and local reporting requirements.

Existing law requires or requests various state and local agencies to prepare and submit reports to the Governor, the Legislature, or other state entities. This bill would revise or delete certain reporting requirements for state and local agencies, and delete obsolete references. This bill would declare that it is to take effect immediately as an urgency statute.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SEC. 61. Section 13127.93 of the Food and Agricultural Code is repealed.

SEC. 62. Section 13135 of the Food and Agricultural Code is amended to read:
13135. The department and the State Department of Health Services shall jointly review the existing federal and state pesticide registration and food safety system and determine if the existing programs adequately protect infants and children from dietary exposure to pesticide residues. The review shall commence as early as possible in 1990, so that any policy or administrative adjustments determined to be necessary as a result of the joint review can be made on a timely basis. The department shall consult with the University of California and other qualified public and private entities in conducting the joint review. The joint review shall continue for a sufficient time in order to evaluate the report of infant exposure to pesticide residues, which is presently being undertaken by the

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National Academy of Sciences. Within six months of the official release of the National Academy of Sciences' study, the department shall finalize a report describing the evaluation that was conducted pursuant to this section, including any recommendations for modification of the existing regulatory system in order to adequately protect infants and children.

SEC. 63. Section 14104 of the Food and Agricultural Code is repealed.

SECTION III – 2001 VETOED LEGISLATION: SUMMARY

The following information summarizes the content of legislative bills which were vetoed by Governor Davis during the first year of the 2001-2002 legislative session. These bills would have impacted, or had the potential to impact, DPR and the pesticide regulatory program.

2001 Legislative Summary

BILL NUMBER: AB 252 (PAVLEY) – Endangered species
VETOED DATE: October 13, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 252 without my signature.

This bill would have established a statutory process to grant protected status to species previously thought extinct, but rediscovered.

The California Endangered Species Act (CESA) is the strongest endangered species law in the nation. Under CESA, the Fish and Game Commission is authorized to provide an emergency listing for re-discovered species through their regulatory powers. There is no evidence that any harm has befallen a species previously thought to be extinct prior to protective action by the Fish and Game Commission.

While I appreciate the author's hard work in crafting this measure, the existing emergency process provides ample protection. I am therefore returning this bill without my signature.

Sincerely,

GRAY DAVIS

2001 Legislative Summary

BILL NUMBER: AB 1680 (COMMITTEE ON LABOR AND EMPLOYMENT) –
Farm Labor Contractors: educational classes
VETOED DATE: October 12, 2001

To Members of the California State Assembly:

I am returning Assembly Bill 1680 without my signature.

This bill would require the Labor Commissioner to conduct the educational classes required for obtaining a farm labor contractor's license.

Educational classes required of farm labor contractors were mandated by legislation I previously signed. I am confident that the Department of Industrial relations will implement that measure appropriately. There is no reason to change the law.

Sincerely,

GRAY DAVIS

2001 Legislative Summary

BILL NUMBER: SB 392 (OLLER) - State agencies and officers: reports
VETOED DATE: October 5, 2001

To Members of the California State Senate:

I am returning Senate Bill 392 without my signature.

I am returning this bill in part, because it repeals the annual report to the Governor on the progress of maintenance of State records. The State and Consumer Services Agency's record management program has proven to be cost effective and beneficial. Given the public's understandable concern about privacy, it is important for the governor to have these reports as well as the agency's recommendations.

Sincerely,

GRAY DAVIS

2001 Legislative Summary

BILL NUMBER: SB 1111 (KUEHL) – International Trade: environment
VETOED DATE: October 11, 2001

To Members of the California State Senate:

I am returning Senate Bill 1111 without my signature.

This bill would require the Secretary of Cal-EPA to review and assess the potential impacts of specified international trade agreements on state environmental laws and regulations and to make recommendations to the Legislature based on those findings.

While I share the author's intent that California's concerns are represented in the development of trade agreements, including the impact of those agreements on our state environmental laws, this legislation does not effectively fulfill that important objective. Most critically, studying trade agreements after they are already implemented, while meritorious, has little impact on the substance of those agreements. The time to affect an agreement is during the agreement's development and negotiations.

The State of California already has and will continue to have an important voice in the development of international trade agreements, including their impact on California's environmental laws and regulations. California has a coveted seat on the United States Trade Representative's (USTR) Intergovernmental Policy Advisory Committee, which advises the USTR and other federal cabinet officials on trade matters. In addition, many Californians sit on the other 32 federal trade advisory committee, which include a committee devoted specifically to environmental issues. To amplify California's concerns, the Technology, Trade and Commerce Agency has, both informally and in testimony, presented trade negotiators with analyses of trade issues regarding California's unique issues.

With regard to environmental issues on the California-Mexico border, Cal-EPA has an official slot on the federal Border Environmental Cooperation Commission (BECC). In addition, California's U.S. Senators and Representatives, the largest delegation in Congress, have a direct and constitutionally protected role in the development of trade agreements, and my Administration works regularly with them to ensure that the voices of California are reflected in trade agreements, and their enforcement.

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Finally, I have asked the Secretary of the Technology, Trade and Commerce Agency to work closely with Cal-EPA and the Legislature in assessing trade initiatives and negotiations and to continue State efforts to advise federal officials on the impact of trade agreements on California's environmental laws.

Sincerely,

GRAY DAVIS

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