



2002

LEGISLATIVE SUMMARY  
REPORT

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

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STATE OF CALIFORNIA

Gray Davis  
Governor

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

**DEPARTMENT  
OF  
PESTICIDE REGULATION**

Paul Helliker  
Director

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December 2002

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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 second year of the 2001-2002 legislative session. This year alone, DPR monitored over 460 bills and actively tracked and analyzed approximately 103 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, 2003.

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 second 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, 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 619	Died	Wayne	State employees: scientists
AB 1209	Died	La Suer	State-mandated local programs
AB 1908	Chaptered	Cohn	Public employees: long-term care insurance
AB 2070	Died	Jackson	State contracts: disclosure of violations
AB 2210	Died	Strickland	Commission on government waste and inefficiency
AB 2268	Vetoed	Horton	State employees: dismissed employees
AB 2374	Died	Reyes	State employees: retirement benefits
AB 2412	Chaptered	Diaz	Enforcement of employees' access to payroll records
AJR 6	Chaptered	Canciamilla	Retirement security and savings
SB 678	Died	Figueroa	Worker's compensation: individually identifiable information
SB 1024	Vetoed	Cmte on Public Emp.	State employees: memorandum of understanding
SB 1161	Died	Polanco	State civil service: examinations
SB 1292	Died	Haynes	State agency: fiscal reports
SB 1347	Died	Brulte	State budget: zero-based budgeting
SB 1428	Died	McClintock	Government reorganization: realignment or closure
SB 1442	Died	Oller	Legislative oversight: reports and studies

### Air Emissions/Quality

<u>Bill No.</u>	<u>Status</u>	<u>Author</u>	<u>Subject</u>
AB 713	Died	Thompson	Air pollution: consumer products
AB 1173	Chaptered	Keeley	Air pollution
AB 1528	Died	Wyman	Air pollution: emission reduction credits
AB 2223	Died	Keeley	School indoor air quality
AB 2332	Died	Keeley	Air pollution: indoor air pollution
SB 433	Chaptered	Monteith	Carl Moyer Memorial Air Standards Attainment Program
SB 529	Died	Sher	Air pollution: penalties
SB 603	Died	McClintock	Air emissions: exemptions
SB 644	Died	Machado	Air pollution: emission reduction credits: Agricultural practices
SB 1015	Died	McClintock	Air pollution: emission factors
SB 1086	Died	Alarcon	Air pollution: liquified natural gas: production

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### Agricultural Land

<u>Bill No.</u>	<u>Status</u>	<u>Author</u>	<u>Subject</u>
AB 605	Died	Negrete McLeod	California Dairy Producers Environmental Trust Fund
AB 709	Chaptered	Wayne	codisposal sites: cleanup
AB 1466	Died	Florez	Dairy farms: sanitation
SB 1087	Died	Alarcon	Environmental impact reports

### California Environmental Quality Act

<u>Bill No.</u>	<u>Status</u>	<u>Author</u>	<u>Subject</u>
AB 1086	Died	Calderon	Environmental quality: residential infill development project
AB 1283	Died	Florez	Environmental quality: dairies
AB 2290	Died	Kehoe	California Environmental Quality Act
SB 1393	Chaptered	Kuehl	California Environmental Quality Act

### Civil Procedure

<u>Bill No.</u>	<u>Status</u>	<u>Author</u>	<u>Subject</u>
AB 1701	Died	Cmte on Judiciary	Unruh Civil Rights Act
AB 1703	Chaptered	Cmte on Judiciary	Civil actions: nonsuits
SB 11	Died	Escutia	Confidentiality of writings
SB 1628	Chaptered	Sher	Resources: litigation

### Employee Protections

<u>Bill No.</u>	<u>Status</u>	<u>Author</u>	<u>Subject</u>
AB 790	Died	Maldonado	Income and bank and corporation taxes: Preventative health care credit: agricultural workers
AB 883	Died	Florez	Migrant and seasonal farmworker health
AB 920	Died	Romero	Agricultural employees
AB 2752	Vetoed	Alquist	Discrimination against injured workers

### Endangered Species

<u>Bill No.</u>	<u>Status</u>	<u>Author</u>	<u>Subject</u>
AB 985	Died	Florez	Fully protected species
AB 1231	Died	Nation	Forest watershed analysis: salmonid population assessment protocols
AB 1598	Died	Hollingsworth	Fully protected species
SB 550	Chaptered	Costa	Endangered species

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### Energy

<u>Bill No.</u>	<u>Status</u>	<u>Author</u>	<u>Subject</u>
SB 1003	Died	Poochigian	Energy: protection of agriculture

### Enforcement/Compliance

<u>Bill No.</u>	<u>Status</u>	<u>Author</u>	<u>Subject</u>
AB 567	Died	Koretz	Agricultural employees: length of hand-held tool handles
AB 879	Chaptered	Keeley	Rural crime prevention programs
AB 1459	Died	Reyes	Farm labor contractors; violation reporting
AB 1674	Died	Cmte Labor & Emp	Industrial relations: enforcement
AB 1676	Died	Cmte Labor & Emp	Minimum labor standards: database of violations
AB 2312	Chaptered	Chu	Environmental justice: grant program
AB 2486	Chaptered	Keeley	Environmental prosecution
SB 1463	Chaptered	Machado	Structural pest control

### Farming

<u>Bill No.</u>	<u>Status</u>	<u>Author</u>	<u>Subject</u>
AB 7	Chaptered	Cardoza	Sales and use taxes: farm equipment and machinery
AB 52	Chaptered	Wiggins	California Farmland Conservation Bond Act of 2002
AB 1408	Chaptered	Hollingsworth	Agriculture

### Hazardous Waste

<u>Bill No.</u>	<u>Status</u>	<u>Author</u>	<u>Subject</u>
AB 702	Died	Jackson	Hazardous substance remediation: pilot project
AB 712	Died	Maldonado	Hazardous materials: inventory
AB 1313	Died	Pavley	Hazardous waste: fertilizing materials
AB 1708	Died	Cmte on Trans.	Hazardous waste: tow trucks
SB 693	Died	Scott	Commencement of action: hazardous substances

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### Internet

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

### Local Government

<u>Bill No.</u>	<u>Status</u>	<u>Author</u>	<u>Subject</u>
AB 428	Chaptered	Cmte on Budget	Local government
AB 611	Died	Salinas	Rural Development Council
AB 1050	Died	Kehoe	Local agency meetings: closed session
AB 1203	Died	Dickerson	Rural crime prevention programs
SB 1588	Chaptered	Cmte on Local Gov	Mosquito abatement: pest abatement: vector control districts

### Mill Assessment

<u>Bill No.</u>	<u>Status</u>	<u>Author</u>	<u>Subject</u>
SB 605	Died	Costa	Pesticides

### Miscellaneous

<u>Bill No.</u>	<u>Status</u>	<u>Author</u>	<u>Subject</u>
AB 388	Vetoed	Strom-Martin	Industrial hemp: research
AB 2378	Died	Jackson	State agencies: agency reports
AB 2479	Died	Jackson	Chemical security
AB 2631	Chaptered	Matthews	Resources
AB 2973	Chaptered	Cmte on B&P	Regulation of businesses
AB 3022	Chaptered	Cmte on Ethics	State agencies: ethics orientation
AB 3035	Chaptered	Cmte on Judiciary	Access to government programs
SB 236	Died	O'Connell	Dogs and cats: microchip: permits
SB 788	Died	Alarcon	Parks and recreation: grants: urban river park projects

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SB 1260	Died	Escutia	Health information: children
SB 1622	Chaptered	Murray	Parks and recreation: California Youth Soccer and Recreation Development program: urban parks

### Pesticides

<u>Bill No.</u>	<u>Status</u>	<u>Author</u>	<u>Subject</u>
AB 947	Chaptered	Jackson	Pesticides: schoolsites
AB 1386	Died	Briggs	Pesticides: registration
AB 2356	Chaptered	Keeley	Solid waste: compost contamination
AB 2472	Chaptered	Simitian	Pesticides
SB 438	Died	Monteith	Pesticides: methodology

### Pests

<u>Bill No.</u>	<u>Status</u>	<u>Author</u>	<u>Subject</u>
AB 53	Died	Wiggins	Budget Act of 2000: appropriation: sudden oak death syndrome
AB 956	Died	Strickland	Pest control: Pierce's Disease
AB 1136	Died	La Suer	Pest control: eradication of Formosa termite
AB 1417	Died	Hollingsworth	Pest control
AB 1435	Died	Pacheco, Rod	Pest control: invasive species task force
AB 1993	Died	Correa	Structural pest control operators: wood destroying pests
SB 31	Died	Chesbro	Sudden oak death: appropriation
SB 305	Died	Machado	Pest control: structural pest control devices
SB 1223	Died	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 2278	Died	Campbell, John	Public records: personal identifying information
AB 2922	Vetoed	Simitian	Personal information: state agency records
AB 2941	Died	Wiggins	Public records
SB 1386	Chaptered	Peace	Personal information: privacy

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### Schools

<u>Bill No.</u>	<u>Status</u>	<u>Author</u>	<u>Subject</u>
AB 662	Chaptered	Vargas	Pupil suspension and expulsion
SB 21	Chaptered	Escutia	Lead-safe schools

### Water Quality/Assessment

<u>Bill No.</u>	<u>Status</u>	<u>Author</u>	<u>Subject</u>
AB 107	Died	Nation	Vessels: wrecks and wrecked property; ballast water
AB 617	Died	Calderon	Regional water control boards: notice of pollution or nuisance
AB 1192	Died	Pavley	Water Quality and Watershed Protection Act of 2002
AB 1393	Chaptered	Thomson	Water quality
AB 1565	Died	Mountjoy	Drinking water: fluoridation
AB 1972	Vetoed	Frommer	Drinking water: reports regarding contaminants
AB 2226	Died	Salinas	Water quality: regional water quality control boards
AB 2351	Chaptered	Canciamilla	Water quality: civil liability
AB 2365	Died	Goldberg	Water Recycling and Dual Plumbing Bond Act of 2002
AB 2534	Chaptered	Pavley	Watershed Clean Beaches and Water Quality Act
AB 2570	Died	Cogdill	Taxation: irrigation system improvements
AB 2683	Chaptered	Canciamilla	California Bay-Delta Authority Act
AB 2806	Died	Wayne	Watershed management: strategic plan
SB 435	Died	Monteith	Taxation: agriculture: irrigation
SB 469	Chaptered	Alpert	Water quality: total maximum daily loads
SB 710	Died	Alpert	Water quality: total maximum daily loads
SB 727	Died	Costa	Environmental Water Account Act of 2001
SB 815	Died	Machado	Discharger Legacy Pollutant Reduction Program
SB 847	Died	Ackerman	Recycled water
SB 1107	Died	Alarcon	Water quality: total maximum daily loads
SB 1146	Died	Margett	Water quality
SB 1372	Chaptered	Machado	State Water Resources Control Board:

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SB 1385	Chaptered	Brulte	Agricultural drainage: solar evaporators Parks and recreation: grants: water water conservation measures
SB 1573	Chaptered	Karnette	Interagency Aquatic Invasive Species Council
SB 1672	Chaptered	Costa	Integrated Regional Water Management Planning Act of 2002
SB 1710	Died	Costa	Safe Clean and Reliable Water Supply Bond Act of 2002

**Gut and Amend Bills** – The bills listed below were being tracked by the Department in 2001. These bills were substantially amended in 2002 and no longer refer to the original content.

AB 15  
AB 51  
AB 62  
AB 80  
AB 130  
AB 537  
AB 573  
AB 1397

## **SECTION II – 2002 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 second year of the 2001-2002 legislative session. These bills impact, or have the potential to impact, DPR and the pesticide regulatory program.

**Assembly Bills**

AB 947 Jackson – Pesticides: schoolsites  
(Chapter 457, Statutes of 2002)

This bill provides greater protections for children and others from accidental exposures to pesticides drifting over schools by clarifying the permissive authority of county agricultural commissioners to regulate pesticide applications and for schools to prepare emergency plans.

AB 2356 Keeley – Solid waste: compost contamination  
(Chapter 591, Statutes of 2002)

This bill requires the California Department of Pesticide Regulation (DPR) to take actions that address the problems resulting from the presence of the long-lived herbicide "clopyralid" and other herbicides in compost comprised of yard waste and other organic materials.

AB 2472 Simitian – Pesticides  
(Chapter 242, Statutes of 2002)

This bill calls on the State Department of General Services to provide a project demonstrating alternatives to hazardous pest management practices on the grounds of the State Capitol.

AB 269 Correa – Professional and vocational licensing boards, commissions, and bureaus  
(Chapter 107, Statutes of 2002)

Clarifies existing law by incorporating the following statement in the enabling statute for each board and bureau at the Department of Consumer Affairs:  
"Protection of the public shall be the highest priority for the (name of board or bureau) in exercising licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount."

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AB 410 Salinas – Rural programs  
(Chapter 558, Statutes of 2002)

Revises the composition and duties of the California Rural Policy Task Force (CRPTF), within the Office of Planning and Research and requires CRPTF to develop a strategic plan before June 1, 2004.

AB 700 Simitian – Personal information: privacy  
(Chapter 1054, Statutes of 2002)

This bill, operative July 1, 2003, requires a state agency, or a person or business that conducts business in California, that owns or licenses computerized data that includes personal information, as defined, to disclose in specified ways, any breach of the security of the data, as defined, to any resident of California whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person. The bill permits the notifications required by its provisions to be delayed if a law enforcement agency determines that it would impede a criminal investigation. The bill requires an agency, person, or business that maintains computerized data that includes personal information owned by another to notify the owner or licensee of the information of any breach of security of the data, as specified. The bill states the intent of the Legislature to preempt all local regulation of the subject matter of the bill. This bill also makes a statement of legislative findings and declarations regarding privacy and financial security.

AB 1173 Keeley – Air pollution: indoor air pollution  
(Chapter 987, Statutes of 2002)

Requires the California Air Resources Board (ARB) to submit a report to the Legislature summarizing the best available scientific information on indoor air pollution and the potential adverse effects of indoor air pollution on public health in California.

AB 1559 Diaz – State data centers  
(Chapter 45, Statutes of 2002)

This bill repeals the sunset dates and indefinitely extend the statutory provisions governing the State Department of Justice Hawkins Data Center, the Health and Human Services Agency Data Center, and the Stephen P. Teale

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Data Center. The statutory provisions pertaining to the Department of Information Technology would become inoperative on July 1, 2002.

AB 1857 Wayne – Administrative procedures  
(Chapter 380, Statutes of 2002)

This is an omnibus clean-up bill, sponsored by the California Law Revision Commission to improve the Administrative Procedure Act.

AB 1908 Cohn – Public employees: long-term care insurance  
(Chapter 871, Statutes of 2002)

This bill would allow public employers to contribute funds to the California Public Employees' Retirement System to pay long-term care premiums on their employees' behalf.

AB 1950 Wright – State employment: probation  
(Chapter 236, Statutes of 2002)

This bill grants state agencies the authority to extend the probationary period of new employees for a period not to exceed six months in order to address disability accommodation issues. Additionally, it authorizes state agencies to enter into an agreement with employees who may need reasonable accommodation of disabilities as an alternative to terminating the employee or accepting them as permanent employees.

AB 2312 Chu – Environmental justice: grant program  
(Chapter 994, Statutes of 2002)

This bill establishes the Environmental Justice Small Grant Program under the jurisdiction of tCal/EPA.

AB 2351 Canciamilla – Water quality: civil liability  
(Chapter 995, Statutes of 2002)

This bill creates one new exemption from the requirement to impose mandatory minimum penalties on National Pollution Discharge Elimination System permit violations and a second partial exception and changes the formula for allocating mandatory minimum penalty amounts to supplemental environmental projects.

AB 2412 Diaz – Enforcement of employees’ access to payroll records  
(Chapter 933, Statutes of 2002)

This bill provides for enforceability of existing rights of employees to inspect and copy their payroll records. Specifically, if an employer who receives a request from a current or former employee to inspect or copy his or her payroll records shall comply as soon as practicable, but in any event within 21 calendar days. Additionally, a violation of the provisions of this bill is an infraction and that impossibility of performance, not caused by or a result of a violation of law, is an affirmative defense for an employer in any action alleging a violation of this bill. It also provides that an employer may designate the person to whom a request under this bill will be made and that a violation of this provision entitles the employee or the Labor Commissioner to recover a \$750 penalty from the employer. Provides that an employee may also bring an action for injunctive relief to ensure compliance, and in such an action is entitled to an award of costs and reasonable attorney's fees. It also clarifies that, no reimbursement is required by this bill pursuant to the Constitution because the only costs incurred by a local agency or school district will be incurred because this bill creates an infraction.

AB 2486 Keeley – Environmental prosecution  
(Chapter 1000, Statutes of 2002)

This bill enacts the Local Environmental Enforcement and Training Act of 2002 under the administration of Cal/EPA to establish an environmental circuit prosecutor program to assist local district attorneys in the enforcement of environmental laws and regulations. The bill renames, relocates and expands the jurisdiction of the existing Local Toxics Enforcement and Training Act of 1992, currently under the Department of Toxics Substances Control (DTSC).

AB 2534 Pavley – Watershed Clean Beaches and Water Quality Act  
(Chapter 727, Statutes of 2002)

This bill enacts the Watershed, Clean Beaches and Water Quality Act for purposes of appropriating various proceeds of bonds derived from the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 Proposition 40).

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AB 2631 Matthews – Resources  
(Chapter 953, Statutes of 2002)

This bill provides code maintenance for sections of the Contract Code and the Public Resources Code related to the State Department of Parks and Recreation, the State Department of Forestry and Fire Protection, and the California Conservation Corps.

AB 2683 Canciamilla – Bay-Delta Authority Act  
(Chapter 955, Statutes of 2002)

The bill requires the agencies that implement the various CalFED programs to submit annual program plans and budgets for the programs they are responsible to implement to the director of the CalFED Bay-Delta Authority rather than the Authority itself. The director would then submit a comprehensive budget composed of all of the budgets of the various implementing agencies to the Secretary of Resources. The bill also makes several changes clarifying that the Authority's review or approval of annual program plans and budgets is limited to multi-year or long-term program plans and budgets.

AB 2823 Strom-Martin – Organic products  
(Chapter 533, Statutes of 2002)

This bill rewrites the California Organic Foods Act to conform to the National Organic Program. Broadens the regulatory authority for the California Department of Food and Agriculture (CDFA) and the Department of Health Services use of the word "organic" on a label and for enforcement of processed food, pet food, nonfood plants and cosmetics. Additionally, changes the fee structure and registration requirements for organic producers and processors, including retailers.

AB 2973 Committee on Business & Professions – Regulation of businesses  
(Chapter 405, Statutes of 2002)

This bill makes non-substantive, technical or clarifying changes that enact, amend, or repeal provisions relating to laws that govern the bureaus and boards under the Department of Consumer Affairs.

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AB 3022 Special Committee on Legislative Ethics – State agencies: ethics orientation  
(Chapter 663, Statutes of 2002)

This bill requires all state employees who are required to file statements of economic interest with the Fair Political Practices Commission to attend ethics training every two years.

AB 3035 Committee on Judiciary – Access to government programs  
(Chapter 300, Statutes of 2002)

This bill cross-references current disability discrimination law in the state's open meetings laws. Inserts into the open meetings laws a reference to the existing obligations under federal law regarding disability discrimination, and makes a technical change to the language of the race and national origin discrimination ban.

**Senate Bills**

- SB 105 Burton – Services: blind: visually impaired: deaf: hard of hearing  
(Chapter 1102, Statutes of 2002)

This bill establishes within the State Department of Rehabilitation, a Division of Services for the Blind and Visually Impaired and the Deaf and Hard of Hearing.

- SB 469 Alpert – Water quality: total maximum daily loads  
(Chapter 20, Statutes of 2002)

This bill requires the State Water Resources Control Board (SWRCB) to: 1. Complete, by January 1, 2004, guidelines to be used by the State Water Resources Control Board and regional boards to develop lists of impaired bodies of water and to develop and implement actions related to total maximum daily loads (TMDLs) of water pollutants. 2. Reduce, from 90 days to 60 days, the maximum review time spent on a water quality control plan resubmitted by a regional board to the water board due solely to the addition of a TMDL component in the plan.

- SB 550 Costa – Endangered species  
(Chapter 32, Statutes of 2002)

This bill extends the current sunset of Section 2087 of the Fish and Game Code which allows for the destruction of endangered species if the taking is the result of "otherwise lawful routine and ongoing agricultural activities" from December 31, 2002 to January 1, 2009. The bill also deletes the requirement that the acts be inadvertent or ordinary negligent acts in order for the exception to apply. Deleting references to negligence will allow take of a protected species only when it is the result from an accident during routine and ongoing agricultural activities which are conducted with due care.

- SB 648 Committee on Environmental Quality – Public contracts: preferences: recycled products  
(Chapter 408, Statutes of 2002)

This bill makes clarifying and technical changes to the existing reporting requirements of the State Department of General Services with regard to procurement and recycled materials.

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- SB 1372 Machado – State Water Resources Control Board: agricultural drainage: solar evaporators  
(Chapter 597, Statutes of 2002)

This bill exempts a specific type of surface impoundment, the solar evaporator, from the requirements of the Toxic Pits Cleanup Act, contingent on the facility meeting the alternative regulatory regime established by the bill.

- SB 1385 Brulte – Parks and recreation: grants: water conservation measures  
(Chapter 322, Statutes of 2002)

This bill requires the criteria and procedures adopted by the Department of Parks and Recreation for evaluating grant applications under the local assistance section of Proposition 40 to include recommendations that grant applicants consider the implementation or installation of water conservation measures as part of their proposed project.

- SB 1386 Peace – Personal information: privacy  
(Chapter 915, Statutes of 2002)

This bill, commencing July 1, 2003, requires a state agency, a person or business that conducts business in California that owns or licenses computerized data that includes personal information, as defined, to disclose in specified ways, any breach of the security of the data, as defined, to any resident of California whose unencrypted personal information was or is reasonably believed to have been acquired by an unauthorized person.

- SB 1393 Kuehl – California Environmental Quality Act  
(Chapter 1121, Statutes of 2002)

This bill now requires the Secretary of the Resources Agency (Secretary), by July 1, 2003, to develop a protocol for reviewing the prospective application of a certified regulatory program to evaluate its consistency with the requirements of the California Environmental Quality Act.

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SB 1463 Machado – Structural pest control  
(Chapter 584, Statutes of 2002)

This bill allows the Structural Pest Control Board or a county agricultural commissioner to direct a licensee to complete and pass a course of instruction for pesticide application violations.

SB 1573 Karnette – Interagency Aquatic Invasive Species Council  
(Chapter 599, Statutes of 2002)

This bill establishes an interagency invasive species council to develop a comprehensive approach to aquatic invasive species.

SB 1588 Committee on Local Government – Mosquito abatement: pest abatement: vector control districts  
(Chapter 395, Statutes of 2002)

This bill repeals existing law provisions relating to the establishment of mosquito abatement and vector control district, and enacts the Mosquito Abatement and Vector Control District law which specifies the procedures for district formation, procedures for the selection of district board of trustees and officers, and the powers and duties of the board; and makes numerous technical and conforming changes to the statute governing mosquito abatement districts.

SB 1622 Murray – Park and recreation: California Youth Soccer and Recreation Development program: Urban parks  
(Chapter 975, Statutes of 2002)

This bill makes changes to the California Youth Soccer and Recreation Development Program, the State Urban Parks and Communities Act, and the Baldwin Hills Conservancy.

SB 1628 Sher – Resources: litigation  
(Chapter 396, Statutes of 2002)

This bill allows the Attorney General (AG) to represent both the Integrated Waste Management Board (CIWMB) in litigation and another state agency party to the same action, with the consent of the board and the agency. It also allows the AG to represent regional water quality control boards, alone or

along with SWRB, unless the AG chooses to represent another state agency that is a party in the action. Additionally, this bill allows CIWMB or the SWRCB, as an alternative to obtaining the AG's representation as above, to contract for outside counsel or to use their own legal counsel.

SB 1672 Costa – Integrated Regional Water Management Planning Act of 2002  
(Chapter 767, Statutes of 2002)

This bill enacts the Integrated Regional Water Management Planning Act of 2002, in order to authorize a regional water management group to prepare and adopt a regional plan, in accordance with certain procedures, that addresses programs, projects, reports, or studies relating to water supply, water quality, flood protection, or related matters over which any local public agency that is a participant in that group has authority to undertake.

SB 1818 Romero – Backpay awards  
(Chapter 1071, Statutes of 2002)

This bill makes various legislative findings related to the applicability of California's employment, civil rights, housing and health laws to persons regardless of immigration status.

SB 1822 Sher – Public water systems: public health goals: perchlorate  
(Chapter 425, Statutes of 2002)

This bill defines public health goal (PHG) to be a goal established by the Office of Environmental Health Hazard Assessment (OEHHA) pursuant to criteria specified under the law. It also requires OEHHA to adopt a PHG for the contaminant perchlorate by January 1, 2003 using criteria established under the law. It requires the Department of Health Services (DHS) to adopt a primary drinking water standard for perchlorate by January 1, 2004 using criteria established under the law.

SB 1925 Sher – Environmental quality: notice of determination  
(Chapter 1039, Statutes of 2002)

This bill consolidates provisions relating to housing and infill development projects, revises the affordable housing exceptions, and makes certain definitions, terms and conditions consistent.

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SB 1938 Machado – Groundwater management: state funding  
(Chapter 603, Statutes of 2002)

This bill provides for purposes of qualifying as a groundwater management plan under this part, that a groundwater management plan shall contain specified components.

SB 2025 Committee on Business and Professions – Professions and vocations  
(Chapter 1012, Statutes of 2002)

This bill would enact the Local Environmental Enforcement and Training Act of 2002. The Act, administered by Cal/EPA, would establish a long-term, non-General Fund, local assistance program for training district attorneys and other local enforcement agencies in environmental law.

SB 2053 Sher – Air toxics  
(Chapter 572, Statutes of 2002)

Requires ARB to include hazardous air pollutants listed by the federal Clean Air Act to be included in the list of hazardous and toxic air pollutants identified by the state.

## 2002 Legislative Summary

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### Major Bills Text

BILL NUMBER: AB 947 CHAPTERED  
BILL TEXT

#### CHAPTER 457

FILED WITH SECRETARY OF STATE SEPTEMBER 11, 2002

APPROVED BY GOVERNOR SEPTEMBER 11, 2002

PASSED THE ASSEMBLY AUGUST 26, 2002

PASSED THE SENATE AUGUST 22, 2002

AMENDED IN SENATE AUGUST 19, 2002

AMENDED IN SENATE AUGUST 7, 2002

AMENDED IN SENATE AUGUST 5, 2002

AMENDED IN SENATE JUNE 24, 2002

AMENDED IN SENATE JUNE 26, 2001

AMENDED IN ASSEMBLY MARCH 29, 2001

INTRODUCED BY Assembly Member Jackson

FEBRUARY 23, 2001

An act to add Section 35294.4 to the Education Code, and to amend Section 12999.5 of, and to add Section 11503.5 to, the Food and Agricultural Code, relating to pesticides.

#### LEGISLATIVE COUNSEL'S DIGEST

AB 947, Jackson. Pesticides: schoolsites.

(1) Existing law authorizes the levy of civil penalties of not more than \$1,000 for each violation of any provision of a specified body of law relating to pesticides. This bill would increase this penalty to not more than \$5,000 for each violation determined to be a serious violation. This bill would also authorize a county agricultural commissioner to charge a fee for monitoring subsequent pesticide applications made within 1/4 mile of a school by a person who has received a civil penalty for a specified violation of law relating to pesticides.

(2) Under existing law, the agricultural commissioner of any county may adopt regulations applicable in his or her county that are supplemental to those of the Secretary of Food and Agriculture that govern the conduct of pest control operations and records and reports of those operations. This bill would authorize the commissioner of any county to apply these regulations to the agricultural use of any pesticide within 1/4 mile of

## 2002 Legislative Summary

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a school, as specified, and would allow the Director of Pesticide Regulation to disapprove the conditions within 30 days of their submission.

(3) Existing law provides that each school district and county office of education is responsible for the overall development of comprehensive school safety plans for its schools. This bill would provide that the school safety plan may include, at local discretion of the governing board of the school district, procedures for responding to the release of a pesticide or other toxic substance from properties within 1/4 mile of a school. This bill would provide that no funds received from the state may be used for this purpose.

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

SECTION 1. Section 35294.4 is added to the Education Code, to read:  
35294.4. The comprehensive school safety plan may also include, at local discretion of the governing board of the school district and using local funds, procedures for responding to the release of a pesticide or other toxic substance from properties located within one-quarter mile of a school. No funds received from the state may be used for this purpose.

SEC. 2. Section 11503.5 is added to the Food and Agricultural Code, to read:  
11503.5. The county agricultural commissioner may apply Section 11503 to the agricultural use of any pesticide for agricultural production within one-quarter mile of a school with respect to the timing, notification, and method of application. Any regulations adopted pursuant to this section shall become operative unless specifically disapproved in writing by the director within 30 calendar days of their submission by the commissioner.

SEC. 3. 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. Any violation determined by the commissioner to be a serious violation as defined in Section 6130 of the Code of Regulations is subject to a fine of not more than five thousand dollars (\$5,000) 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) If a person has received a civil penalty for pesticide drift in a school area subject to Section 11503.5 that results in a serious violation as defined in subdivision (a), the commissioner shall charge a fee, not to exceed fifty dollars (\$50), for processing and

monitoring each subsequent pesticide application that may pose a risk of pesticide drift made in a school area subject to Section 11503.5. The Agricultural Commissioner shall continue to impose the fee for each subsequent application that may pose a risk of drift, until the person has completed 24 months without another serious violation as defined in subdivision (a).

(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. 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.

(d) 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.

(e) 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.

(f) 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.

## 2002 Legislative Summary

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BILL NUMBER: AB 2312            CHAPTERED  
BILL TEXT

CHAPTER 994  
FILED WITH SECRETARY OF STATE SEPTEMBER 27, 2002  
APPROVED BY GOVERNOR SEPTEMBER 27, 2002  
PASSED THE ASSEMBLY AUGUST 29, 2002  
PASSED THE SENATE AUGUST 27, 2002  
AMENDED IN SENATE AUGUST 22, 2002  
AMENDED IN SENATE AUGUST 7, 2002  
AMENDED IN SENATE AUGUST 5, 2002  
AMENDED IN SENATE JUNE 13, 2002  
AMENDED IN ASSEMBLY APRIL 25, 2002

INTRODUCED BY Assembly Member Chu  
(Coauthors: Assembly Members Cedillo, Firebaugh, Lowenthal, Pavley, Vargas, and  
Wayne)  
(Coauthor: Senator Alarcon)

FEBRUARY 21, 2002

An act to add Section 71116 to the Public Resources Code, relating to environmental justice.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2312, Chu. Environmental justice: grant program.

Existing law requires the California Environmental Protection Agency to develop policies, and implement and coordinate various activities for boards, departments, and offices within the agency relating to environmental justice.

This bill would establish the Environmental Justice Small Grant Program under the jurisdiction of the agency. The bill would require the agency to award grants on a competitive basis to nonprofit entities, as defined, and federally recognized tribal governments, for certain, listed purposes. The bill would require the agency to adopt regulations to implement the grant program. The bill would require the agency to review, evaluate, and select grant recipients, and screen grant applications to ensure that they meet the requirements of the bill. The bill would limit the maximum amount of a grant to \$20,000, and would prohibit an individual from receiving a grant. These provisions would be implemented only during fiscal years for which an appropriation is provided for these purposes in the annual Budget Act or in another statute.

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

SECTION 1. Section 71116 is added to the Public Resources Code, to read:

71116. (a) The Environmental Justice Small Grant Program is hereby established under the jurisdiction of the California Environmental Protection Agency. The California Environmental Protection Agency shall adopt regulations for the implementation of this section. These regulations shall include, but need not be limited to, all of the following:

- (1) Specific criteria and procedures for the implementation of the program.
- (2) A requirement that each grant recipient submit a written report to the agency documenting its expenditures of the grant funds and the results of the funded project.
- (3) Provisions promoting the equitable distribution of grant funds in a variety of areas throughout the state, with the goal of making grants available to organizations that will attempt to address environmental justice issues.

(b) The purpose of the program is to provide grants to eligible community groups, including, but not limited to, community-based, grassroots nonprofit organizations that are located in areas adversely affected by environmental pollution and hazards and that are involved in work to address environmental justice issues.

(c) (1) Both of the following are eligible to receive moneys from the fund.

(A) A nonprofit entity.

(B) A federally recognized tribal government.

(2) For the purposes of this section, "nonprofit entity" means any corporation, trust, association, cooperative, or other organization that meets all of the following criteria:

(A) Is operated primarily for scientific, educational, service, charitable, or other similar purposes in the public interest.

(B) Is not organized primarily for profit.

(C) Uses its net proceeds to maintain, improve, or expand, or any combination thereof, its operations.

(D) Is a tax-exempt organization under Section 501 (c)(3) of the federal Internal Revenue Code, or is able to provide evidence to the agency that the state recognizes the organization as a nonprofit entity.

(3) For the purposes of this section, "nonprofit entity" specifically excludes an organization that is a tax-exempt organization under Section 501 (c)(4) of the federal Internal Revenue Code.

(d) Individuals may not receive grant moneys from the fund.

(e) Grant recipients shall use the grant award to fund only the project described in the recipient's application. Recipients shall not use the grant funding to shift moneys from existing or proposed projects to activities for which grant funding is prohibited under subdivision (g).

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(f) Grants shall be awarded on a competitive basis for projects that are based in communities with the most significant exposure to pollution. Grants shall be limited to any of the following purposes and no other:

(1) Resolve environmental problems through distribution of information.

(2) Identify improvements in communication and coordination among agencies and stakeholders in order to address the most significant exposure to pollution.

(3) Expand the understanding of a community about the environmental issues that affect their community.

(4) Develop guidance on the relative significance of various environmental risks.

(5) Promote community involvement in the decisionmaking process that affects the environment of the community.

(6) Present environmental data for the purposes of enhancing community understanding of environmental information systems and environmental information.

(g) (1) The agency shall not award grants for, and grant funding shall not be used for, any of the following:

(A) Other state grant programs.

(B) Lobbying or advocacy activities relating to any federal, state, regional, or local legislative, quasi-legislative, adjudicatory, or quasi-judicial proceeding involving development or adoption of statutes, guidelines, rules, regulations, plans or any other governmental proposal, or involving decisions concerning siting, permitting, licensing, or any other governmental action.

(C) Litigation, administrative challenges, enforcement action, or any type of adjudicatory proceeding.

(D) Funding of a lawsuit against any governmental entity.

(E) Funding of a lawsuit against a business or a project owned by a business.

(F) Matching state or federal funding.

(G) Performance of any technical assessment for purposes of opposing or contradicting a technical assessment prepared by a public agency.

(2) An organization's use of funds from a grant awarded under this section to educate a community regarding an environmental justice issue or a governmental process does not preclude that organization from subsequent lobbying or advocacy concerning that same issue or governmental process, as long as the lobbying or advocacy is not funded by a grant awarded under this section.

(h) The agency shall review, evaluate, and select grant recipients, and screen grant applications to ensure that they meet the requirements of this section.

(i) The maximum amount of a grant provided pursuant to this section may not exceed twenty thousand dollars (\$20,000).

(j) For the purposes of this section, "environmental justice" has the same meaning as defined in Section 65040.12 of the Government Code.

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(k) This section shall be implemented only during fiscal years for which an appropriation is provided for the purposes of this section in the annual Budget Act or in another statute.

## 2002 Legislative Summary

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BILL NUMBER: AB 2356      CHAPTERED  
BILL TEXT

CHAPTER 591  
FILED WITH SECRETARY OF STATE SEPTEMBER 16, 2002  
APPROVED BY GOVERNOR SEPTEMBER 15, 2002  
PASSED THE ASSEMBLY AUGUST 29, 2002  
PASSED THE SENATE AUGUST 27, 2002  
AMENDED IN SENATE AUGUST 21, 2002  
AMENDED IN SENATE AUGUST 6, 2002  
AMENDED IN SENATE JUNE 20, 2002  
AMENDED IN SENATE JUNE 12, 2002  
AMENDED IN ASSEMBLY APRIL 30, 2002  
AMENDED IN ASSEMBLY APRIL 17, 2002  
AMENDED IN ASSEMBLY APRIL 8, 2002

INTRODUCED BY Assembly Member Keeley  
(Coauthors: Assembly Members Migden and Strom-Martin)  
(Coauthor: Senator Romero)

FEBRUARY 21, 2002

An act to add Article 18 (commencing with Section 13190) to Chapter 2 of Division 7 of the Food and Agricultural Code, relating to solid waste.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2356, Keeley. Solid waste: compost contamination.  
Existing law provides that the Director of Pesticide Regulation shall endeavor to eliminate from use in the state any pesticide that endangers the agricultural or nonagricultural environment, is not beneficial for the purposes for which it is sold, or is misrepresented. Existing law specifies the circumstances under which the director may cancel the registration of, or refuse to register, a pesticide.  
This bill would make findings and declarations regarding the potential threat to composting programs posed by the herbicide clopyralid. It would provide that no person, except a licensed pest control dealer, as specified, may sell a pesticide that contains the active ingredient clopyralid. The bill would further provide that pesticides containing this active ingredient that are labeled for use on lawn and turf may only be sold to qualified applicators, as specified. The bill would require the Department of Pesticide

Regulation to make determinations regarding the residues in compost created by lawn and turf uses of clopyralid and to impose appropriate restrictions on those uses or cancel the uses that are likely to result in persistent residues in compost. Because a violation of these provisions would be a crime, the 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. This bill would provide that no reimbursement is required by this act for a specified reason.

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

SECTION 1. The Legislature finds and declares the following:

(a) The California Integrated Waste Management Act of 1989 requires all cities and counties to develop source reduction, recycling, and composting programs to achieve a 50 percent reduction in the amount of solid waste disposed of in California. Local governments and waste haulers divert 6,000,000 tons of yard waste annually from landfills to composting facilities, making composting a principal means by which local governments meet the state's landfill diversion requirements.

(b) The success of the state's composting programs, and the economic viability of the California composting industry, are imminently threatened if residential, agricultural, commercial, and public users of compost lose confidence in the quality and safety of the product.

(c) During 2000 and 2001, the herbicide clopyralid was detected in compost produced at composting facilities in Spokane and at Washington State University.

(d) Sampling conducted by an independent laboratory at 29 compost facilities in California in 2002 found clopyralid in compost at 19 of the sites at levels up to 13 ppb. Sampling conducted at composting facilities operated by the Cities of Los Angeles and San Diego detected clopyralid levels as high as 28 ppb.

(e) In a March 6, 2002, statement before the California Integrated Waste Management Board, the department declared that "(R)esidue levels will not need to be at phytotoxic levels in order for (the department) to initiate regulatory action. DPR's goal is to prevent the problem from occurring."

(f) On March 28, 2002, the department initiated cancellation of products containing clopyralid that are registered for use on residential lawns. The department did not cancel the use of products registered for other nonresidential lawn and turf uses.

(g) According to a 1999 Waste Characterization study prepared by the Integrated Waste Management Board, 50.5 percent of leaf and grass waste generated in California comes from residential sites and 49.5 percent comes from nonresidential sites, including, but not limited to, sites such as commercial offices and grounds, public parks, golf courses, and cemeteries.

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(h) Lawn care companies typically provide their services to both residential and commercial accounts and dispose of lawn clippings from both residential and nonresidential sites in a similar manner. Many lawn care companies dispose of lawn clippings at a composting facility or at a transfer station for delivery to a composting facility. Because it costs approximately 50 percent less to dispose of lawn clippings at a composting facility instead of a landfill, lawn care companies have a further economic incentive to compost their lawn clippings.

SEC. 2. The Legislature further finds and declares:

(a) The composting industry is of vital importance to the well-being of the state because it produces a product that is important and beneficial to the production of agricultural commodities and to the horticultural industry and home gardening. It further produces its product from materials that are diverted from landfills in the state, in furtherance of the state's requirement to divert 50 percent of solid waste from landfills.

(b) Section 12825 of the Food and Agricultural Code authorizes the department to cancel the registration of, or refuse to register, any pesticide that is of less value or greater detriment to the environment than the benefit received by its use; for which there is a reasonable, effective, and practicable alternate material or procedure that is demonstrably less destructive to the environment; or that, when properly used, is detrimental to vegetation, except weeds.

(c) There is an urgent need for the state to take all necessary steps to ensure that pesticides applied to lawn and turf do not persist in compost.

SEC. 3. Article 18 (commencing with Section 13190) is added to Chapter 2 of Division 7 of the Food and Agricultural Code, to read:

### Article 18. Contamination of Compost

13190. (a) "Clopyralid" means 3,6-dichloro-2-pyridinecarboxylic acid.

(b) "Compost" means the product resulting from the controlled biological decomposition of organic wastes that are source separated from the municipal solid waste stream, or that are separated at a centralized facility.

(c) "Department" means the Department of Pesticide Regulation.

(d) "Herbicide" means a pesticide, as defined in Section 12753, that is intended to kill weeds.

(e) "Lawn and turf use" means a residential or nonresidential use of an herbicide on lawn and turf, including, but not limited to, lawn and turf located at schools, parks, office buildings and golf courses. Lawn and turf use does not include use of an herbicide on lawn and turf located in turf farms, uncultivated open space, agricultural rangeland or cultivated farmland.

(f) "Persistent residues in compost" means residues of an herbicide in compost at levels and in a form with the potential to be toxic or injurious to plants.

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(g) "Plants" means desirable vegetation, except weeds.

(h) "Weed" means any plant that grows where not wanted, as defined in Section 12759.

13191. (a) No person, except a pest control dealer licensed pursuant to Chapter 7 (commencing with Section 12101) of Division 6 of the Food and Agricultural Code, may sell a pesticide that contains the active ingredient clopyralid.

(b) Pesticides containing the active ingredient clopyralid that are labeled for use on lawns and turf, including golf courses, may only be sold to qualified applicators licensed pursuant to Chapter 8 (commencing with Section 12201) of Division 6 of the Food and Agricultural Code or issued a certificate pursuant to Chapter 3 (commencing with Section 14151) of Division 7 of the Food and Agricultural Code.

13192. Not later than April 1, 2003, the department shall, pursuant to Sections 12824 and 12825, do both of the following:

(a) Determine in writing those lawn and turf uses of the herbicide clopyralid for which there is no reasonable likelihood that the specified use will result in persistent residues in compost.

(b) Take either of the following actions:

(1) Impose appropriate restrictions on the lawn and turf uses of the herbicide clopyralid that are not identified in the determination made pursuant to subdivision (a).

(2) Cancel any lawn and turf use that the department determines is likely to result in persistent residues in compost.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B 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 XIII B of the California Constitution.

## 2002 Legislative Summary

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BILL NUMBER: AB 2472      CHAPTERED  
BILL TEXT

CHAPTER 242  
FILED WITH SECRETARY OF STATE AUGUST 26, 2002  
APPROVED BY GOVERNOR AUGUST 24, 2002  
PASSED THE SENATE AUGUST 12, 2002  
PASSED THE ASSEMBLY MAY 29, 2002  
AMENDED IN ASSEMBLY MAY 21, 2002  
AMENDED IN ASSEMBLY MAY 14, 2002  
AMENDED IN ASSEMBLY MAY 1, 2002  
AMENDED IN ASSEMBLY APRIL 11, 2002

INTRODUCED BY Assembly Member Simitian  
(Coauthor: Assembly Member Nation)

FEBRUARY 21, 2002

An act to add Article 8 (commencing with Section 14717) to Chapter 2 of Part 5.5 of Division 3 of Title 2 of the Government Code, relating to pesticides.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2472, Simitian. Pesticides.

Existing law generally regulates the use of pesticides. Existing law, the Healthy Schools Act of 2000, provides that it is the policy of the state that effective least toxic pest management practices should be the preferred method of managing pests at schoolsites. Existing law requires the Department of Pesticide Regulation to promote and facilitate the voluntary adoption of integrated pest management programs, as defined, for all school districts that choose to do so.

This bill would state various findings and declarations of the Legislature relating to pesticide use in state buildings and lands and would state the intent of the Legislature to enact legislation to protect public and environmental health through the use of Integrated Pest Management techniques. This bill would define Integrated Pest Management and would require, upon receipt of appropriate grant funds, that the Department of General Services implement a demonstration project to study the use of Integrated Pest Management techniques at the State Capitol Park and its associated grounds, as specified. This bill would also require the Department of General Services to present a report to the Legislature on this demonstration project within 6 months of its implementation.

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

SECTION 1. The Legislature finds and declares that it is the policy of the state to protect public health and safety in a manner that compliments sustainability as an extension of resource conservation.

SEC. 2. The Legislature finds and declares that the safe handling, reduction, or elimination of pesticide use in state buildings and on state lands is an important step in providing all state employees and members of the public with a safe, healthy environment.

SEC. 3. It is the intent of the Legislature to enact legislation to protect public and environmental health through Integrated Pest Management (IPM) techniques, where feasible, before considering the use of pesticides on state property.

SEC. 4. Article 8 (commencing with Section 14717) is added to Chapter 2 of Part 5.5 of Division 3 of Title 2 of the Government Code, to read:

### Article 18. Integrated Pest Management

14717. (a) The Department of General Services shall apply for grants and other funding as may be available from state, federal, or other sources and upon receipt of appropriate funds, shall implement a demonstration project to study the use of Integrated Pest Management (IPM) techniques at the State Capitol Park and its associated grounds that include the area located in the blocks bounded by 9th and 15th, L and N Streets, in the City of Sacramento, State of California. The Department of General Services shall apply for funds from July 1, 2002, to July 1, 2005, until appropriate funds are obtained.

(b) Successful practices learned directly from this demonstration project shall be deemed a sustainable measure, fitness and quality to traditional pest management methods being equal, and shall be made available to those state agencies interested in Integrated Pest Management. Successful practices learned from this demonstration program should also be made available to local jurisdictions at their request and expense, if appropriate.

(c) The Department of General Services shall present a report on this demonstration project to the Legislature within six months of its implementation.

(d) For the purposes of this section "Integrated Pest Management (IPM)" means a pest management strategy that focuses on long-term prevention or suppression of pest problems through a combination of techniques such as monitoring for pest presence and establishing treatment threshold levels, using nonchemical practices to make the habitat less conducive to pest development, improving sanitation, and employing mechanical and physical controls. Pesticides that pose the least possible hazard and are effective in a manner that minimizes risks to people, property, and the environment, are used only after careful monitoring indicates they are needed according to preestablished guidelines and treatment thresholds.

BILL NUMBER: AB 2486      CHAPTERED  
BILL TEXT

CHAPTER 1000  
FILED WITH SECRETARY OF STATE SEPTEMBER 27, 2002  
APPROVED BY GOVERNOR SEPTEMBER 27, 2002  
PASSED THE ASSEMBLY AUGUST 28, 2002  
PASSED THE SENATE AUGUST 27, 2002  
AMENDED IN SENATE AUGUST 22, 2002  
AMENDED IN SENATE JUNE 29, 2002  
AMENDED IN SENATE JUNE 19, 2002  
AMENDED IN ASSEMBLY MAY 13, 2002  
AMENDED IN ASSEMBLY APRIL 9, 2002

INTRODUCED BY Assembly Member Keeley

FEBRUARY 21, 2002

An act to amend Section 25515.2 of the Health and Safety Code, to amend Sections 14300, 14301, 14303, 14304, 14306, 14307, 14314, and 14315 of, to amend the heading of Title 13 (commencing with Section 14300) of Part 4 of, to amend the headings of Chapter 2 (commencing with Section 14304) and Chapter 3 (commencing with Section 14306) of Title 13 of Part 4 of, to amend and renumber the heading of Chapter 6 (commencing with Section 14314) of Title 13 of Part 4 of, to add Section 14308 to, to add Chapter 4 (commencing with Section 14309) to Title 13 of Part 4 of, and to repeal Chapter 4 (commencing with Section 14308) and Chapter 5 (commencing with Section 14309) of Title 13 of Part 4 of, the Penal Code, relating to environmental prosecution.

LEGISLATIVE COUNSEL'S DIGEST

AB 2486, Keeley. Environmental prosecution.

Under existing law, there are various specialized hazardous materials enforcement and training programs. In particular, existing law provides for special local toxics prosecution projects funded by grants from the Director of Toxic Substance Control. In addition, money has been provided in the Budget Act for several years for an environmental circuit prosecutor through the Secretary of the California Environmental Protection Agency.

This bill would recast the provisions concerning training and prosecution assistance programs for hazardous materials law enforcement to reflect a broader focus on

environmental law. It would move responsibility for these programs from the Department of Toxic Substances Control and its director to the California Environmental Protection Agency and its secretary. It would create an account into which funds for these programs are directed, and would transfer a specified portion of the balance of the existing account currently funding these programs to the new account on a specified date. This bill would provide the Commission on Peace Officer Standards and Training 12 months to develop or review and certify specified environmental law training programs. It would remove specification from the course of instruction for public prosecutors which is required to be developed and implemented by the California District Attorneys Association, and recast the description of the enforcement investigative personnel for whom that association is to develop and implement a course or courses of instruction. This bill would repeal other existing provisions providing grants for the development by one or more statewide organizations with specified qualifications of another training program, and would repeal the provisions authorizing the awarding of grants for special local toxics prosecution projects. This bill would codify the Environmental Circuit Prosecutor Project, intended to discourage environmental law violations, with a fair, uniform, and effective statewide prevention, enforcement, and prosecution program, and to better integrate environmental prosecution into the criminal justice system, as specified. This bill would require the Secretary of the California Environmental Protection Agency to award project grants from the new account to the California District Attorneys Association for the purpose of the day-to-day operations of the program and would specify the division of funds provided to various aspects of the new program. This bill would require a report to the Governor and the Legislature, which is currently required concerning special local toxics prosecution projects, be provided instead concerning the environmental prosecution projects funded by this bill, and it would reduce the scope of that report.

Under existing law, businesses are required to have response plans for releases of specified hazardous materials, and are required to provide an annual inventory of hazardous materials handled, as specified. A portion of the civil and criminal penalties assessed for violations of these laws are made available for expenditure on the toxics training and prosecution projects described above.

This bill would discontinue the expenditure of a portion of each penalty assessed for these purposes.

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

SECTION 1. Section 25515.2 of the Health and Safety Code is amended to read:  
25515.2. (a) All criminal penalties collected pursuant to this chapter shall be apportioned in the following manner:

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- (1) Fifty percent shall be paid to the office of the city attorney, district attorney, or Attorney General, whichever office brought the action.
- (2) Fifty percent shall be paid to the agency which is responsible for the investigation of the action.
- (b) All civil penalties collected pursuant to this chapter shall be apportioned in the following manner:
  - (1) Fifty percent shall be paid to the office of the city attorney, district attorney, or Attorney General, whichever office brought the action.
  - (2) Fifty percent shall be paid to the agency responsible for the investigation of the action.
- (c) If a reward is paid to a person pursuant to Section 25517, the amount of the reward shall be deducted from the amount of the criminal or civil penalty before the amount is apportioned pursuant to subdivisions (a) and (b).

SEC. 2. The heading of Title 13 (commencing with Section 14300) of Part 4 of the Penal Code is amended to read:

### TITLE 13. LOCAL ENVIRONMENTAL ENFORCEMENT AND TRAINING PROGRAMS

SEC. 3. Section 14300 of the Penal Code is amended to read:

14300. (a) The Legislature finds and declares all of the following:

- (1) The enforcement of California's environmental laws is essential to protect human health, the environment, and the state's economy.
- (2) Fair and uniform enforcement of laws and regulations governing the environment benefits law abiding businesses, firms, and individuals.
- (3) There is a need to better integrate enforcement of environmental laws into California's established criminal justice system.
- (4) Local and state enforcement agencies can play an increasingly important role in protecting human health, the environment, and the state's economy through greater involvement in the enforcement of environmental laws.
- (5) Prosecuting violators of environmental laws often requires special training to detect violations, understand complex laws, and prepare and present complicated enforcement cases.
- (6) There is a need to support programs that assist local and state enforcement officials in prosecuting violations of environmental laws through the training of peace officers, investigators, firefighters, public prosecutors, and state and local environmental regulators.
- (7) Fair and uniform enforcement of environmental laws is multidisciplinary and involves law enforcement, fire departments, state and local environmental regulators, and the offices of local and state public prosecutors.

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(b) For purposes of this title, the following definitions shall apply:

(1) "Account" means the Environmental Enforcement and Training Account created pursuant to Section 14303.

(2) "Commission" means the Commission on Peace Officer Standards and Training.

(3) "Agency" means the California Environmental Protection Agency.

(4) "Secretary" means the Agency Secretary for the California Environmental Protection Agency or his or her designee.

(5) "Environmental laws" means state and federal environmental laws and regulations that impact public health and the environment, including, but not limited to, those that regulate toxic and carcinogenic materials, water quality, air quality, waste management, pesticides, and wildlife resources.

(6) "Public prosecutor" means district attorneys, city attorneys, city prosecutors, county counsels, and the Attorney General and his or her deputies.

(7) "Environmental regulator" means an employee of any state or local agency whose jurisdiction includes implementation, enforcement, or both implementation and enforcement of environmental laws.

(8) "Environmental enforcement" means the enforcement of environmental laws.

(c) This title shall be known and may be cited as the Environmental Enforcement and Training Act of 2002.

(d) It is the intent of the Legislature that the funds to implement this title, as specified in Section 14314, come from public and private contributions, and from the proceeds from any contributed state or federal court judgments, and that no funds be expended from the General Fund, other than from the Environmental Enforcement and Training Account, or other funds appropriated to, or authorized for expenditure by, the agency, to implement this title. It is the intent of the Legislature that the funds to implement this title shall be expended only from the account. It is the intent of the Legislature that funding provided from the account shall supplement, not supplant existing funding.

SEC. 4. Section 14301 of the Penal Code is amended to read:

14301. (a) There is hereby established in the agency, a program of financial assistance to do all of the following:

(1) Provide for statewide education and training programs in the enforcement of environmental laws for peace officers, investigators, state and local environmental regulators, and public prosecutors.

(2) Establish enhanced local environmental enforcement efforts.

(3) All funds made available to the agency for the purposes of this title shall be administered and distributed by the secretary.

(b) Not later than 12 months after the date when this title may be implemented, as specified in Section 14314, the secretary shall prepare and issue regulations, which shall, at a minimum, describe how grants are to be allocated or awarded pursuant to this title, the procedures for applying for these grants, the criteria to be used in determining which

applications will be funded, and the administrative and fiscal requirements governing the receipt and expenditure of these grants.

(c) The secretary shall allocate and award funds to public agencies or private nonprofit organizations for purposes of supporting statewide environmental enforcement education and training programs for peace officers, investigators, state and local environmental regulators, and public prosecutors pursuant to Chapter 2 (commencing with Section 14304) and Chapter 3 (commencing with Section 14306), which meet the criteria established pursuant to those chapters. To ensure that these programs are coordinated with existing peace officer training, the commission shall be consulted prior to the allocation of funds to peace officer education and training programs.

(d) The secretary shall allocate and award funds to support the Environmental Circuit Prosecutor Project pursuant to Chapter 4 (commencing with Section 14309) for the purpose of improving enforcement of environmental laws by enhancing the investigation and prosecution of violations of those laws.

SEC. 5. Section 14303 of the Penal Code is amended to read:

14303. (a) There is hereby created, in the General Fund, the Environmental Enforcement and Training Account and up to two million dollars (\$2,000,000) in the account may be expended annually by the agency, upon appropriation by the Legislature, for the purposes of this title.

(b) The agency may accept and receive any contribution of funds from a public or private organization or an individual, including the proceeds from a judgment in state or federal court, when the funds are contributed or the judgment specifies that the proceeds are to be used to carry out the purposes of this title. Private contributors shall not have the authority to further influence or direct the use of their contributions.

(c) The agency shall immediately deposit any funds contributed pursuant to subdivision (b) in the account.

(d) As of January 1, 2003, all unallocated funds in the Hazardous Materials Enforcement and Training Account created pursuant to Chapter 743 of the Statutes of 1992 that derive from court judgments specifying that the funds may be used only for purposes of this title shall be transferred to the Environmental Enforcement and Training Account.

SEC. 6. The heading of Chapter 2 (commencing with Section 14304) of Title 13 of Part 4 of the Penal Code is amended to read:

### CHAPTER 2. PEACE OFFICER ENVIRONMENTAL ENFORCEMENT TRAINING

SEC. 7. Section 14304 of the Penal Code is amended to read:

14304. (a) The commission shall develop or review and certify, not later than 12 months after the date when this title may be implemented, as specified in Section 14314, a course or courses of instruction for training local and state peace officers in the detection of

violations, and in the apprehension of suspected violators, of state and local environmental laws.

(b) The course or courses of instruction shall, at a minimum, include training on all of the following:

- (1) Understanding environmental laws.
- (2) Detecting violations of environmental laws.
- (3) Knowing steps to take when violations are discovered in order to protect public health and facilitate prosecution of violators.

SEC. 8. The heading of Chapter 3 (commencing with Section 14306) of Title 13 of Part 4 of the Penal Code is amended to read:

### CHAPTER 3. ENVIRONMENTAL TRAINING AND ENFORCEMENT

SEC. 9. Section 14306 of the Penal Code is amended to read:

14306. (a) The secretary shall provide funding to the California District Attorneys' Association to develop and implement, not later than 12 months after the receipt of funds, a course or courses of instruction for the training of public prosecutors in the enforcement of state and local environmental laws.

(b) The course or courses of instruction shall, at a minimum, do all of the following:

- (1) Provide an understanding of the requirements of environmental laws.
- (2) Teach prosecution techniques that will facilitate prosecution of environmental law violations.
- (3) Provide environmental enforcement training materials.

SEC. 10. Section 14307 of the Penal Code is amended to read:

14307. (a) The secretary shall provide funding to the California District Attorneys' Association to develop and implement, not later than 12 months after the receipt of funds, a course or courses of instruction for the training of investigators from the offices of public prosecutors, fire departments, and state and local environmental regulators.

(b) With the concurrence of the commission, peace officers may participate in the course or courses of training.

(c) The course or courses of instruction shall, at a minimum, do all of the following:

- (1) Provide an understanding of the requirements of environmental laws.
- (2) Teach enforcement investigative techniques that will facilitate the prosecution of environmental law violations.
- (3) Provide environmental enforcement training materials.

SEC. 11. Section 14308 is added to Chapter 3 of Title 13 of Part 4 of the Penal Code, to read:

14308. (a) The secretary may award grants to public and private entities for training public prosecutors, peace officers, firefighters, and state or local environmental regulators in the investigation and enforcement of environmental laws.

(b) The secretary may award local assistance grants to local environmental regulators for the enforcement of environmental laws.

SEC. 12. Chapter 4 (commencing with Section 14308) of Title 13 of Part 4 of the Penal Code is repealed.

SEC. 13. Chapter 4 (commencing with Section 14309) is added to Title 13 of Part 4 of the Penal Code, to read:

#### CHAPTER 4. ENVIRONMENTAL CIRCUIT PROSECUTOR PROJECT

14309. (a) The Environmental Circuit Prosecutor Project, a cooperative project of the California Environmental Protection Agency and the California District Attorneys Association, is hereby established.

(b) The Environmental Circuit Prosecutor Project shall have the following purposes:

(1) Discourage the commission of violations of environmental laws by demonstrating the effective response of the criminal justice system to these violations, including, but not limited to, assisting district attorneys, particularly in rural counties, in the prosecution of criminal violations of environmental laws and regulations, where a district attorney has requested assistance.

(2) Establish model environmental crime prevention, enforcement, and prosecution techniques with statewide application for fair, uniform, and effective application.

(3) Increase the awareness and effectiveness of efforts to enforce environmental laws and to better integrate environmental prosecution into California's established criminal justice system by providing on the job education and training to local peace officers and prosecutors and to local and state environmental regulators.

(4) Promote, through uniform and effective prosecution and local assistance, the effective enforcement of environmental laws and regulations.

(c) (1) The secretary shall award project grants and administer funding from the account to the California District Attorneys Association for the purpose of providing for the day-to-day operations of the project.

(2) The award may only be used to fund the costs of prosecutors, investigators, and research attorney staff, including salary, benefits, and expenses.

(3) Circuit prosecutor project employees may be either employees of the California District Attorneys Association or employees on loan from local, state, or federal governmental agencies.

(d) (1) A district attorney may request the assistance of a circuit prosecutor from the Environmental Circuit Prosecutor Project for any of the following purposes:

(A) Assistance with the investigation and development of environmental cases.

(B) Consultation concerning whether an environmental case merits filing.

(C) Litigation support, including, but not limited to, the actual prosecution of the case. A district attorney shall, as appropriate, deputize a circuit prosecutor to prosecute cases within his or her jurisdiction.

(3) The authority of a deputized circuit prosecutor shall be consistent with and shall not exceed the authority of the elected district attorney or his or her deputies.

(4) Violations of city or county ordinances may be prosecuted by circuit prosecutors when there is an environmental nexus between the ordinance and a violation of state law, federal law, or both state and federal law.

(5) Participating district attorney offices shall provide matching funds or in-kind contributions equivalent to, but not less than, 20 percent of the expense of the deputized environmental circuit prosecutor.

SEC. 14. Chapter 5 (commencing with Section 14309) of Title 13 of Part 4 of the Penal Code is repealed.

SEC. 15. Chapter 6 (commencing with Section 14314) of Title 13 of Part 4 of the Penal Code is amended and renumbered to read:

### CHAPTER 5. IMPLEMENTATION AND FUNDING PRIORITIES

SEC. 16. Section 14314 of the Penal Code is amended to read:

14314. Notwithstanding any other provision of this title, the agency shall not implement this title until there is an amount of one hundred thousand dollars (\$100,000) in the account.

Funds in the account shall be divided as follows:

(a) Twenty-five percent or one hundred thousand dollars (\$100,000) to the commission, whichever is less.

(b) Twenty-five percent to the secretary for allocation to the Environmental Circuit Prosecutor Project pursuant to Chapter 4 (commencing with Section 14309).

(c) Twenty-five percent to the secretary for allocation to the California District Attorneys Association for training and assistance pursuant to Chapter 3 (commencing with Section 14306).

(d) (1) The balance to the secretary for grants awarded to programs pursuant to Chapter 3 (commencing with Section 14306) or Chapter 4 (commencing with Section 14309) based on need or in order to sustain the current level of presence and enforcement for those programs.

(2) Notwithstanding paragraph (1), the commission may also seek additional funding from the money allocated in this subdivision based on need if the environmental law enforcement training is mandated or if there are substantial changes in the law that require the commission to revise its environmental law courses.

(e) The secretary shall develop an application process for awarding funds to programs pursuant to subdivisions (b), (c), and (d).

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SEC. 17. Section 14315 of the Penal Code is amended to read:

14315. Not later than 36 months after the date when this title may be implemented, as specified in Section 14314, the secretary shall submit a report to the Governor and the Legislature describing the operation and accomplishments of the training programs and the environmental enforcement and prosecution projects funded by this title. The commission shall prepare the section of the report pertaining to the course of instruction authorized in Section 14304 and submit it to the secretary for inclusion in the report.

SEC. 18. This act represents the result of meetings among state agencies and stakeholders to craft a long-term solution for support of the Environmental Circuit Prosecutor Project, in accord with the Governor's directive regarding Assembly Bill 960 of the 2001-02 Regular Session.

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BILL NUMBER: SB 1393            CHAPTERED  
BILL TEXT

CHAPTER 1121  
FILED WITH SECRETARY OF STATE SEPTEMBER 30, 2002  
APPROVED BY GOVERNOR SEPTEMBER 30, 2002  
PASSED THE SENATE AUGUST 31, 2002  
PASSED THE ASSEMBLY AUGUST 31, 2002  
AMENDED IN ASSEMBLY AUGUST 31, 2002  
AMENDED IN ASSEMBLY AUGUST 28, 2002  
AMENDED IN ASSEMBLY AUGUST 24, 2002  
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AMENDED IN ASSEMBLY JUNE 27, 2002  
AMENDED IN SENATE MAY 28, 2002  
AMENDED IN SENATE MAY 23, 2002  
AMENDED IN SENATE MAY 1, 2002  
AMENDED IN SENATE APRIL 11, 2002

INTRODUCED BY Senators Kuehl and Romero

FEBRUARY 13, 2002

An act to amend Sections 21080.5, 21151, 21159.9, and 21167.6 of, and to add Section 21167.6.5 to, the Public Resources Code, relating to environmental protection.

### LEGISLATIVE COUNSEL'S DIGEST

SB 1393, Kuehl. California Environmental Quality Act.

(1) The existing California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect. CEQA authorizes a plan or other written documentation required by a certified regulatory program or state agency to be submitted in lieu of an environmental impact report pursuant to prescribed procedures.

This bill would require the Secretary of the Resources Agency, by July 1, 2003, to develop a protocol for reviewing the prospective application of certified regulatory programs to evaluate the consistency of those programs with the requirements of CEQA, and would require the secretary to provide a report to the Senate Committee on

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Environmental Quality and the Assembly Committee on Natural Resources regarding the need for a grant of additional statutory authority authorizing the secretary to undertake a review of the certified regulatory programs. The bill would also require the secretary to provide a significant opportunity for public participation in developing that protocol.

(2) CEQA requires the Office of Planning and Research to implement a public assistance and information program that includes establishing a public education and training program, a data base to assist in the preparation of environmental documents, and a central repository for the collection, storage, retrieval, and dissemination of specified CEQA notices.

This bill would require, commencing January 1, 2003, that copies of any documents submitted in electronic format to the office pursuant to CEQA be furnished by the office to the California State Library, and would require the California State Library to be the repository for those documents and to make them available for viewing by the general public upon request.

(3) CEQA authorizes the appeal of the certification of an environmental impact report by a local lead agency that is not elected to that lead agency's elected decisionmaking body, if that body exists.

This bill would expand that authorization to include any environmental review document that is certified or authorized by a local lead agency that is not elected.

(4) CEQA requires, in any action or proceeding to attack, review, set aside, void, or annul specified actions by a public agency pursuant to CEQA, except the Public Utilities Commission, that the plaintiff or petitioner file a request that the public agency prepare a record of proceedings relating to the subject of the action or proceeding. CEQA also requires that the request, together with the complaint or petition, be served on the public agency not later than 10 business days from the date that the action or proceeding was filed.

This bill would require that request to be served personally on the state agency.

This bill would also require the petitioner or plaintiff to name any recipient of an approval that is the subject of the action or proceeding as a real party in interest, and to serve the petition or complaint on that real party in interest with the petition or complaint not later than 20 business days following service of the petition or complaint on the public agency. The bill would specify that a failure to name any other potential parties would not be grounds for dismissal of the action or proceeding. The bill would also require the public agency to provide the petitioner or plaintiff, not later than 10 business days following service of the petition or complaint on the public agency, with a list of responsible agencies and public agencies with jurisdiction over a natural resource affected by the project, and would require the petitioner or plaintiff to provide those responsible agencies and public agencies with notice of the action or proceeding within 15 days of receipt of that list. By imposing additional duties on local public agencies, this bill would impose a state-mandated local program.

(5) 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. Section 21080.5 of the Public Resources Code is amended to read:

2080.5. (a) Except as provided in Section 21158.1, when the regulatory program of a state agency requires a plan or other written documentation containing environmental information and complying with paragraph (3) of subdivision (d) to be submitted in support of any activity listed in subdivision (b), the plan or other written documentation may be submitted in lieu of the environmental impact report required by this division if the Secretary of the Resources Agency has certified the regulatory program pursuant to this section.

(b) This section applies only to regulatory programs or portions thereof that involve either of the following:

(1) The issuance to a person of a lease, permit, license, certificate, or other entitlement for use.

(2) The adoption or approval of standards, rules, regulations, or plans for use in the regulatory program.

(c) A regulatory program certified pursuant to this section is exempt from Chapter 3 (commencing with Section 21100), Chapter 4 (commencing with Section 21150), and Section 21167, except as provided in Article 2 (commencing with Section 21157) of Chapter 4.5.

(d) To qualify for certification pursuant to this section, a regulatory program shall require the utilization of an interdisciplinary approach that will ensure the integrated use of the natural and social sciences in decisionmaking and that shall meet all of the following criteria:

(1) The enabling legislation of the regulatory program does both of the following:

(A) Includes protection of the environment among its principal purposes.

(B) Contains authority for the administering agency to adopt rules and regulations for the protection of the environment, guided by standards set forth in the enabling legislation.

(2) The rules and regulations adopted by the administering agency for the regulatory program do all of the following:

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(A) Require that an activity will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment.

(B) Include guidelines for the orderly evaluation of proposed activities and the preparation of the plan or other written documentation in a manner consistent with the environmental protection purposes of the regulatory program.

(C) Require the administering agency to consult with all public agencies that have jurisdiction, by law, with respect to the proposed activity.

(D) Require that final action on the proposed activity include the written responses of the issuing authority to significant environmental points raised during the evaluation process.

(E) Require the filing of a notice of the decision by the administering agency on the proposed activity with the Secretary of the Resources Agency. Those notices shall be available for public inspection, and a list of the notices shall be posted on a weekly basis in the Office of the Resources Agency. Each list shall remain posted for a period of 30 days.

(F) Require notice of the filing of the plan or other written documentation to be made to the public and to any person who requests, in writing, notification. The notification shall be made in a manner that will provide the public or any person requesting notification with sufficient time to review and comment on the filing.

(3) The plan or other written documentation required by the regulatory program does both of the following:

(A) Includes a description of the proposed activity with alternatives to the activity, and mitigation measures to minimize any significant adverse effect on the environment of the activity.

(B) Is available for a reasonable time for review and comment by other public agencies and the general public.

(e) (1) The Secretary of the Resources Agency shall certify a regulatory program that the secretary determines meets all the qualifications for certification set forth in this section, and withdraw certification on determination that the regulatory program has been altered so that it no longer meets those qualifications. Certification and withdrawal of certification shall occur only after compliance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(2) In determining whether or not a regulatory program meets the qualifications for certification set forth in this section, the inquiry of the secretary shall extend only to the question of whether the regulatory program meets the generic requirements of subdivision (d). The inquiry shall not extend to individual decisions to be reached under the regulatory program, including the nature of specific alternatives or mitigation measures that might be proposed to lessen any significant adverse effect on the environment of the activity.

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(3) If the secretary determines that the regulatory program submitted for certification does not meet the qualifications for certification set forth in this section, the secretary shall adopt findings setting forth the reasons for the determination.

(f) After a regulatory program has been certified pursuant to this section, any proposed change in the program that could affect compliance with the qualifications for certification specified in subdivision (d) may be submitted to the Secretary of the Resources Agency for review and comment. The scope of the secretary's review shall extend only to the question of whether the regulatory program meets the generic requirements of subdivision (d). The review shall not extend to individual decisions to be reached under the regulatory program, including specific alternatives or mitigation measures that might be proposed to lessen any significant adverse effect on the environment of the activity. The secretary shall have 30 days from the date of receipt of the proposed change to notify the state agency whether the proposed change will alter the regulatory program so that it no longer meets the qualification for certification established in this section and will result in a withdrawal of certification as provided in this section.

(g) Any action or proceeding to attack, review, set aside, void, or annul a determination or decision of a state agency approving or adopting a proposed activity under a regulatory program that has been certified pursuant to this section on the basis that the plan or other written documentation prepared pursuant to paragraph (3) of subdivision (d) does not comply with this section shall be commenced not later than 30 days from the date of the filing of notice of the approval or adoption of the activity.

(h) (1) Any action or proceeding to attack, review, set aside, void, or annul a determination of the Secretary of the Resources Agency to certify a regulatory program pursuant to this section on the basis that the regulatory program does not comply with this section shall be commenced within 30 days from the date of certification by the secretary.

(2) In any action brought pursuant to paragraph (1), the inquiry shall extend only to whether there was a prejudicial abuse of discretion by the secretary. Abuse of discretion is established if the secretary has not proceeded in a manner required by law or if the determination is not supported by substantial evidence.

(i) For purposes of this section, any county agricultural commissioner is a state agency.

(j) For purposes of this section, any air quality management district or air pollution control district is a state agency, except that the approval, if any, by a district of a nonattainment area plan is subject to this section only if, and to the extent that, the approval adopts or amends rules or regulations.

(k) (1) The secretary, by July 1, 2003, shall develop a protocol for reviewing the prospective application of certified regulatory programs to evaluate the consistency of those programs with the requirements of this division. Following the completion of the

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development of the protocol, the secretary shall provide a report to the Senate Committee on Environmental Quality and the Assembly Committee on Natural Resources regarding the need for a grant of additional statutory authority authorizing the secretary to undertake a review of the certified regulatory programs.

(2) The secretary shall provide a significant opportunity for public participation in developing the protocol described in paragraph (1) including, but not limited to, at least two public meetings with interested parties. A notice of each meeting shall be provided at least 10 days prior to the meeting to any person who files a written request for a notice with the agency.

SEC. 2. Section 21151 of the Public Resources Code is amended to read:

21151. (a) All local agencies shall prepare, or cause to be prepared by contract, and certify the completion of, an environmental impact report on any project that they intend to carry out or approve which may have a significant effect on the environment. When a report is required by Section 65402 of the Government Code, the environmental impact report may be submitted as a part of that report.

(b) For purposes of this section, any significant effect on the environment shall be limited to substantial, or potentially substantial, adverse changes in physical conditions which exist within the area as defined in Section 21060.5.

(c) If a nonelected decisionmaking body of a local lead agency certifies an environmental impact report, approves a negative declaration or mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decisionmaking body, if any.

SEC. 3. Section 21159.9 of the Public Resources Code is amended to read:

21159.9. The Office of Planning and Research shall implement, utilizing existing resources, a public assistance and information program, to ensure efficient and effective implementation of this division, to do all of the following:

(a) Establish a public education and training program for planners, developers, and other interested parties to assist them in implementing this division.

(b) Establish and maintain a data base to assist in the preparation of environmental documents.

(c) Establish and maintain a central repository for the collection, storage, retrieval, and dissemination of notices of exemption, notices of preparation, notices of determination, and notices of completion provided to the office, and make the notices available through the Internet. The office may coordinate with another state agency for that agency to make the notices available through the Internet.

(d) Commencing January 1, 2003, copies of any documents submitted in electronic format to the Office of Planning and Research pursuant to this division shall be furnished by the office to the California State Library. The California State Library shall be the repository for those electronic documents, which shall be made available for viewing by the general public upon request.

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SEC. 4. Section 21167.6 of the Public Resources Code is amended to read:

21167.6. Notwithstanding any other provision of law, in all actions or proceedings brought pursuant to Section 21167, except those involving the Public Utilities Commission, all of the following shall apply:

(a) At the time that the action or proceeding is filed, the plaintiff or petitioner shall file a request that the respondent public agency prepare the record of proceedings relating to the subject of the action or proceeding. The request, together with the complaint or petition, shall be served personally upon the public agency not later than 10 business days from the date that the action or proceeding was filed.

(b) (1) The public agency shall prepare and certify the record of proceedings not later than 60 days from the date that the request specified in subdivision (a) was served upon the public agency. Upon certification, the public agency shall lodge a copy of the record of proceedings with the court and shall serve on the parties notice that the record of proceedings has been certified and lodged with the court. The parties shall pay any reasonable costs or fees imposed for the preparation of the record of proceedings in conformance with any law or rule of court.

(2) The plaintiff or petitioner may elect to prepare the record of proceedings or the parties may agree to an alternative method of preparation of the record of proceedings, subject to certification of its accuracy by the public agency, within the time limit specified in this subdivision.

(c) The time limit established by subdivision (b) may be extended only upon the stipulation of all parties who have been properly served in the action or proceeding or upon order of the court. Extensions shall be liberally granted by the court when the size of the record of proceedings renders infeasible compliance with that time limit. There is no limit on the number of extensions that may be granted by the court, but no single extension shall exceed 60 days unless the court determines that a longer extension is in the public interest.

(d) If the public agency fails to prepare and certify the record within the time limit established in paragraph (1) of subdivision (b), or any continuances of that time limit, the plaintiff or petitioner may move for sanctions, and the court may, upon that motion, grant appropriate sanctions.

(e) The record of proceedings shall include, but is not limited to, all of the following items:

(1) All project application materials.

(2) All staff reports and related documents prepared by the respondent public agency with respect to its compliance with the substantive and procedural requirements of this division and with respect to the action on the project.

(3) All staff reports and related documents prepared by the respondent public agency and written testimony or documents submitted by any person relevant to any findings or statement of overriding considerations adopted by the respondent agency pursuant to this

division.

(4) Any transcript or minutes of the proceedings at which the decisionmaking body of the respondent public agency heard testimony on, or considered any environmental document on, the project, and any transcript or minutes of proceedings before any advisory body to the respondent public agency that were presented to the decisionmaking body prior to action on the environmental documents or on the project.

(5) All notices issued by the respondent public agency to comply with this division or with any other law governing the processing and approval of the project.

(6) All written comments received in response to, or in connection with, environmental documents prepared for the project, including responses to the notice of preparation.

(7) All written evidence or correspondence submitted to, or transferred from, the respondent public agency with respect to compliance with this division or with respect to the project.

(8) Any proposed decisions or findings submitted to the decisionmaking body of the respondent public agency by its staff, or the project proponent, project opponents, or other persons.

(9) The documentation of the final public agency decision, including the final environmental impact report, mitigated negative declaration, or negative declaration, and all documents, in addition to those referenced in paragraph (3), cited or relied on in the findings or in a statement of overriding considerations adopted pursuant to this division.

(10) Any other written materials relevant to the respondent public agency's compliance with this division or to its decision on the merits of the project, including the initial study, any drafts of any environmental document, or portions thereof, that have been released for public review, and copies of studies or other documents relied upon in any environmental document prepared for the project and either made available to the public during the public review period or included in the respondent public agency's files on the project, and all internal agency communications, including staff notes and memoranda related to the project or to compliance with this division.

(11) The full written record before any inferior administrative decisionmaking body whose decision was appealed to a superior administrative decisionmaking body prior to the filing of litigation.

(f) In preparing the record of proceedings, the party preparing the record shall strive to do so at reasonable cost in light of the scope of the record.

(g) The clerk of the superior court shall prepare and certify the clerk's transcript on appeal not later than 60 days from the date that the notice designating the papers or records to be included in the clerk's transcript was filed with the superior court, if the party or parties pay any costs or fees for the preparation of the clerk's transcript imposed in conformance with any law or rules of court. Nothing in this subdivision precludes an election to proceed by appendix, as provided in Rule 5.1 of the California Rules of Court.

(h) Extensions of the period for the filing of any brief on appeal may be allowed only by stipulation of the parties or by order of the court for good cause shown. Extensions for the filing of a brief on appeal shall be limited to one 30-day extension for the preparation of an opening brief, and one 30-day extension for the preparation of a responding brief, except that the court may grant a longer extension or additional extensions if it determines that there is a substantial likelihood of settlement that would avoid the necessity of completing the appeal.

(i) At the completion of the filing of briefs on appeal, the appellant shall notify the court of the completion of the filing of briefs, whereupon the clerk of the reviewing court shall set the appeal for hearing on the first available calendar date.

SEC. 5. Section 21167.6.5 is added to the Public Resources Code, to read:

21167.6.5. (a) The petitioner or plaintiff shall name, as a real party in interest, any recipient of an approval that is the subject of an action or proceeding brought pursuant to Section 21167, 21168, or 21168.5, and shall serve the petition or complaint on that real party in interest, by personal service, mail facsimile, or any other method permitted by law not later than 20 business days following service of the petition or complaint on the public agency.

(b) The public agency shall provide the petitioner or plaintiff, not later than 10 business days following service of the petition or complaint on the public agency, with a list of responsible agencies and any public agency having jurisdiction over a natural resource affected by the project.

(c) The petitioner or plaintiff shall provide the responsible agencies, and any public agency having jurisdiction over a natural resource affected by the project, with notice of the action or proceeding within 15 days of receipt of the list described in subdivision (b).

(d) Failure to name potential parties, other than those described in subdivision (a) or (b), is not grounds for dismissal pursuant to Section 389 of the Code of Civil Procedure.

(e) Nothing in this section is intended to affect an existing right of a party to intervene in the action.

SEC. 6. 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.

## 2002 Legislative Summary

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BILL NUMBER: SB 1463      CHAPTERED  
BILL TEXT

CHAPTER 584  
FILED WITH SECRETARY OF STATE SEPTEMBER 16, 2002  
APPROVED BY GOVERNOR SEPTEMBER 14, 2002  
PASSED THE SENATE AUGUST 27, 2002  
PASSED THE ASSEMBLY AUGUST 24, 2002  
AMENDED IN ASSEMBLY AUGUST 20, 2002  
AMENDED IN ASSEMBLY AUGUST 1, 2002  
AMENDED IN ASSEMBLY JUNE 11, 2002  
AMENDED IN SENATE APRIL 1, 2002  
AMENDED IN SENATE MARCH 21, 2002

INTRODUCED BY Senator Machado

FEBRUARY 15, 2002

An act to amend Section 8617 of the Business and Professions Code, relating to pest control.

### LEGISLATIVE COUNSEL'S DIGEST

SB 1463, Machado. Structural pest control.

Existing law authorizes the Structural Pest Control Board to regulate the practice of structural pest control operators in this state. Existing law, among other things, authorizes the board or a county agricultural commissioner to impose administrative fines or temporarily suspend a structural pest control licensee or registered company from working in a county.

This bill would also authorize the board or a county agricultural commissioner to require the licensee to attend and pass a board-approved course for specified violations. The bill would prohibit the board from renewing a licensee's license if the licensee did not attend and pass the required course.

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

SECTION 1. Section 8617 of the Business and Professions Code is amended to read:  
8617. (a) The board or county agricultural commissioners, when acting pursuant to Section 8616.4, may suspend the right of a structural pest control licensee or registered company to work in a county for up to three working days or, for a licensee, registered

company, or an unlicensed individual acting as a licensee, may levy an administrative fine up to one thousand dollars (\$1,000) or direct the licensee to attend and pass a board-approved course of instruction at a cost not to exceed the administrative fine, or both, for each violation of this chapter, or any regulations adopted pursuant to this chapter, or Chapter 2 (commencing with Section 12751), Chapter 3 (commencing with Section 14001), Chapter 3.5 (commencing with Section 14101), or Chapter 7 (commencing with Section 15201) of Division 7 of the Food and Agricultural Code, or any regulations adopted pursuant to those chapters, relating to pesticides. Fines collected shall be paid to the Education and Enforcement Account in the Structural Pest Control Education and Enforcement Fund. Suspension may include all or part of the registered company's business within the county based on the nature of the violation, but shall, whenever possible, be restricted to that portion of a registered company's business in a county that was in violation.

(b) A licensee who passes a course pursuant to this section shall not be awarded continuing education credit for that course.

(c) Before a suspension action is taken, a fine levied, or a licensee is required to attend and pass a board-approved course of instruction, the person charged with the violation shall be provided a written notice of the proposed action, including the nature of the violation, the amount of the proposed fine or suspension, or the requirement to attend and pass a board-approved course of instruction. The notice of proposed action shall inform the person charged with the violation that if he or she desires a hearing before the commissioner issuing the proposed action to contest the finding of a violation, that hearing shall be requested by written notice to the commissioner within 20 days of the date of issuance of the written notice of 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 a right to present evidence on his or her own behalf. If a hearing is not requested within the prescribed time, the commissioner may take the action proposed without a hearing.

(d) If the person upon whom the commissioner imposed a fine or suspension or required attendance at a board-approved course of instruction requested and appeared at a hearing before the commissioner, the person may appeal the commissioner's decision to the Disciplinary Review Committee and shall be subject to the procedures in Section 8662.

(e) If a suspension or fine is ordered, it may not take effect until 20 days after the date of the commissioner's decision if no appeal is filed. If an appeal pursuant to Section 8662 is filed, the commissioner's order shall be stayed until 20 days after the Disciplinary Review Committee has ruled on the appeal.

## 2002 Legislative Summary

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(f) Failure of a licensee or registered company to pay a fine within 30 days of the date of assessment or to comply with the order of suspension, unless the citation is being appealed, may result in disciplinary action being taken by the board. Where a citation containing a fine is issued to a licensee and it is not contested or the time to appeal the citation has expired and the fine is not paid, the full amount of the assessed fine shall be added to the fee for renewal of that license. A license shall not be renewed without payment of the renewal fee and fine. Where a citation containing a fine is issued to a registered company and it is not contested or the time to appeal the citation has expired and the fine is not paid, the board shall not sell to the registered company any inspection stamps, notice of completion stamps, or pesticide use stamps until the assessed fine has been paid. Where a citation containing the requirement that a licensee attend and pass a board-approved course of instruction is not contested or the time to appeal the citation has expired and the licensee has not attended and passed the required board-approved course of instruction, the licensee's license shall not be renewed without proof of attendance and passage of the required board-approved course of instruction.

(g) Once final action pursuant to this section is taken, no other administrative or civil action may be taken by any state governmental agency for the same violation. However, action taken pursuant to this section may be used by the board as evidence of prior discipline, and multiple local actions may be the basis for statewide disciplinary action by the board pursuant to Section 8620. A certified copy of the order of suspension or fine issued pursuant to this section or Section 8662 shall constitute conclusive evidence of the occurrence of the violation.

(h) Where the board is the party issuing the notice of proposed action to suspend or impose a fine pursuant to subdivision (a) of this section, "commissioner" as used in subdivisions (c), (d), and (e) includes the board's registrar.

**SECTION III – 2002 VETOED LEGISLATION: SUMMARY**

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

## 2002 Legislative Summary

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Bill Number: AB 1972 Frommer – Drinking Water: reports regarding contaminants  
Vetoed Date: September 27, 2002

To Members of the California State Assembly:

I am returning Assembly Bill 1972 without my signature.

This bill requires the Office of Environmental Health Hazard Assessment to prepare a statement of health concerns associated with the ingestion in drinking water of any contaminant for which there is a public health goal and include this information in the consumer confidence reports.

This bill imposes new requirements that have the unintended effect of confusing, rather than informing, the public by potentially overstating the health risk effect. Moreover, the bill will result in a cost of \$75,000 to the Office of Environmental Health Hazard Assessment at a time when the state is dealing with a \$24 billion shortfall.

Sincerely,

GRAY DAVIS

## 2002 Legislative Summary

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Bill Number: AB 2268 Horton – State employees: dismissed employees  
Vetoed Date: September 30, 2002

To Members of the California State Assembly:

I am returning Assembly Bill 2268 without my signature. I value the hard work of every employee in State Government and I strongly support the rights of California's state employees to fair and speedy review of disciplinary appeals. However, rather than assist state employees, this bill would add time and confusion to the already lengthy state disciplinary process.

I believe that State employees are already guaranteed a fair hearing for their disciplinary appeals at the State Personnel Board. By requiring a Skelly officer from another State department to hold a hearing on imposed discipline and issue written findings, all prior to SPB involvement, this bill adds further delay and uncertainty to the process.

For these reasons I must veto this bill. However, I am directing all department Directors to review those procedures, and if they feel an appointee from another Agency holding the Skelly hearing is more appropriate, they should see to it that such a process is followed.

Sincerely,

GRAY DAVIS

## 2002 Legislative Summary

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Bill Number: AB 2752 Alquist – Discrimination against injured workers  
Vetoed Date: September 28, 2002

To Members of the California State Assembly:

I am returning Assembly Bill 2752 without my signature.

This bill would expand the protection of workers who experience employment discrimination because they have exercised their rights to report hazardous working conditions or have refused to perform unsafe work.

I greatly appreciate the importance of protecting workers from retaliation when they refuse to perform unsafe work or report dangerous working conditions to their employers or to government agencies and others who share the charge of keeping our workplaces safe and injury-free. There are currently in law significant protections for these workers. Moreover, the measure could reduce the Department of Industrial Relations' ability to properly enforce those protections.

For these reasons, I am returning this bill without my signature.

Sincerely,

GRAY DAVIS

## 2002 Legislative Summary

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Bill Number: AB 2922 Simitian – Personal information: state agency records  
Vetoed Date: September 30, 2002

To the Members of the California State Assembly:

I am returning Assembly Bill 2922 without my signature.

AB 2922 requires state agencies to provide to the Office of Privacy Protection (OPP) descriptions of the categories of personal information contained in their systems of records, and requires the OPP to create the State Personal Information Inventory.

While I support the goals of this bill, I am concerned about the potential costs to State agencies to comply with the provisions of this bill. For example, the Department of Health Services alone estimates complying with this bill would cost almost \$4.4 million. At a time of a \$24 billion budget deficit, and when the Legislature has asked agencies to reduce budgets by 20%, I cannot sign this bill.

Sincerely,

GRAY DAVIS

## 2002 Legislative Summary

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Bill Number: SB 987 Escutia – The Dymally-Alatorre Bilingual Services Act  
Vetoed Date: September 30, 2002

To Members of the California State Senate:

I am returning Senate Bill 987 without my signature.

This bill would expand the authority of the State Personnel Board to ensure compliance by State agencies with the Dymally-Alatorre Bilingual Services Act of 1973 (Act). The bill would expand the Act's definition of a "substantial number" of non-English speaking people and would require State agencies to provide additional translated written materials. This bill would also require additional information to be included in each agency's biannual survey of compliance with the Act, and would require agencies to develop implementation plans, as specified.

While I support the intent of this legislation. I cannot ask State agencies to absorb the implementation costs of this bill at this time. Additionally, because of the State's fiscal situation, the funds are not available from the General Fund or Special Funds to augment the departments' budgets for the purposes of this bill.

However, I believe that government has an obligation to meet the changing needs of its citizenry. Our State offices must be able to serve Californians whose primary language is not English. With that in mind, I am directing the State agencies to phase in policies, as time and resources permit, that contain the spirit and intent of this legislation.

Sincerely,

GRAY DAVIS

**Department of Pesticide Regulation  
Office of Legislation and Regulations**

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