

LEGISLATIVE SUMMARY



2004 Legislative Year

A compilation of legislation from the second half of the 2003-2004 Legislative Session affecting the Department of Toxic Substances Control

State of California

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Introduction

This report summarizes all bills considered by the California State Legislature during the second Legislative year of the 2003-2004 Legislative Session that either directly or indirectly affect the Department of Toxic Substances Control's (DTSC) mission and programs. This includes bills carried over from the 2003 Legislative Year (two-year bills) and bills introduced in the 2004 Legislative Year. Bills noted as "Chaptered" were passed by the Legislature and signed by the Governor. Bills noted as "Vetoed" were passed by the Legislature but disapproved by the Governor (veto messages are included at the end of this report). Bills noted as "Dead" either failed passage in a policy or fiscal committee or on the floor of either house of the Legislature, or were no longer pursued by their authors.

The report lists the bills in numerical order and by subject area. All signed bills, except for urgency, tax levy, election, and appropriation measures, which take effect upon the date of signing, take effect on January 1, 2005 of the following year. Occasionally, different legislation amends the same section of law. In most of these instances, the language from the bill that was chaptered last (the higher chapter number) takes precedent and becomes the law.

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Copies of the bills can be obtained from the Bill Room at the State Capitol. Bills and bill-related documents can also be viewed on the California Legislative Counsel's internet site (<http://www.leginfo.ca.gov>).

*DTSC's 2004 Legislative Summary can also be viewed on its internet site:
<http://www.dtsc.ca.gov>*

Acronyms

AB	Assembly Bill
AESTM	Assembly Committee on Environmental Safety and Toxic Materials
ARB	Air Resources Board
BDO	Boards, Departments and Offices within Cal/EPA
BOE	Board of Equalization
Cal/EPA	California Environmental Protection Agency
CEQA	California Environmental Quality Act
CIWMB	California Integrated Waste Management Board
CUPA	Certified Unified Program Agency
DHS	Department of Health Services
DTSC	Department of Toxic Substances Control
EIR	Environmental Impact Report
OEHHA	Office of Environmental Health Hazard Assessment
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SOR	Senate Committee on Rules
SEQ	Senate Committee on Environmental Quality
State	The State of California
SWRCB	State Water Resources Control Board
US EPA	United States Environmental Protection Agency

Assembly Bills

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- AB 25 Nunez – State Agencies: Identification Cards (Dead)**
AB 25 would have required State agencies to accept identification cards issued by foreign countries if those cards met specified requirements.
- AB 79 Dutra – Written Reports: Preparation (ch. 409, stats. 2004)**
AB 79 provides that a public agency is not required to prepare or submit a required written report to the Legislature, Governor, or any State legislative or executive body, except under specified conditions, until January 1, 2008.
- AB 93 Canciamilla – Safe, Clean, and Reliable Water Supply Bond Act of 2004 (Dead)**
AB 93 would have enacted the Safe, Clean, and Reliable Water Supply Bond Act of 2004 which would have authorized the issuance of bonds in the amount of \$7.886 million, for purposes of financing a water quality, water security, or a water supply infrastructure improvement program.
- AB 318 Haynes – State Agency Fiscal Reports (Dead)**
AB 318 would have required every State agency to prepare a report to the specified legislative fiscal committees on the financial activities of that agency for the 1998-1999, 1999-2000, 2000-2001, 2001-2002, and 2002-2003 fiscal years no later than January 15, 2004, and for each subsequent year by January 15.
- AB 387 Aghazarian – Hazardous Materials: Farms: Business Plans and Inventories (Dead)**
AB 387 would have exempted farmers storing small amounts of certain hazardous materials on their farms from provisions that require businesses that handle hazardous materials to implement an emergency plan to respond to a release or threatened release of any of those materials.
- AB 389 Montanez – Hazardous Substances: Brownfields (ch. 705, stats. 2004)**
AB 389 provides that bona fide purchasers and innocent landowners are not liable under specified State statutes and common law for costs of response, claimed by a party that is not DTSC, the SWRCB, or a RWQCB as associated with a release or threatened release of a hazardous material characterized in a site assessment or response plan on their property if the property owner did not cause or contribute to the release and meets other specified conditions. This bill affords the same immunity to a person who owns real property that is contaminated by a release other than passive migration from contiguous property, or property that is similarly situated with respect to a contaminated site.
- AB 392 Montanez – Environmental Justice and Community-Based Transportation Planning Grants (Dead)**
AB 392 would have created the Environmental Justice Subaccount and the Community-Based Transportation Planning Subaccount in the State Highway Account which would have been funded from monies transferred from the local assistance program of the State Highway Account so that non-profit organizations and other entities could apply for grants not to exceed \$300,000 to undertake environmental justice projects and community-based transportation projects.
- AB 406 Jackson – Environmental Quality (Dead)**
AB 406 would have authorized a lead agency, as defined in CEQA, to charge and collect a reasonable fee from a project applicant to cover the estimated costs incurred by the lead agency in preparing an environmental impact report or mitigated negative declaration for that project.
- AB 410 Haynes – California Neighborhood Initiative (Dead)**
AB 410 would have enacted the California Neighborhood Initiative to require the Department of Housing and Community Development to designate, and annually recertify, 25 California Renewal Communities within the State.
- AB 463 Oropeza – Transit Facilities: Infill Housing (Dead)**
AB 463 would have declared the intent of the Legislature to develop an incentive based strategy to encourage the construction of infill housing and commercial development and retain development
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within “opportunity zones” in cities, suburbs, and towns and to provide local government with transportation funding to reward the approval and construction of infill housing.

- AB 575 Dutra – Motor Carriers: Transporting Hazardous Materials and Substances (Dead)**
AB 575 would have required all trucks registered in California that transport hazardous materials to be equipped with a specified disabling device and a global positioning system receiver.
- AB 600 Maddox – Government Regulations: Religious Exercise (Dead)**
AB 600 would have prohibited any public agency from imposing or implementing a land use regulation in a manner that imposed a substantial burden on the religious exercise of a person, unless the agency demonstrated that the imposition of that burden is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that interest.
- AB 611 Negrete McLeod – Waste Discharges: Dental Amalgam (Dead)**
AB 611 would have required the SWRCB to work cooperatively with the California Dental Association in taking specified actions to evaluate and promote effective solutions and technologies to reduce dental amalgam waste.
- AB 623 Lieber – Hazardous Chemicals: Discharge: Warnings (Dead)**
AB 623 would have prohibited a person from discharging or releasing, in the course of doing business, a chemical known to the State to cause cancer or reproductive toxicity into water or onto land where the chemical passes or is likely to pass into any source of drinking water, except as specified.
- AB 659 Jackson – Radioactive Waste: High-Level Radioactive Materials and Spent Nuclear Fuel (Dead)**
AB 659 would have required the State Fire Marshal to include training and safety information in a model plan or system for use by fire departments for the control of fires and the safety of firefighters where hazardous materials, high-level radioactive waste, and spent nuclear fuel are involved.
- AB 689 Horton, Shirley – State Regulatory Agencies: Audits (Dead)**
AB 689 would have required the State Auditor, by January 1, 2010, to conduct a performance audit of each State regulatory agency, subject to specified exceptions.
- AB 698 Lieber – PCE: Claims: Liability (Dead)**
AB 689 would have established the California PCE (Tetrachloroethelyne) Environmental Cost Recovery Act and would have required the owner or operator of a dry cleaning facility and each wholesale distributor of PCE, to register the facility with the BOE and to pay an annual registration fee of \$1500.00
- AB 736 Hancock – School Facilities (Vetoed by the Governor)**
AB 736 would have stated the intent of the Legislature to encourage new schools to be designed according to criteria developed by the Collaborative for High Performance Schools. This bill also would have expressed the intent of the Legislature, through subsequent enactment, to create incentives for school districts to design schools that meet energy efficiency, conservation, cost-effectiveness, and environmental standards, and to provide grant adjustment for meeting these standards.
- AB 753 Leslie – Surviving Spouses: Deceased Firefighters and Peace Officers: Health Benefits (ch. 440, stats. 2004)**
AB 753, as introduced, would have required State agencies to develop a study of the impacts associated with alternative work schedules. The bill was gutted and amended to deal with the surviving spouses of deceased firefighters and peace officers and no longer affected DTSC.
- AB 854 Koretz – Crime (ch. 747, stats. 2004)**
AB 854, as introduced, would have prohibited the use of perchloroethylene by any dry cleaning operation within the State. The bill was gutted and amended to encourage the California Department

of Corrections to give priority enrollment in educational and vocational classes to inmates with short terms remaining on their commitment. As amended, AB 854 no longer affects DTSC.

- AB 873 Richman – Regulations: Impact on Business (Dead)**
AB 873 would have required State agencies to solicit comments from individuals and organizations with expertise in economics when considering the potential economic impacts on proposed, amended or repealed regulations would have on California businesses.
- AB 901 Jackson - Solid Waste: Hazardous Electronic Waste (ch. 84, stats. 2004)**
AB 901 requires a retailer to collect an electronic waste recycling fee beginning November 1, 2004 instead of July 1, 2004. AB 901 is a companion bill to SB 50, and contained an urgency clause.
- AB 907 Pavley – Environmental Education: Content Standards (Dead)**
AB 907 would have required the State Board of Education and the Superintendent of Public Instruction to revise academic content standards for history/social science and science to incorporate environmental education content.
- AB 1006 Chu – The Healthy Schools Act of 2004 (Dead)**
AB 1006 would have prohibited all public schools from using specified highly toxic pesticides on school property.
- AB 1107 Liu – Groundwater: Uniform Data Standards (Dead)**
AB 1107 would have required an interagency task force to be made up of SWRCB, the Department of Water Resources, DHS, the Department of Pesticide Regulation, DTSC, and the Department of Food and Agriculture to establish a comprehensive monitoring program to assess via sampling, each groundwater basin in the State.
- AB 1139 Lowenthal – Drugs and Medical Devices: Di(2-ethylhexyl)phthalate (DEHP) (Dead)**
AB 1139 would have prohibited any person, commencing January 1, 2005, from selling or otherwise distributing any drug or medical device containing Di(2-ethylhexyl)phthalate (DEHP), which is used for a high-risk medical procedure or in a high-risk group, as determined by the federal Food and Drug Administration, unless that drug or medical device was clearly labeled with the specified statement “ATTENTION: THIS PRODUCT CONTAINS PHTHALATES.”
- AB 1174 Leslie – Solid Waste: Sacramento Regional County Solid Waste Authority (Dead)**
AB 1174 would have enacted the Sacramento Regional County Solid Waste Authority Act which would have authorized that body to expend revenue derived from the fee imposed upon a commercial solid waste hauler and collected by the authority to be used only to oversee, manage, and enforce the authority’s non-exclusive commercial franchise system and to offset those reasonable and necessary regional costs.
- AB 1176 Campbell – Proposition 65: Enforcement (Dead)**
AB 1176 would have required the Attorney General to make the terms of a proposed settlement of an action brought in the interest of Proposition 65 publicly available.
- AB 1187 Leno – Local vehicle license fees: City and County of San Francisco (Dead)**
AB 1187 as introduced, addressed the redevelopment of the Hunters Point Shipyard; however the bill was gutted and amended to deal with local vehicle license fees in the City and County of San Francisco. As amended, this bill did not effect DTSC.
- AB 1209 Nakano – Public Agency Security: Confidential Information (ch. 8, stats. 2004)**
AB 1209 exempts from public disclosure a document prepared by or for a State or local agency which outlines an assessment of how vulnerable the State or local agency is to a terrorist attack.

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- AB 1233 Horton, Shirley – Highway Capacity Enhancement Demonstration Projects: Coordinated Environmental Review Process (Dead)**
AB 1233 would have required a coordinated environmental review process for three highway capacity enhancement demonstration projects identified by the Department of Transportation and selected by the California Transportation Commission.
- AB 1246 Aghazarian – Administrative Penalties: Analysis (Dead)**
AB 1246 would have required DTSC (or a local officer or agency) to provide, upon request of a hazardous waste facility operator, a copy of an analysis of any proposed administrative penalty in a meeting held with the operator of a hazardous waste facility regarding an inspection report. DTSC would also have been required to meet and confer with the hazardous waste operator, upon the request of the operator, regarding a penalty settlement before issuing any order or filing any judicial action that would have imposed an administrative or civil penalty.
- AB 1255 Levine – Mercury: Reports (Dead)**
AB 1255 would have required DTSC to expand an existing legislative report on the success of the removal of mercury-containing vehicle light switches.
- AB 1353 Matthews – Treated Wood Waste: Disposal (ch. 597, stats. 2004)**
AB 1353 replaced variances issued by DTSC in the 1980s and 1990s by conditionally exempting Treated Wood Waste (TWW) from the Hazardous Waste Control Law with statutory and regulatory provisions that are tailored to TWW risks and management practices and that will ensure that TWW is properly managed in a manner that is protective of public and worker health and safety and the environment. This bill also authorizes DTSC to develop alternative waste management standards for TWW and for the treated wood industry to conduct several educational materials/notices to make the public aware of the safe handling of TWW. This bill sunsets on January 1, 2013.
- AB 1367 Steinberg – Medi-Cal: HIV/AIDS Pharmacy Pilot Program (ch. 850, stats. 2004)**
AB 1367 as introduced would have required DTSC to adopt alternative hazardous waste management standards by regulation, for hazardous waste management activities that meet specified criteria. The bill also would have required DTSC to make specified findings and analysis, and to make that analysis available to the public, before adopting those regulations. This bill was later gutted and amended to require DHS to establish an HIV/AIDS Pharmacy Pilot Program therapy management services, as defined for people with HIV/AIDS to be effective January 1, 2005, for services rendered on or after September 1, 2004. As amended, the bill does not impact DTSC.
- AB 1369 Pavley – Mercury-Added Thermostats (ch. 626, stats. 2004)**
AB 1369 prohibits, effective January 1, 2006, the sale and distribution of thermostats that contain mercury, except for thermostats used for manufacturing or industrial purposes or by the visually impaired.
- AB 1380 Pacheco – Proposition 65: Enforcement (Dead)**
AB 1380 would have allowed the Attorney General or any district attorney, city attorney, or prosecutor in whose jurisdiction the violation of Proposition 65 is alleged to have occurred, to extend the time for review of the violation notice for up to 60 additional days.
- AB 1381 Firebaugh – Charter School Facilities Funding: Regulatory Approvals (Dead)**
AB 1381 would have required the State Allocation Board to adopt regulations establishing a streamlined process for obtaining prescribed regulatory approvals for projects relating to critically overcrowded schools. This bill would have required the State Allocation Board to establish a one-stop regulatory approval office that would bring together staff from all concerned regulatory agencies that are necessary to complete the entire school facility approval process.

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- AB 1500 Diaz – Petroleum Pollution Cleanup and Prevention Act of 2003 (Dead)**
AB 1500 would have enacted the Petroleum Pollution Cleanup and Prevention Act of 2003, which would have required the operator of every oil refinery to pay a \$1.00 fee for each barrel of crude oil refined in the State. The funds would have been used for specified remediation programs.
- AB 1514 Firebaugh – Environmental Protection (Dead)**
AB 1514 would have made technical, non-substantive changes in definitions of terms in laws dealing with brownfields.
- AB 1566 Benoit – School Facilities: Construction and Modernization (Dead)**
AB 1566 would have made several clarifying changes to provisions in the Leroy G. Greene School Facilities Act of 1998, which required the State Allocation Board to provide per-pupil funding, including hardship funding, for new school facilities construction and school facilities modernization to applicant school districts.
- AB 1607 Keene – Hazardous Substances: Illegal Methamphetamine Laboratories: Cleanup (Dead)**
AB 1607 would have required law enforcement, when it found a property where methamphetamine had been illegally manufactured, to contact the appropriate county health department. If the county department inspected the property and made a specified determination, that department would be required to identify the property owner and send him or her a certificate of nuisance.
- AB 1633 Levine – Building Standards (Dead)**
AB 1633 would have authorized the California Building Standards Commission to adopt specified building standards when it determined that uniform statewide standards were necessary to protect the public health and safety or were otherwise in the public interest.
- AB 1691 Montanez – Asbestos Waste (Dead)**
AB 1691 would have made technical and clarifying changes to the existing exemption for the disposal of waste containing asbestos at solid waste landfills as set by the DTSC and the RWQCB.
- AB 1699 Laird – Mercury: Fluorescent Lamps (Dead)**
AB 1699 would have enacted the Mercury Recycling Enhancement Act of 2004. This Act would have prohibited any person from disposing of a fluorescent lamp at a solid waste landfill starting January 1, 2005. The Act would require every retail purchaser of a fluorescent lamp, on or after July 1, 2005, to pay a point-of-sale recycling fee to be established by DTSC.
- AB 1701 Laird – State Lands: Acquisition (ch. 708, stats. 2004)**
AB 1701, as introduced, proposed to modify the definition of an “owner” as it relates to hazardous substance release sites but was later amended to deal with the acquisition of State lands. As amended, this bill does not effect DTSC.
- AB 1831 Bermudez – Homeland Security: Federal Funding (Dead)**
AB 1831 would have required the Governor’s Office of Homeland Security to adopt a plan for the funding of a statewide, integrated, interoperable public safety communication network.
- AB 1871 Nakano – State Budget (Dead)**
AB 1871 would have required the budget submitted by the Governor to the Legislature to include a summary of General Fund obligations to any special accounts and the dates the obligations are due.
- AB 1894 Longville – Seizure of Business Records (ch. 372, stats. 2004)**
AB 1894 provides a procedure for an entity whose business records have been seized by a government agency to demand that the agency provide copies of the business records or access to the original records so that the entity can make copies.
- AB 1933 Pacheco – Public Records (ch. 937, stats. 2004)**
AB 1933 provides that under the California Public Records Act any address information obtained
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pursuant to this law may not be used directly or indirectly, or furnished to another for business purposes. This bill provides that nothing in these provisions shall be construed to prohibit or limit a scholarly, journalistic, political, or governmental use of this address information.

- AB 1940 Chan – Hazardous Chemicals: Testing Methods (Dead)**
AB 1940 would have required each manufacturer of a high production volume chemical or a reportable chemical, as defined to provide Cal/EPA with test methods, including chemical biomarkers of exposure, the octanol water partition coefficient and the bioconcentration factor for that chemical.
- AB 1942 Lowenthal – Hazardous Waste Facilities Permits: Financial Assurances (Dead)**
AB 1942 would have authorized the owner or operator of a permitted hazardous waste facility to change the permit provisions pertaining to the facility's structures or equipment, if that change did not result in an increase in permitted capacity, utilizing the Class 1* permit modification procedures specified in the DTSC regulations, if DTSC determined that the change to the structure or equipment was necessary to comply with requirements or the request of a State or federal agency or an air quality management or air pollution control district; and the change would have decreased risks to human health and safety or the environment.
- AB 2021 Chu – Hazardous Waste: Toxics (ch. 445, stats. 2004)**
AB 2021 revises California's Toxics in Packaging Prevention Act (TPPA) (AB 455 ch. 679, stats. 2003) to modify the process by which a manufacturer or supplier can qualify a package for one of the existing exemptions from the toxic metal limitations specified in the TPPA. The bill also contains numerous non-substantive cleanup amendments to the TPPA.
- AB 2040 LaSuer – Vehicles: Hazardous Materials Endorsement (ch. 801, stats. 2004)**
AB 2040 provides the Department of Motor Vehicles with the necessary statutory authority to ensure California hazardous materials endorsements are issued and renewed in accordance with the USA PATRIOT Act.
- AB 2166 Hancock – Recycling: Compact Discs and Digital Versatile Discs (Dead)**
AB 2166 would have prohibited the distribution or mass mailing of compact discs (CDs) or digital versatile discs (DVDs) for commercial purposes to households that are assessed a solid waste fee, without the consent of a person in the household, unless the recipient is provided a postage paid return envelope or similar return mechanism that would allow the recipient to return the disc, and accompanying packaging to the sender.
- AB 2198 Liu – State Agencies: Reports: Electronic Format (Dead)**
AB 2198 would have provided that when a State agency was requested or required to submit a report, and the resolution or statute did not require that each specified recipient receive a physical copy of the report, then the State agency would have been required to submit the report in an electronic format and specify an Internet Web site where the report could be downloaded.
- AB 2251 Lowenthal – Hazardous Waste Facilities Permits: Financial Assurances (ch. 779, stats. 2004)**
AB 2251 revises the definition of the term "storage facility" by, among other things, revising the time periods and conditions under which a transfer facility that holds hazardous waste qualifies as a storage facility.
- AB 2254 Aghazarian – Used Oil Filters: Management (ch. 240, stats. 2004)**
AB 2254 codifies DTSC's regulations conditionally exempting drained used oil filters from hazardous waste requirements. The bill defines "used oil filter" to include any filter containing a residue of used oil, gasoline, or diesel fuel. (DTSC's regulations only apply to filters containing used oil residue.) This bill authorizes DTSC to adopt alternative waste management regulations for used oil filters.
- AB 2277 Dymally – Hazardous Waste (ch. 880, stats. 2004)**
AB 2277 expands the definition of materials that require special handling (MRS), and requires those materials to be removed from major appliances and vehicles before the appliance or vehicle is

processed in a manner that could result in the release, or prevent the removal of, the MRSH; prohibits MRSH from being disposed of in a solid waste landfill; prohibits, with limited exceptions, anyone other than a DTSC-certified appliance recycler (CAR) from removing MRSH from appliances and from transporting or selling discarded appliance to a scrap recycling facility; requires DTSC to adopt regulations to establish the appliance recycler certification process in accordance with minimum criteria specified in the bill; and requires CARs, when transporting or selling a discarded appliance to a scrap recycling facility, to provide specified information to the facility.

AB 2311 Jackson – Energy Efficiency: Sustainable building (Vetoed by the Governor)

AB 2311 would have provided that the State sustainable building goal was to site, design, demolish, construct, renovate, operate, and maintain State buildings that are models of energy, water, and materials efficiency, while providing healthy, productive, and comfortable indoor environments and long-term benefits to the State building occupants.

AB 2400 Keene – Controlled Substances: Unlawful Methamphetamine laboratories (Dead)

AB 2400 would have required DHS to: develop, by July 1, 2005, a form that would be recorded as a lis pendens and a form for a methamphetamine laboratory notice of lis pendens'; provide those forms without charge to county health offices and law enforcement agencies; and by January 1, 2006, to develop statewide cleanup standards for the remediation of methamphetamine labs.

AB 2408 Yee – Bilingual Services (Vetoed by the Governor)

AB 2408 would have required that the survey required by the Dymally-Alatorre Bilingual Services Act report to include additional information, and, if deficiencies in bilingual staffing were identified, would have required State agencies to fill public contact jobs with qualified bilingual staff, unless specifically exempted by the board.

AB 2465 Committee on Environmental Safety and Toxic Materials – Hazardous Materials: Release of Hazardous Materials: Transportation: Hazardous Waste (Dead)

AB 2465 would have required that as a condition of exemption from hazardous waste transporter registration requirements, that a conditionally exempt small quantity generator (CESQG) who is transporting hazardous waste to a household hazardous waste collection facility meet certain requirements, including that up to 27 gallons or 220 pounds, but not more than 100 kilograms, are transported per month, the hazardous waste is generated by that CESQG, the CESQG contracts with the household hazardous waste collection facility prior to delivery, and the hazardous waste is transported in a vehicle owned and operated by the CESQG. These provisions were instead incorporated into AB 3041.

AB 2482 Campbell – State Reports: Electronic Format (Dead)

AB 2482 would have provided that when a State agency is requested or required to submit a report, and existing law does not require that each specified recipient receive a physical copy of the report, then the State agency would be required to submit the report in an electronic format and specify an Internet Web site where the report could be downloaded.

AB 2485 Chan – Schools: Environmental and Endangerment Assessments (ch. 578, stats. 2004)

AB 2485 allows a school district to make a written request for information from any person, corporation, public utility, locally publicly owned utility or governmental agency to assess and determine the safety of a proposed school site or an addition to an existing school site. Entities or persons are required to respond to the request within 30 days.

AB 2570 Dutton – School Facilities: Hardship Assistance (Dead)

AB 2570 would have permitted a school district to receive financial assistance if it demonstrated that excessive costs would have been incurred in the protection of existing school facilities against natural disasters.

- AB 2582 Lieber – Tenancy – Hazardous Substances (Dead)**
AB 2582 would have required the landlord of a residential dwelling unit who has actual knowledge of potentially hazardous substances, materials, or products, as defined, present in, on, under, or above the property, to give written notice to the prospective tenant of these hazards prior to the execution of a rental agreement.
- AB 2587 Chan – Hazardous chemicals (ch. 641, stats. 2004)**
AB 2587 makes various technical amendments to legislation enacted last year (AB 302, ch. 205, stats. 2003) that bans the manufacture, processing, and distribution in commerce of products containing two forms of a class of flame retardants called polybrominated diphenyl ethers (PBDEs), namely pentaBDE and octaBDE. AB 2587 provides specific definitions for certain terms applicable to the ban; moves up the effective date of the ban from January 1, 2008, to June 1, 2006; and temporarily exempts from the ban specified foam products made from recycled foam
- AB 2633 Frommer – Grease: Solid Waste (Vetoed by the Governor)**
AB 2633 would have enacted the Interceptor Grease Transportation , Recycling, and Disposal Act of 2004 and would have required all grease removed from grease traps or interceptors to be transported by a grease waste hauler issued a transporter registration by the Department of Food and Agriculture.
- AB 2654 Matthews – Osteopaths (Dead)**
AB 2654, as introduced, would have made technical, non-substantive changes to school safety plans with regard to emergency plans for pesticides releases. The bill was later gutted and amended to deal with obsolete references to the Osteopathic Act, and it no longer affected DTSC.
- AB 2657 Nunez – Metal Plating Facilities (Vetoed by the Governor)**
AB 2657 would have directed CalEPA to establish and coordinate an interagency Metal Plating Task Force (Task Force) and direct CalEPA, in consultation with the Task Force, to conduct several actions associated with the regulation of the metal plating industry. Further, CalEPA would have been required to report its status to the Legislature by January 1, 2006. The bill would have established the Chromium Mutli-media Hazardous Waste Reduction Fund for the purposes of funding the Task Force and its programs.
- AB 2672 Simitian – Large Passenger Vessels: Sewage (ch. 764, stats. 2004)**
AB 2672 requires, until January 1, 2010, the SWRCB to determine whether it is necessary for the State to apply to the federal government for State authorization to prohibit the release of sewage, as defined, from large passenger vessels into the marine waters. If the SWRCB determines it is necessary, this bill requires that the SWRCB make that application to the federal government. If the application is approved or the SWRCB determines that the application is not required, the bill would prohibit, until January 1, 2010, the owner or operator of a large passenger vessel from releasing, or permitting anyone to release, any sewage from the vessel into the marine waters of the state, and would subject a person who violates that prohibition to a civil penalty, as specified.
- AB 2700 Plescia – State Agencies: Computers: Security (Dead)**
AB 2700 would have made findings about the risks to the security of State government computers and networks by use of peer-to-peer file sharing technology, as defined, and would have required each State agency, no later than July 1, 2005, to develop and implement a plan to protect the security and privacy of computers and networks posed by peer-to-peer file sharing.
- AB 2701 Runner – Environmental Protection: Reports (ch. 644, stats. 2004)**
AB 2701 establishes a process for converting reports and other documents that State agencies are required to develop and disseminate from paper to electronic means, require each State agency to review its required reports and identify which could be eliminated or modified, repeal unnecessary or obsolete Cal/EPA and BDO reports, and reduces the reporting frequency of selected reports.
- AB 2707 Cogdill – State Regulatory Fees: Counties: Notification (Dead)**
AB 2707 would have required State agencies, when imposing new regulatory fees or increasing

existing regulatory fees on counties, to notify the affected counties no later than June 30 of the calendar year in which the new or increased fees are imposed.

AB 2732 Dymally – Laundered Industrial Towels: Sale or Rental (Dead)

AB 2732 would have defined the term “laundered industrial towel” as a woven textile product that has been used for cleaning or wiping, or both, in commercial or industrial use and that has been processed through laundering, dry cleaning, or a comparable method of cleaning, and prohibited any person from selling or renting such a towel.

AB 2777 Lieber – Oil Spill Prevention and Response: Regulations: Tugboat Escorts: Hazardous Materials (Dead)

AB 2777 would have required the administrator for oil spill response programs to adopt regulations governing tugboat escorts for other vessels carrying hazardous materials that are entering, leaving, or navigating in the harbors of the State.

AB 2826 Canciamilla – Solid Waste: Landfills (Dead)

AB 2826 would have required a State agency that proposed to prohibit a substance from being disposed of at a solid waste landfill, as defined, to identify the infrastructure necessary to ensure that substance was treated in the safest manner possible.

AB 2856 Laird – State Mandates: Commission on State Mandates (ch. 890, stats. 2004)

AB 2856 revises the procedures for receiving and hearing claims at the Commission on State Mandates. This bill revises the definitions of terms related to the procedures and hearings conducted by the Commission on State Mandates, and defines additional terms. The bill abolishes the State Mandates Claim Fund and deletes the option of paying claims from this fund.

AB 2877 Aghazarian – Hazardous Waste: Regulation (ch. 175, stats. 2004)

AB 2877 authorizes DTSC to adopt alternative waste management standards for lead-based painted debris. This authority expires on January 1, 2008.

AB 2883 Diaz – Santa Clara Valley Water District (Vetoed by the Governor)

AB 2883 would have authorized the Santa Clara Valley Water District to expend funds to perform any investigation, monitoring, cleanup, containment, abatement, or remedial work necessary to evaluate, remove, contain, or remediate the release of a hazardous substance to surface water or groundwater within the district. This bill also prohibited the district from exercising this authority under certain circumstances.

AB 2901 Pavley – Solid Waste: Cell Phones: Recycling (ch. 891, stats. 2004)

AB 2901 enacts the Cell Phone Recycling Act of 2004, which defines a used cell phone as a discarded or disposed of cell phone that DTSC has determined is a hazardous waste, including cell phone rechargeable batteries and excluding cell phones wired to cars; requires retailers to have a system in place by July 1, 2006 for the acceptance and collection of used cell phones at no cost to the consumer; makes available specified consumer information on the DTSC website; and places restrictions on State agency procurement of cell phones.

AB 2902 Hancock – CEQA: Project Approvals (Dead)

AB 2902 would have prohibited a public agency from making a finding under CEQA, that alterations or changes have been made to a project to mitigate or avoid the project's significant effects on the environment unless the public agency holds a hearing to clarify that the mitigation is not the agency's responsibility and entered into good faith negotiations regarding mitigation 90 days before the finding was made

AB 2922 Laird – California Environmental Quality Act: Exemptions (ch. 684, stats. 2004)

AB 2922 prohibits the use of a master environmental impact report for projects that are proposed after the certification of that master environmental impact report.

- AB 2943 Pavley – Mercury-Containing Vaccines (ch. 837, stats., 2004)**
AB 2943, with certain exemptions, prohibits, on and after July 1, 2006, a person who is knowingly pregnant or who is under three years of age from being vaccinated with a mercury-containing vaccine or injected with a mercury-containing product that contains more than a specified amount of mercury.
- AB 2955 McCarthy – Underground Storage Tanks: Leakage Detection: Grants (ch. 649, stats. 2004)**
AB 2955 revises the performance standards, as enforced by the SWRCB, for specified underground storage tanks.
- AB 2969 LaMalfa – Hazardous Waste: Treatment: Silver (Dead)**
AB 2969 would have required a person treating silver, (e.g. dental amalgam), through encapsulation to ensure that the silver does not migrate into groundwater or volatilize into the air.
- AB 3004 Pavley – Road Safety Flares (Dead)**
AB 3004 would have, on and after January 1, 2008, prohibited the manufacture, processing, and distribution of a road safety flare that contained perchlorate.
- AB 3034 Yee – Environmental Quality: Biotechnology Industry (Vetoed by the Governor)**
AB 3034 would have required the Governor's Office of Planning and Research to prepare a specified analysis on the construction of biotechnology manufacturing plants by January 1, 2006.
- AB 3039 Committee on Environmental Safety and Toxic Material: Ocean Use Planning: California Coastal Act (Dead)**
AB 3039 would have deleted the provision requiring the Secretary of the Resources Agency to initiate a comprehensive, long range planning process for use of off-shore ocean waters.
- AB 3040 Committee on Environmental Safety and Toxic Material – Hazardous Substances: Oversight (Vetoed by the Governor)**
AB 3040 would have made clarifying, technical amendments to the provisions of AB 1700 (ch. 856, stats. 2003); and prevented a direct or indirect position within the DTSC and the SWRCB from being eliminated if that position provides oversight and related support of remediation or corrective action at a hazardous substance release site that is funded solely by a responsible party.
- AB 3041 Committee on Environmental Safety and Toxic Material – Hazardous Waste Transportation: Hazardous Waste Materials Handling (ch. 686, stats. 2004)**
AB 3041 requires that as a condition of exemption from hazardous waste transporter registration requirements, that a conditionally exempt small quantity generator (CESQG) who is transporting hazardous waste to a household hazardous waste collection facility meet certain requirements, including that up to 27 gallons or 220 pounds, but not more than 100 kilograms, are transported per month, the hazardous waste is generated by that CESQG, the CESQG contracts with the household hazardous waste collection facility prior to delivery, and the hazardous waste is transported in a vehicle owned and operated by the CESQG.
- AB 3049 Committee on Transportation – Motor Vehicles: Commercial (ch. 952, stats. 2004)**
AB 3049 prohibits a commercial hauler, or the hauler's employer, for failing or refusing to comply with a lawful out-of-service order issued by the United States Secretary of the Department of Transportation and would impose civil penalties upon the driver or the driver's employer.
- AB 3069 Committee on Revenue and Taxation – Public Contracts (Dead)**
AB 3069 would have enacted the "California First Procurement Act" to express the intent of the Legislature that California-based business bidders have precedence over non-California based business bidders under specified circumstances.
- AB 3082 Committee on Judiciary – Maintenance of the Codes (ch. 183, stats. 2004)**
AB 3082 makes technical, non substantive changes in various provisions of the law to effectuate the recommendations made by the Legislative Counsel to the Legislature.

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- AB 3090 Horton, Jerome – CEQA: Ballot Initiatives (Vetoed by the Governor)**
AB 3090 would have required, on or before July 1, 2006, an agency or office to recommend proposed changes, and the Resources Agency Secretary to certify and adopt revisions, to the CEQA guidelines, to reflect the California Supreme Court's holding in *Friends of Sierra Madre v. City of Sierra Madre* (2001) 25 Cal. 4th 165.
- ABX1 6 Oropeza – Reductions in the Budget Act of 2002 Relating to State and Local Governments (Dead)**
ABX1 6 would have amended the Budget Act of 2002 by revising various items of appropriations, as specified, and authorizing the Director of Finance to revert additional amounts from specified funds to the General Fund.
- ABX5 1 Haynes – State Agency Fiscal Report (Dead)**
ABX5 1 would have required every State agency to prepare a report to the specified legislative fiscal committees on the financial activities of that agency for the 1998-1999, 1999-2000, 2000-2001, 2001-2002, and 2002-2003 fiscal years no later than January 15, 2004, and for each subsequent year by January 15 of the following year.
- ACAX5 1 Canciamilla – State Finance (Dead)**
ACAX5 1 would have, for the 2005-06 fiscal year and subsequent fiscal years, prohibited the budget bill and other bills as passed by the Legislature for appropriating for a fiscal year more than an unspecified amount based on estimated General Fund revenues for that fiscal year. ACAX5 1 would also have prohibited appropriations in excess of estimated General Fund revenues and would provide that an appropriation made in violation of that provision would be null and void.
- ACAX5 2 Campbell – State Expenditures (Dead)**
ACAX5 2 would have prohibited the Legislature from sending to the Governor, and the Governor from signing, a Budget Bill for which appropriations from the General Fund combined with all other General Fund appropriations to date for that fiscal year, exceed estimated General Fund revenues, unless there are sufficient unencumbered prior year funds available.
- ACR 201 Pavley – California Earth Day 2004 (ch. 35, stats. 2004)**
ACR 201 declares April 22, 2004 "California Earth Day" and reaffirms the Legislature's commitment to the fundamental principles of environmental laws, while encouraging the state's residents to promote the goals of Earth Day 2004.

SENATE BILLS

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- SB 9 McClintock – State Employees’ Retirement: State Safety Membership (Dead)**
SB 9 would have created the Bureaucracy Realignment and Closure Act of 2004, but was later amended to deal with safety retirement for specified State employees. As amended SB 9 did not impact DTSC.
- SB 13 Romero – Radiation Safety Act of 2003 (Dead)**
SB 13 would have prohibited the disposal of most discarded radioactive material (radioactive waste) at hazardous waste disposal facilities. Disposal of technically enhanced naturally occurring radioactive material (“TENORM”) would not have been prohibited at hazardous waste landfills. The bill would have authorized DTSC, in consultation with the CIWMB and DHS, to adopt regulations and establish permit conditions to enforce the disposal prohibition and regulate the disposal of TENORM at hazardous waste disposal facilities.
- SB 18 Burton – Traditional Tribal Cultural Places (ch. 905, stats. 2004)**
SB 18 includes a federally recognized California Native American tribe or a nonfederally recognized California Native American tribe that is on the contact list maintained by the Native American Heritage Commission, among those entities and organizations that may acquire and hold local conservation easements, as specified.
- SB 47 Ackerman – Sales, Use, Income, and Corporation Taxes: Manufacturer’s Investment (Dead)**
SB 47 would have provided, effective January 1, 2004, an exemption from those taxes for the gross receipts for the sale of, and the storage, use, or other consumption of, tangible personal property, purchased for use in manufacturing, processing, refining, fabricating, or recycling of property.
- SB 50 Sher – Solid Waste: Hazardous Electronic Waste: Solid Waste Disposal Fees (ch. 863, stats. 2004)**
SB 50 makes a number of clarifying changes to the Electronic Waste Recycling Act (Act) (Ch. 526, Stats. 2003). Most significantly, the bill delays the date from November 1, 2004 to January 1, 2005, for electronic device retailers to begin collecting the Electronic Waste Recycling Fee (Fee) from consumers; requires the Board of Equalization to collect the fee from retailers; and continuously appropriates the money in the Electronic Waste Recovery and Recycling Account to pay refunds, make electronic waste recovery and recycling payments, and payments to manufacturers who take back covered electronic waste from a consumer in this State.
- SB 55 Ackerman – State-Mandated Local Programs (Dead)**
SB 55 would have specified that from January 1, 2004, through December 31, 2005, with specified exceptions, no new State-mandated local program would become operative unless approved by a 2/3 vote of the Legislature, and State-mandated local program enacted prior to January 1, 2004, would have been suspended unless re-enacted by a 2/3 vote of the Legislature.
- SB 111 Knight – State Reporting Requirements (ch. 193, stats. 2004)**
SB 111 deletes several reporting requirements for obsolete reports that are due to the Legislature and the Governor. SB 111 also repeals several provisions that establish various pilot and demonstration projects.
- SB 150 Brulte – Budget: Department of Finance (Dead)**
SB 150 would have allowed the Department of Finance to revise, alter, or amend the budget before or after it was enacted if, in its opinion, revision, alteration, or amendment was in the interest of the State.
- SB 201 Romero – Radioactive Materials: Transfer of Authority (Dead)**
SB 201 would have transferred DHS’ responsibilities for regulating radioactive materials and waste to DTSC and required that sites contaminated by radioactivity in California be cleaned up to meet USEPA standards.
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- SB 202 Romero – Wood Waste: Preservatives (Dead)**
SB 202 would have banned the use of chromated copper arsenate (CCA) and penta to treat wood products and banned the manufacture of wood products treated with CCA and penta on or after January 1, 2005, except as specified.
- SB 203 Romero – Personal Income Taxes and Bank and Corporation Taxes: Brownfield Cleanup Credit (Dead)**
SB 203 would have authorized a tax credit for a qualified brownfield property owner for each year from January 1, 2003 through December 31, 2012, for an unspecified percent of the costs paid or incurred to clean up a contaminated property.
- SB 208 Kuehl – Radiation: Contamination (Dead)**
SB 208 would have established prescriptive monitoring requirements for the identification of radioactive contamination on all parcels of land that compromise the Santa Susana Field Laboratory site in Ventura County. This bill also would have imposed land use and disposal restrictions at that site.
- SB 415 Kuehl – Real Property: Radioactive Contamination: Disclosure (Dead)**
SB 415 would have required a person who transfers, sells, or leases radioactive contaminated property, as defined, to provide the transferee with a specified written disclosure statement prior to the transfer that would describe the increased risk of cancer to which occupants of the property are expected to be exposed. This bill would have required that specified documents available from the US EPA be used to establish the level of radioactive contamination on the property, and that the risk estimate be specific to the parcel being transferred and not averaged over the entire radioactive contaminated property.
- SB 429 Torlakson – Energy Resources: Petroleum Infrastructure Projects: Permits: Process (Dead)**
SB 429 would have required the Governor to designate, until January 1, 2007, a statewide petroleum infrastructure facilitator in the State Energy Resources Conservation and Development Commission to investigate rulemaking, permitting, and other proceedings by public agencies that affect petroleum infrastructure projects in the State and to suggest best permitting practices.
- SB 431 Ortiz – Bioterrorism preparedness (ch. 462, stats. 2004)**
SB 431 appropriates \$2.3 million from the Federal Trust Fund to DHS to implement specified bioterrorism preparedness measures.
- SB 466 Escutia – Permissive Joinder (Dead)**
SB 466 would have stated the intent of the Legislature to examine the law of permissive joinder to determine whether the law has been misused and to make any necessary changes.
- SB 483 Aanestad – Private Property: Trespass (Dead)**
SB 483 would have declared the intent to enact legislation that would require State agencies that have adopted policies regarding trespassing, privacy, and notification to the public, to incorporate safeguards that ensure respect for residents and private property and would subject state agencies to the appropriate legal ramifications when staff from that agency trespasses on private property.
- SB 493 Cedillo – Hazardous Substances: Cleanup Loans (Dead)**
SB 493 would have transferred \$25 million from the funds now deposited in the Toxic Cleanup Substance Control Account to DTSC's Cleanup Loans and Environmental Assistance to Neighborhoods Account in the General fund.
- SB 511 Figueroa – Mercury Lamp Recycling (Dead)**
SB 511 would have enacted the California Mercury Lamp Recycling Act of 2004, which would have required every manufacturer of a mercury-containing fluorescent lamp sold in the State to submit a
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plan to DTSC to ensure that by January 1, 2006, all mercury-containing lamps sold by the manufacturer in the State would be collected, transported, and recycled or disposed of in accordance with all applicable State laws.

- SB 531 Romero – Solid Waste Disposal: Integrated Waste management (Dead)**
SB 531 would have allowed a city, county, city and county, or CUPA to inspect solid waste landfills within its jurisdiction without specified notice.
- SB 532 Romero – Environmental Quality: Cumulative Effects (Dead)**
SB 532 would have amended CEQA to require an EIR to specify the significant cumulative effects a project would have on the environment and include a determination of whether or not there is a reasonable possibility that the project or its cumulative effects would pose a significant risk to public health exposure to one or more hazardous or toxic substances. If so, the bill would have required a risk assessment.
- SB 537 Romero – Solid Waste: Management: Los Angeles County Sanitation Districts (Dead)**
SB 537 would have prohibited the siting of a new materials recovery facility, designed to receive greater than 4,000 tons per day within Los Angeles County prior to 2015. This bill also would have required the board of directors of each sanitation district in Los Angeles County to adopt a final annual budget with prescribed categories and would require the board to deposit at least \$15 million annually into the district's Air Pollution Mitigation Fund established by this bill for expenditure on prescribed projects upon agreement by the South Coast Air Quality Control Board.
- SB 543 Machado – Water Rights: Groundwater Cleanup Operations (Dead)**
SB 543 would have allowed water produced from groundwater cleanup activities to be re-used under specified circumstances, transferred, assigned, or conveyed for beneficial use by the operator of that operation only if a written agreement for the allocation of the treated water had been entered into between the operator and every injured public water system that has given notice to the operator of its claim that is an injured public water system, as defined.
- SB 559 Ortiz – Hazardous Substances: Brownfield Cleanup and Redevelopment Act (Vetoed by the Governor)**
SB 559 would have established a pilot program within CalEPA, DTSC, SWRCB, and the Regional Boards to coordinate the brownfield remediation efforts of local governments. The program, to have been implemented with the enactment of a new Chapter within the Health and Safety Code, would have been limited to 30 projects and contained a January 1, 2009 sunset.
- SB 568 Sher – Environmental Protection: External Scientific Peer Reviewers (Vetoed by the Governor)**
SB 568 would have prohibited any person with a financial interest in a project that was related to the subject matter of an external scientific peer review from serving as a peer reviewer for any such review initiated on or after January 1, 2004.
- SB 571 Alarcon – Civil Actions: Environment: Private Individuals (Dead)**
SB 571 would have authorized a person, for the protection or restoration of public health, environment, or natural resources, to bring a civil action against businesses or individuals in violation of environmental laws. This bill would have furnished individuals with the similar authority to that which is currently held by the Attorney General.
- SB 647 Sher – Environmental Quality (ch. 525, stats. 2004)**
CEQA requires a lead agency, as defined, to prepare, or cause to be prepared by contract, and certify the completion of, an EIR on any project that it proposes to carry out or approve that may have a significant effect on the environment. CEQA requires that, when preparing and certifying an environmental impact report for a military base or reservation, as defined, the determination of whether the reuse plan may have a significant effect on the environment may be made in the context of the physical conditions that were present at the time that the federal decision became final for the

closure or realignment of the base or reservation. This bill deletes those obsolete cross-references and makes other conforming changes.

- SB 678 Ortiz – Bioterrorism Preparedness: Federal Funding (ch. 35, stats. 2004)**
SB 678 revises provisions relating to the allocation and expenditure of federal bioterrorism preparedness funds. SB 678 will appropriate \$18,145,889 from the Federal Trust Fund to DHS to be used for hospital bioterrorism preparedness in accordance with federal guidelines and existing law.
- SB 689 Ortiz – Healthy Californians Biomonitoring Project (Dead)**
SB 689 would have established the Health Californians Biomonitoring Project, which would have required DHS, in consultation with an advisory committee that would have included DTSC, to develop a biomonitoring pilot program, beginning with a pilot using breast milk as a marker of community health in a minimum of three economically, racially, and geographically diverse communities throughout the State.
- SB 805 Escuita – Hazardous Substances: Brownfields (ch. 717, stats. 2004)**
SB 805 expands the application of the California Land Environmental Restoration and Reuse Act to real property larger than five acres that is under single ownership if the property is an urbanized site, as defined, and meets specified requirements regarding the use of adjacent parcels or the previous development of the site.
- SB 858 Ortiz – State Department of Public Health (Dead)**
SB 858 would have enacted the California Public Health Act of 2004, which would have established State Department of Public Health, to be headed by the State Health Officer appointed by the Governor. This bill would have transferred the responsibility for certain programs from DHS to the State Department of Public Health, and would have made conforming changes.
- SB 922 Soto – Perchlorate: Information (ch. 508, stats. 2004)**
SB 922 revises the definition of “perchlorate” and makes a technical, non-substantive correction to the provision of existing law that defines “perchlorate storage facility.”
- SB 926 Knight – Economic Development (ch. 907, stats. 2004)**
SB 926 repeals the provisions establishing and governing the California Defense Retention and Conversion Council in the Department of Housing and Community Development and instead, until January 1, 2007, establish the Office of Military and Aerospace Support within the Business, Transportation and Housing Agency. The bill set forth the duties and authority with respect to State and local defense retention and conversion. This bill sunsets January 1, 2007.
- SB 942 Sher – Hazardous Waste: Report (Dead)**
SB 942 would have required DTSC to include in its bi-annual report to the Legislature the total estimated volume of water containing hazardous waste that is discharged into publicly owned treatment works, as specified.
- SB 945 Sher – Environmental Quality: Guidelines (ch. 689, stats. 2004)**
SB 945 This bill consolidates, and repeals obsolete, provisions of CEQA relating to CEQA guidelines; updates terminology in CEQA regarding hazardous substances; corrects cross-references; and makes other technical amendments.
- SB 983 Alarcon – Solid Waste: Siting Elements: Environmental Justice (Dead)**
SB 983 would have made a non-substantive change to the provisions in the California Integrated Waste Management Act of 1989.
- SB 985 McClintock – State Budget: Zero-Based and Performance-Based Budgeting (Dead)**
SB 985 would have required that the budget submitted by the Governor to the Legislature for the 2003-2004 fiscal year, and each following year, be developed using the zero-based budgeting process.

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- SB 988 McPherson – Hazardous Waste: Study (Dead)**
SB 988 would have repealed an existing provision of law which required DTSC to conduct a study and make recommendations to the Legislature on the establishment of a comprehensive program for achieving reductions in hazardous waste generation.
- SB 996 Alarcon – Socially Responsible Business (Dead)**
SB 996 would have qualified a business as a “California transparent enterprise” if it made certain information publicly available, including environmental, health, safety, community development, and diversity information, and provides certain information and filing fees to the Secretary of State. This bill also would have qualified a business as a “California socially responsible business” if it met certain requirements, including satisfying specified employment, environmental, community involvement, and financial practices, and provided documents and filing fees to the Secretary of State.
- SB 1107 Committee on Budget and Fiscal Review: Resources (ch. 230, stats. 2004)**
SB 1107 in part, directs that in fiscal year 2004/05, the Secretary Cal/EPA consolidate, to the extent that will achieve actual budget savings, the number of accounts and funds in the Treasury that are for the support of programs administered by the BDOs within Cal/EPA. It also directs the Secretary to consolidate specified functions that are common among the BDOs. The functions specified in the bill are information technology, fee collection, office supply procurement, and various generic human resources functions.
- SB 1168 Ortiz – Healthy Californians Biomonitoring Program (Dead)**
SB 1168 would have required the Division of Environmental and Occupational Disease Control within DHS, to establish the Healthy Californians Biomonitoring Program to identify toxic chemicals that are present in the bodies of Californians and would have required the division to initiate plans to minimize human exposure to contaminants. This bill also would have required a phased implementation of the identified and listed chemicals, and would have authorized OEHHA within the CalEPA to adopt regulations.
- SB 1180 Figueroa – Mercury Lamp Recycling (Dead)**
SB 1180 would have enacted the California Mercury Containing Lamp Recycling Act of 2004 to require manufacturers and distributors, as specified, who sell mercury containing lamps in this State to pay a mercury containing lamp recycling fee for each lamp to DTSC. SB 1180 would have required each manufacturer and each distributor to calculate the number of mercury containing lamps that the manufacturer or distributor sells quarterly in the state and to transmit the fee revenues to DTSC on or before the last day of the month following each quarter.
- SB 1194 Denham – California Environmental Quality Act: Environmental Impact Reports: Guidelines (Dead)**
SB 1194 would have made a technical, non-substantive change in the provisions of CEQA relating to the list of classes of projects that are required to be included in the CEQA guidelines.
- SB 1224 Ortiz – Hazardous Waste: School Facilities (Dead)**
SB 1224 would have required school districts, as a condition of receiving State funds for deferred maintenance projects, to incorporate the investigation, mitigation, and removal of hazardous materials into their deferred maintenance process; authorized DTSC to oversee those activities; and allow school districts to use deferred maintenance funds for the purposes of conducting such activities. The bill would have established several new requirements for school districts, cities and counties with regards to the acquisition of new school sites and approval of certain projects near existing or proposed school sites.
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- SB 1314 Ortiz – Criminal History: Information (ch. 184, stats. 2004)**
SB 1314 authorizes State and local government officials to transmit fingerprint images and related information, upon showing a compelling need, to the Department of Justice for subsequent submittal to the Federal Bureau of Investigation for their review.
- SB 1362 Figueroa – Solid Waste: Household Hypodermic Needles, Syringes, and Lancets: Disposal (ch. 157, stats. 200)**
SB 1362 requires the hazardous waste element within a local integrated waste management plan to include a program for the safe collection, treatment, and disposal of sharps waste that are generated by households.
- SB 1435 Perata – Oakland Army Base Public Trust Exchange Act (Vetoed by the Governor)**
SB 1435 would have enacted the Oakland Army Base Public Trust Exchange Act , and would have authorized an exchange of public trust lands within the Oakland Army Base redevelopment property so that both public and private interests could best be served.
- SB 1446 Escutia – Environmental Health Data Tracking (Dead)**
SB 1446 would have required, pursuant to an interagency agreement between DHS, Cal/EPA, and the University of California, the establishment of the Interagency Office of Environmental Health Tracking within DHS for the purpose of implementing the California Health Tracking Program.
- SB 1462 Kuehl – Military Readiness Activities: Special Use Airspace (ch. 906, stats. 2004)**
SB 1462 includes among entities described in the Planning and Zoning Law, the branches of the United States Armed Forces when a proposed project lies within 1,000 feet of a military installation, within special use airspace, or beneath a low-level flight path and requires the Governor, on or before January 1, 2005, to develop processes to resolve conflicts between the military, a local or State agency, and a project applicant when the proposed project may have the potential to affect military readiness activities.
- SB 1480 Sher – Harbors and Navigation: Tugboat Escorts (Vetoed by the Governor)**
SB 1480 would have required the administrator for oil spill response to establish harbor safety committees for specified harbors of the State. This bill also would have authorized the administrator of oil spill response, in consultation with those harbor safety committees, to adopt regulations governing tugboat escorts for other vessels that are entering, leaving, or navigating in the harbors of the State carrying hazardous materials in sufficient quantity that a release of the hazardous material would pose a risk to public health, safety or the environment.
- SB 1486 Hollingsworth – California Environmental Quality Act: Overpass Exemption (Dead)**
SB 1486 would have exempted from CEQA, an overpass built within an easement or right-of-way that was controlled by a State or local transportation agency, or a city, county, or city and county.
- SB 1505 McClintock - Administrative Procedure Act: Small Business (Dead)**
SB 1505 would have created the California Small Business Regulatory Flexibility Act of 2004 by making revisions to the Administrative Procedure Act that would have required the preparation of a small business impact report; authorized small business organizations and trade associations to seek judicial review of or an order of repeal of a regulation; empowered the Small Business Advocate to initiate the review of a regulation; and expanded the definition of "small business" for purposes of the Act to include business with 100 employees or less .
- SB 1570 Bowen – Controlled Substances: Removal Actions (Dead)**
SB 1570 would have required DTSC, on or before January 1, 2006, to adopt regulations, in consultation with OEHHA, to provide State and local agencies with standards and procedures for taking a remedial action at a methamphetamine lab, including providing for a level of cleanup that would protect the health and safety of any future occupants of that site.
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- SB 1587 Ashburn – State Agencies (Dead)**
SB 1587 would have required, upon appropriation of funds for that purpose, DGS to establish a Web site to provide potential business owners with business start up information.
- SB 1597 Karnette – State Agencies: Statutes and Regulations (Dead)**
SB 1597 would have required specified State agencies to prepare an analysis for submittal to the Senate and Assembly Committee on Rules, on the implementation of, statutes and regulations applicable to each specified agency enacted or adopted between January 6, 1999 and December 31, 1999.
- SB 1636 Battin – Oil Refineries: Exemptions for Clean Air and Clean Water Requirements (Dead)**
SB 1636 would have, notwithstanding existing provisions, and to the extent permitted by federal law, exempted any proposal by an oil refinery to upgrade the physical characteristics of the refinery from all air pollution control requirements under specified conditions. This bill also would have limited that exemption if the project was to increase refining capacity to only apply if the increase in refining capacity would result in the emission of the same or lesser amount of pollutants than the maximum amount that would otherwise be allowed prior to the upgrade.
- SB 1638 Romero – The State Budget: Services Contracts (Dead)**
SB 1638 would have required the Governor to submit as part of the State budget specified information for all current and proposed service contracts and to require that information be posted on the California web site.
- SB 1667 Aanestad – Legislation: Taxes and Fees: Vote Requirement (Dead)**
SB 1667 would have codified the 2/3 vote requirement that applies to the passage of State taxes, as defined, and would apply a corresponding 2/3 vote requirement to statutes imposing increasing, or extending a State fee, as defined.
- SB 1690 Poochigian – Hazardous Materials Liability: Lenders: Water Districts (Dead)**
SB 1690 would have revised the definition of “lender” to also include a water district for the purposes of exempting them from certain liabilities.
- SB 1703 Alarcon – California Certified Green Business Program (Vetoed by the Governor)**
SB 1703 would have established a voluntary California certified green business program to certify businesses that engage in environmentally beneficial operations. This bill would have authorized a county or city, or its designated agent, to institute a California certified green business program by notifying the California State University, Hayward’s Environmental Finance Center, designating a green business coordinator, and implementing the program in accordance with specified guidelines.
- SB 1705 Denham – Environmental Quality: Local Agencies (Dead)**
SB 1705 would have authorized that when an EIR is certified by a local lead agency’s decision making body, which is not elected, that certification may be appealed to the agency’s elected decision making body.
- SB 1728 Aanestad – Private Property: State Agency Access (Dead)**
SB 1728 would have prohibited the Department of Fish and Game and the Department of Water Resources from entering private property without the consent of the property owner and pursuant to specified notification requirements. This bill would also have further required either department, when entering upon private property, comply with any reasonable condition of entry that the property owner establishes.
- SB 1758 Battin – State Property: Inventory (Dead)**
SB 1758 would have required State agencies and the University of California to report by March 1, 2005 their real property inventory in their possession or control valued at \$5,000 or more.
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- SB 1813 Perata – Automobile Dismantlers: Definition (Dead)**
SB 1813 would have made technical, non-substantive changes to existing law removing certain persons, entities, and activities from the definition of automobile dismantler.
- SB 1828 Alarcon – Socially Responsible Business (Dead)**
SB 1828 would have declared the intent of the Legislature to create two categories of business, the “California transparent enterprise” and the “California socially responsible enterprise” to encourage businesses to become socially responsible.
- SB 1873 Burton – Treasure Island Public Trust Exchange Act (ch. 543, stats. 2004)**
SB 1873 enacts the Treasure Island Public Trust Exchange Act for the purposes of authorizing an exchange of public lands no longer useful for trust properties at Treasure Island for other lands of greater public value for inclusion in a public trust located on Yerba Buena Island.
- SB 1882 Committee on Revenue and Taxation: Collection of Taxes and Fees (Dead)**
SB 1882 would have deleted obsolete cross references and made conforming and clarifying changes to the laws governing the collection methods, penalty relief, and notices of determination made by the BOE.
- SB 1884 Committee on environmental Quality: Solid Waste: Definitions: Diversion: Penalties (Dead)**
SB 1884 would have made a correction in the specified definition of “compost” as it relates to the management of solid waste.
- SB 1885 Sher – Regional Park District: County of San Mateo (Dead)**
SB 1885 would have permitted the formation of a regional park district in San Mateo County to be initiated by resolution of the county board of supervisors, and adopted by the voters.
- SB 1887 Sher – Hazardous Substances: Removal or Remedial Actions: Site Assessment Grant Program (Dead)**
SB 1887 would have authorized DTSC, to the extent that funding was provided for by the Legislature, federal grant funds and from other sources, to establish and implement a site assessment grant program to fund DTSC’s response action plans.
- SB 1889 Senate Committee on Environmental Quality - Environmental Protection: Actions Against a Public Agency (ch. 744, stats. 2004)**
SB 1889 defines “trustee agency” for the purposes of CEQA, as a State agency that has jurisdiction and would be affected by a CEQA project over natural resources that are held in trust for the people of the State of California.
- SB 1890 Committee on Environmental Quality – Integrated Waste Management Board: Reporting Requirement (Dead)**
SB 1890 would have required CIWMB, in consultation with the Department of Conservation and DTSC, to prepare and submit to the Legislature on or before December 1, 2005, a report that identifies the duplication or overlap of programs administered and funded by those agencies.
- SB 1892 Burton – Personal Services Contracts (Vetoed by the Governor)**
SB 1892 would have required certain types of contracts to contain a provision stating that, in the event the State Personnel Board determines that the contract is not in compliance with the requirements that apply to personal services contracts, the contract will be terminated and the contractor will be liable for a penalty

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AB 25	Nunez	State Agencies: Identification Cards	Dead
AB 79	Dutra	Written Reports: Preparation	Statutes of 2004, Chapter 409
AB 318	Haynes	State Agency Fiscal Reports	Dead
AB 689	Horton	State Regulatory Agencies: Audits	Dead
AB 753	Leslie	State Agencies: Alternative Work Schedule: Study	Dead
AB 873	Richman	Regulations: Impact on Business	Dead
AB 1871	Nakano	State Budget	Dead
AB 2198	Liu	State Agencies: Reports: Electronic Format	Dead
AB 2311	Jackson	Energy Efficiency: Sustainable Building	Vetoed
AB 2408	Yee	Bilingual Services	Vetoed
AB 2482	Campbell	State Reports: Electronic Format	Dead
AB 2700	Plescia	State Agencies: Computers: Security	Dead
AB 2701	Runner	Environmental Protection: Reports	Statutes of 2004, Chapter 644
AB 2856	Laird	State Mandates: Commission on State Mandates	Statutes of 2004, Chapter 890
AB 3069	ACRT	Public Contracts	Dead
ABX1 2	Bogh	Public Employees: Compensation	Dead
ABX5 1	Haynes	State Agency Fiscal Reports	Dead
ACAX5 1	Canciamilla	State Finance	Dead
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SB 111	Knight	State Reporting Requirements	Statutes of 2004, Chapter 193
SB 150	Brulte	Budget: Department of Finance	Dead
SB 926	Knight	Economic Development	Statutes of 2004, Chapter 907
SB 985	McClintock	State Budget: Zero-Based and Performance Based Budgeting	Dead
SB 1505	McClintock	Administrative Procedure Act: Small Business	Dead
SB 1587	Ashburn	State Agencies	Dead
SB 1597	Karnette	State Agencies: Statutes and Regulations	Dead
SB 1638	Romero	The State Budget: Services Contracts	Dead
SB 1758	Battin	State Property: Inventory	Dead
SB 1892	Burton	Personal Services Contracts	Vetoed

Air Quality:

SB 537	Romero	Solid Waste: Management: Los Angeles County Sanitation Districts	Dead
SB 1636	Battin	Oil Refineries: Exemptions for Clean Air And Clean Water Requirements	Dead

Antiterrorism:

AB 575	Dutra	Motor Carriers: Transporting Hazardous Materials and Substances	Dead
AB 1209	Nakano	Public Agency Security: Confidential Information	Statutes of 2004, Chapter 8
AB 1831	Bermudez	Homeland Security: Federal Funding	Dead
AB 2040	LaSuer	Vehicles: Hazardous Materials Endorsement	Statutes of 2004, Chapter 801
SB 431	Ortiz	Bioterrorism Preparedness	Statutes of 2004, Chapter 462
SB 678	Ortiz	Bioterrorism Preparedness: Federal Funding	Statutes of 2004, Chapter 35
SB 1314	Ortiz	Criminal History: Information	Statutes of 2004, Chapter 184
SB 1462	Kuehl	Military Readiness Activities: Special Use Airspace	Statutes of 2004, Chapter 906

Brownfields:

AB 389	Montanez	Hazardous Materials: Brownfields	Statutes of 2004, Chapter 705
AB 1514	Firebaugh	Environmental Protection	Dead
SB 493	Cedillo	Hazardous Substances: Cleanup Loans	Dead
SB 543	Machado	Water rights: Groundwater Cleanup Operations	Dead
SB 559	Ortiz	Hazardous Substances: Brownfield Cleanup And Redevelopment Act	Vetoed
SB 805	Escutia	Hazardous Substances: Brownfields	Statutes of 2004, Chapter 717

Building Standards:

AB 1633	Levine	Building Standards	Dead
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Business:

SB 996	Alarcon	Socially Responsible Business	Dead
SB 1703	Alarcon	California Certified Green Business Program	Vetoed
SB 1813	Perata	Automobile Dismantlers: Definition	Dead
SB 1828	Alarcon	Socially Responsible Business	Dead

CalEPA:

AB 2701	Runner	Environmental Protection: Reports	Statutes of 2004, Chapter 644
ACR 201	Pavley	California Earth Day 2004	Statutes of 2004, Chapter 35
SB 1107	SCBFR	Resources	Statutes of 2004, Chapter 230

CEQA:

AB 406	Jackson	Environmental Quality	Dead
AB 1233	Horton, Shirley	Highway Capacity Enhancement Demonstration Projects: Coordinated Environmental Review Process	Dead
AB 2902	Hancock	CEQA: Project Approvals	Dead
AB 2922	Laird	California Environmental Quality Act: Exemptions	Statutes of 2004, Chapter 684
AB 3090	Horton, Jerome	CEQA: Ballot Initiatives	Vetoed
SB 18	Burton	Traditional Tribal Cultural Places	Statutes of 2004, Chapter 905
SB 532	Romero	Environmental Quality: Cumulative Effects	Dead
SB 647	Sher	Environmental Quality	Statutes of 2004, Chapter 525
SB 945	Sher	Environmental Quality: Guidelines	Statutes of 2004, Chapter 689
SB 1194	Denham	CEQA: Environmental Impact Reports: Guidelines	Dead
SB 1486	Hollingsworth	CEQA: Overpass Exemption	Dead
SB 1705	Denham	Environmental Quality: Local Agencies	Dead
SB 1889	SCEQ	Environmental Protection: Actions Against a Public Agency	Statutes of 2004, Chapter 744

Clandestine Drug Labs:

AB 1607	Keene	Hazardous Substances: Illegal Methamphetamine Laboratories: Cleanup	Dead
AB 2400	Keene	Controlled Substances: Unlawful Methamphetamine Laboratories	Dead
SB 1570	Bowen	Controlled Substances: Removal Actions	Dead
SB 1887	Sher	Hazardous Substances: Removal or Remedial Actions: Site Assessment Grant Program	Dead

Cruise Ship Waste:

AB 2672 Simitian Large Passenger Vessels: Sewage Statutes of 2004, Chapter 764

Electronic Waste:

AB 901 Jackson Solid Waste: Hazardous Electronic Waste Statutes of 2004, Chapter 84
AB 2901 Pavley Solid Waste: Cell Phones: Recycling Statutes of 2004, Chapter 891
SB 50 Sher Solid Waste: Hazardous Electronic Waste: Statutes of 2004, Chapter 863
Solid Waste Disposal Fees

Energy Resources:

SB 429 Torlakson Energy Resources: Petroleum Infrastructure
Projects: Permits: Process Dead

Enforcement:

AB 1176 Campbell Proposition 65: Enforcement Dead
AB 1380 Pacheco Proposition 65: Enforcement Dead

Environmental Education:

AB 907 Pavley Environmental Education: Content Standards Dead

Environmental Justice:

AB 392 Montanez Environmental Justice and Community-Based
Transportation Planning Dead
SB 983 Alarcon Solid Waste: Siting Elements:
Environmental Justice Dead

Fees/Taxes:

SB 47 Ackerman Sales, Use, Income, and Corporation Taxes:
Manufacturer's Investment Dead
SB 203 Romero Personal Income Taxes and Bank and
Corporation Taxes: Brownfield Cleanup Credit Dead

Generator Requirements:

AB 1353 Matthews Treated Wood Waste: Disposal Sites Statutes of 2004, Chapter 597
AB 1940 Chan Hazardous Chemicals: Testing Methods Dead
SB 202 Romero Wood Waste: Preservatives Dead
SB 988 McPherson Hazardous Waste: Study Dead

Hazardous Materials:

AB 387 Aghazarian Hazardous Materials: Farms: Business
Plans and Inventories Dead
AB 623 Lieber Hazardous Chemicals: Discharge: Warnings Dead
AB 2465 CESTM Hazardous Materials: Release of Hazardous
Materials: Transportation: Hazardous Waste Dead
AB 2587 Chan Hazardous Chemicals Statutes of 2004, Chapter 641
AB 2732 Dymally Laundered Industrial Towels: Sale or Rental Dead
AB 2777 Lieber Oil Spill Prevention and Response: Regulations:
Tugboat Escorts: Hazardous Materials Dead
AB 3004 Pavley Road Safety Flares Dead
SB 1690 Poochigian Hazardous Materials Liability: Lenders:
Water Districts Dead

Hazardous Waste:

AB 1691	Montanez	Asbestos Waste	Dead
AB 2021	Chu	Hazardous Waste: Toxics	Statutes of 2004, Chapter 445
AB 2277	Dymally	Hazardous Waste	Statutes of 2004, Chapter 880
AB 2877	Aghazarian	Hazardous Waste: Regulation	Statutes of 2004, Chapter 175
AB 2969	LaMalfa	Hazardous Waste: Treatment: Silver	Dead
AB 3040	ACESTM	Hazardous Substances: Oversight	Vetoed
AB 3041	CESTM	Hazardous Waste Transportation: Hazardous Waste Materials Handling	Statutes of 2004, Chapter 686
AB 3049	ACT	Motor Vehicles: Commercial	Statutes of 2004, Chapter 952
SB 942	Sher	Hazardous Waste: Report	Dead
SB 1224	Ortiz	Hazardous Waste: School Facilities	Dead
SB 1480	Sher	Harbors and Navigation: Tugboat Escorts	Vetoed

Hazardous Waste Facilities:

AB 1246	Aghazarian	Administrative Penalties: Analysis	Dead
AB 1942	Lowenthal	Hazardous Waste Facilities Permits: Financial Assurances	Dead
AB 2251	Lowenthal	Hazardous Waste Facilities Permits: Financial Assurances	Statutes of 2004, Chapter 779

Health Services:

AB 1139	Lowenthal	Drugs and medical Devices: Di(2-ethylhexyl) (DEHP)	Dead
AB 2654	Matthews	Osteopaths	Dead
SB 689	Ortiz	Healthy Californians Biomonitoring Project	Dead
SB 858	Ortiz	State Department of Public Health	Dead
SB 1168	Ortiz	Healthy Californians Biomonitoring Program	Dead
SB 1446	Escutia	Environmental Health Data Tracking	Dead

Land Use Issues:

AB 1187	Leno	Redevelopment: Hunters Point Shipyard	Dead
SB 1435	Perata	Oakland Army Base Public Trust Exchange Act	Vetoed
SB 1873	Burton	Treasure Island Public Trust Exchange Act	Statutes of 2004, Chapter 543

Legal Issues:

AB 1894	Longville	Seizure of Business Records	Statutes of 2004, Chapter 372
AB 1933	Pacheco	Public Records	Statutes of 2004, Chapter 937
AB 3082	Committee on Judiciary	Maintenance of the Codes	Statutes of 2004, Chapter 183
SB 466	Escutia	Permissive Joinder	Dead
SB 483	Aanestad	Private Property: Trespass	Dead
SB 571	Alarcon	Civil Actions: Environment: Private individuals	Dead
SB 1667	Aanestad	Legislation: Taxes and Fees: Vote Requirement	Dead
SB 1728	Aanestad	Private Property: State Agency Access	Dead
SB 1882	Committee on Revenue and Taxation	Collection of Taxes and Fees	Dead
SB 1889	SCEQ	Environmental Protection: Actions Against A Public Agency	Statutes of 2004, Chapter 744

Local Government:

AB 463	Oropeza	Transit Facilities: Infill Housing	Dead
AB 600	Maddox	Government Regulations: Religious Exercise	Dead
AB 2707	Cogdill	State Regulatory Fees: Counties: Notifications	Dead
ABX1 6	Oropeza	Reductions in the Budget Act of 2002 Relating To State and Local Governments	Dead
SB 55	Ackerman	State Mandated Local Programs	Dead
SB 1885	Sher	Regional Park District: County of San Mateo	Dead

Mercury:

AB 611	Negrete McLeod	Waste Discharges: Dental Amalgam	Dead
AB 1255	Levine	Mercury: Reports	Dead
AB 1369	Pavley	Mercury-Added Thermometers	Statutes of 2004, Chapter 626
AB 1699	Laird	Mercury: Fluorescent Lamps	Dead
AB 2943	Pavley	Mercury-Containing Vaccines	Statutes of 2004, Chapter 649
SB 511	Figueroa	Mercury Lamp Recycling	Dead
SB 1180	Figueroa	Mercury Lamp Recycling	Dead

Metal Plating Facilities:

AB 2657	Nunez	Metal Plating Facilities	Vetoed
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PCE/Perchlorate:

AB 698	Lieber	PCE: Claims: Liability	Dead
AB 3004	Pavley	Road Safety Flares	Dead
SB 922	Soto	Perchlorate: Information	Statutes of 2004, Chapter 508

Radioactive Waste:

AB 659	Jackson	Radioactive Waste: High-Level Radioactive Materials and Spent Nuclear Fuel	Dead
SB 13	Romero	Radiation Safety Act of 2003	Dead
SB 201	Romero	Radioactive Materials: Transfer of Authority	Dead
SB 208	Kuehl	Radiation: Contamination	Dead
SB 415	Kuehl	Real Property: Radioactive Contamination: Disclosure	Dead

Recycling:

AB 2166	Hancock	Recycling: Compact Discs and Digital Versatile Discs	Dead
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Scientific Peer Review:

SB 568	Sher	Environmental Protection: External Scientific Peer Reviewers	Vetoed
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School Sites:

AB 736	Hancock	School Facilities	Vetoed
AB 1006	Chu	The Healthy Schools Act of 2004	Dead
AB 1381	Firebaugh	Charter School Facilities Funding: Regulatory Approvals	Dead
AB 1566	Benoit	School Facilities: Construction And Modernization	Dead
AB 2485	Chan	Schools: Environmental and Endangerment Assessments	Statutes of 2004, Chapter 578

AB 2570	Dutton	School Facilities: Hardship Assistance	Dead
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Site Mitigation/Site Cleanup/Corrective Action:

AB 410	Haynes	California Neighborhood Initiative	Dead
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Solid Waste:

AB 1174	Leslie	Solid Waste: Sacramento Regional County Solid Waste Authority	Dead
AB 2633	Frommer	Grease: Solid Waste	Vetoed
AB 2826	Camciamilla	Solid Waste: Landfills	Dead
AB 2901	Pavley	Solid Waste: Cell Phones: Recycling	Statutes of 2004, Chapter 891
SB 531	Romero	Solid Waste Disposal: Integrated Waste Management	Dead
SB 1362	Figueroa	Solid Waste: Household Hypodermic Needles, Syringes, and, Lancets: Disposal	Statutes of 2004, Chapter 157
SB 1884	SCEQ	Solid Waste: Definitions: Diversion: Penalties	Dead

Underground Storage Tanks:

AB 2955	McCarthy	Underground Storage Tanks: Leakage Detection: Grants	Statutes of 2004, Chapter 649
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Used Oil/Oil/Oily Waste:

AB 1500	Diaz	Petroleum Pollution Cleanup and Prevention Act of 2003	Dead
AB 2254	Aghazarian	Used Oil Filters: Management	Statutes of 2004, Chapter 240
SB 1636	Battin	Oil Refineries: Exemptions for Clean Air and Clean Water Requirements	Dead

Water Issues:

AB 93	Canciamilla	Safe, Clean, and Reliable Water Supply Bond Act of 2004	Dead
AB 1107	Liu	Groundwater: Uniform Data Standards	Dead
AB 2883	Diaz	Santa Clara Valley Water District	Vetoed
AB 3039	AESTM	Ocean Use Planning: California Coastal Act	Dead

VETO MESSAGES

To the Members of the California State Assembly:

I am returning Assembly Bill 736 without my signature.

This bill is premature, in that it places conditions on school districts' use of funding of school facilities bond measures passed after January 1, 2006. While I am very supportive of efforts to improve the environment of California's classrooms, as well as promoting energy efficiency and conservation, this policy discussion more appropriately should be considered within the context of a comprehensive environmental policy involving energy efficient housing, schools and commercial properties.

Therefore, I am unable to sign this bill

Sincerely,

Arnold Schwarzenegger

To the Members of the California State Assembly:

I am returning Assembly Bill 2311 without my signature.

In the beginning of my administration I directed Secretary Tamminen to establish a working group to develop green building bank initiatives for both public and private buildings. Members of the working group include public sector decision makers, commercial real estate business owners and managers, energy experts and financial managers. The group is currently developing recommendations for a comprehensive program to dramatically advance energy conservation as well as incorporate other green building principles into commercial buildings.

This bill is largely identical to an executive order passed in the prior administration. This order has not been rescinded and is still in effect. Since this bill would codify much of an existing executive order, it would not improve upon existing efforts to increase adoption of sustainable building practices in California.

For these reasons, I am unable to support this measure.

Sincerely,

Arnold Schwarzenegger

To the Members of the California State Assembly:

I am returning Assembly Bill 2408 without my signature.

I fully support our state government serving the needs of our diverse population in an effective and comprehensive way. One way California does this is by hiring bilingual employees who are able to speak to the public in their own language.

The Dymally-Alatorre Bilingual Services Act (Act) established clear guidelines for state agencies to recruit and retain bilingual staff for public contact positions. All state agencies are monitored by the State Personnel Board (SPB) for compliance with the guidelines and procedures of the Act and has the authority to ensure compliance. State agencies are currently required to submit an implementation plan every other year to report on their progress towards complying with the Act.

AB 2408 is duplicative of existing law and unnecessarily alters current reporting requirements that will not accurately reflect an agency's progress in complying with the Act. These additional requirements will increase the workload for all state agencies, including SPB, and could result in significant delays in the filling of critical positions by prolonging the hiring process when vacancies need to be filled in various state departments and agencies.

Additionally, this bill will add a cumbersome and potentially costly exemption process to hire candidates for specified jobs and prolong the current hiring process which may jeopardize the successful and timely implementation of programs designed to improve services to all Californians.

Sincerely,

Arnold Schwarzenegger

AB 2633

Frommer

Grease: Solid Waste

Vetoed

To the Members of the California State Assembly:

I am returning Assembly Bill 2633 without my signature.

I appreciate the environmental damage that can be caused by the inappropriate handling, transport and disposal of grease, including how this product can foul our land, rivers, and oceans. The California Department of Food and Agriculture has a system of regulating grease hauling while the Integrated Waste Management Board regulates waste. We have existing regulatory authority to address this issue. I am directing the Department of Food and Agriculture in coordination with the Integrated Waste Management Board to review and upgrade its existing system to improve the tracking and enforcement of laws governing disposal and transportation of restaurant grease.

Sincerely,

Arnold Schwarzenegger

To the Members of the California State Assembly:

I am returning Assembly Bill 2657 without my signature.

While I recognize that the metal-plating process can adversely impact the environment and public health if not properly managed, there are numerous federal, state and local laws that regulate this industry. The bill singles out this industry for special assistance for failure to comply with existing environmental protection laws.

Specifically, this bill provides loans and loan guarantees to a segment of the metal plating industry that is located within the South Coast Air Quality Control District. While I am sympathetic to the fact that air quality in that region is a challenge, it is unfair to provide a publicly funded loan program to a specific industry that is located in one region of the state. Moreover, the bill only provides funding for air quality problems and ignores other regulatory concerns, such as hazardous waste and water quality. This bill promotes unfair competition and does this while using scarce State resources.

For these reasons I cannot support this measure at this time.

Sincerely,

Arnold Schwarzenegger

To the Members of the California State Assembly:

I am returning Assembly Bill 2883 without my signature.

The residents within the Santa Clara Valley Water district (District) are burdened with significant water quality challenges due to historic pollution from specific sites. These challenges may justify the District obtaining extraordinary powers for mitigation and cost recovery. However, the bill lacks the necessary parameters to ensure adequate due process for all.

This bill grants the district unprecedented responsibilities that more properly should be under the oversight of a Regional Water Quality Board. The District would have no obligation to follow applicable state water quality policies or plans, thereby leaving it to the District to determine water quality standards and remediation actions, rather than using scientifically established statewide standards.

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

Sincerely,

Arnold Schwarzenegger

To the Members of the California State Assembly:

I am returning Assembly Bill 3090 without my signature.

I agree with the author's intent to clarify the use of initiatives with regard to the California Environmental Quality Act (CEQA). However, the Secretary of Resources has already finalized the adoption of revisions to CEQA Guidelines that include the court case referenced in this bill; therefore it is already a moot issue. If adopted, this bill will then cost additional taxpayer dollars to remove this obsolete provision in follow-up legislation.

This bill would require, on or before July 1, 2006, the Office of Planning and Research (OPR) to recommend proposed changes, and the Secretary of the Resources Agency (Resources) to certify and adopt, revisions to OPR's CEQA Guidelines in order to reflect the California Supreme Court's holding as specified.

For these reasons I am returning this measure without my signature.

Sincerely,

Arnold Schwarzenegger

To the Members of the California State Senate:

I am returning Senate Bill 559 without my signature.

While I support the author's goal of coordination between state and local agencies on oversight of brownfield cleanup projects, current law already has an established coordination program for such projects.

This bill would establish a pilot project intended to provide additional coordination of the interactions between local public agencies and the Department of Toxic Substances Control, the State Water Resources Control Board, and Regional Water Quality Control Boards on brownfield cleanup and redevelopment. This pilot project would create an unnecessary and redundant oversight program with significant costs. The California Environmental Protection Agency Site Designation committee has already established much of what the author wants to demonstrate with her proposed pilot program.

Further this is not the year to add another unnecessary program to California statute. The bill would create an additional bureaucratic layer, resulting in increased costs to the state during a time of budget shortfalls.

For these reasons I am unable to support this measure.

Sincerely,

Arnold Schwarzenegger

To the Members of the California State Senate:

I am returning Senate Bill 568 without my signature.

I support having clear conflict of interest standards for independent scientists who judge whether the California Environmental Protection Agency's (CalEPA) regulations are based on sound science. However, this bill contains a critical flaw by making university and independent scientists subject to the conflict of interest rules developed for state employees and elected officials. Scientists in academia face different kinds of potential conflicts than policymakers and public officials, and should therefore be governed by standards that reflect their particular profession.

This bill would prohibit a person from performing a statutorily mandated peer review of a CalEPA scientific document if they meet certain criteria for conflicts of interest. By using general definitions that apply to policymakers, this bill would prohibit many of the most qualified scientists from performing peer reviews, while not adequately screening out other scientists who may have actual conflicts of interest.

Sincerely,

Arnold Schwarzenegger

SB 1107 Committee on Budget and Fiscal Review: Resources – Line Item VETO (Stats., 2004, Ch., 230)

To the Members of the California State Senate:

I am signing Senate Bill 1107 with the following reductions:

The Sierra Nevada's are a valuable natural asset for all Californians. There is a bipartisan proposal pending in the Legislature to create a Sierra Nevada Conservancy that balances statewide values and local interests. I am deleting \$5 million of the \$9.5 million appropriation for the Sierra Nevada Cascade and sustaining \$4.15 million to assure that there are adequate resources to make the Sierra Nevada Conservancy a success when it is created. The remaining funding level more accurately reflects the actual amount that the Secretary will be able to expend in the 2004-05 fiscal year until the conservancy is fully implemented.

Additionally, I am deleting \$28.35 million of the \$38.35 million appropriation for the purpose of awarding grants related to River Parkways conservation programs. These reductions better reflect the actual amount that the Secretary will be able to expend in the 2004-05 fiscal year because the bill requires new program activities which will take time to implement.

Sincerely,

Arnold Schwarzenegger

To the Members of the California State Senate:

I am returning Senate Bill 1435 without my signature.

This bill authorizes the State Lands Commission to carry out a boundary settlement and trust exchange of specified lands on the former Oakland Army Base. One of the parcels impacted by this bill is important to the Department of Transportation as it is being used as a maintenance facility.

The Department of Transportation, the City of Oakland, and the Port of Oakland have been in negotiations over the use of the Public Trust Lands on the site of the former Oakland Army base. My administration engaged in good faith negotiations with the author over the provisions in the bill. Unfortunately, the legislative session came to closure before an equitable agreement could be concluded. Although negotiations are continuing and seem destined to reach an agreement, the language in this bill does not reflect the current status of agreements and as such, the state's interests are not protected adequately. I cannot sign this legislation until negotiations are completed.

I look forward to working with Senator Perata and the Legislature to pass a bill that meets the development needs of the City and Port, while also ensuring that the state's future rights for the public trust lands are protected.

Sincerely,

Arnold Schwarzenegger

To the Members of the California State Senate:

I am returning Senate Bill 1480 without my signature.

While I appreciate the author's efforts to ensure the safety of California's ports by requiring tug boat escorts for vessels carrying specified hazardous materials, I am concerned that this bill would duplicate existing authorities and is inconsistent with advice from the experts on the State's harbor safety committee.

Protecting public safety and the environment from a potential spill of hazardous material is of paramount importance. California must do all it can to minimize the possibility of such a disaster. However, there are neither ship design issues nor a pattern of problems suggesting these vessels need tugboat escorts. In fact, since the creation of the Office of Spill Prevention and Response, there have been no reported harbor accidents involving ships carrying any of these materials.

The San Francisco Harbor Safety Committee considered the use of tugboat escorts for these types of vessels and concluded that escorts are not necessary, particularly since the US Coast Guard already exercises the authority to require tug escorts for any problem vessel. The Office of Spill Prevention and Response within the Resources Agency also has authority over this issue.

Sincerely,

Arnold Schwarzenegger

To the Members of the California State Senate:

I am returning Senate Bill 1703 without my signature.

Certified green business programs are a useful tool for consumers, businesses and government entities to promote environmentally responsible practices. These green certification programs have been increasing in numbers since 1996. This bill creates a "California certified" green business program for businesses that comply with specified criteria and checklists adopted by California State University (CSU) Hayward's Environmental Finance Center.

This bill creates a one-size-fits all approach to green business programs and does not give local governments the flexibility to respond to the needs of businesses in their community. This bill impedes the ability of existing local green business programs that operate independently to acquire grant funding. Several successful green business programs are already in place on a voluntary basis and operate without government involvement or assistance.

For these reasons I cannot support this measure.

Sincerely,

Arnold Schwarzenegger

