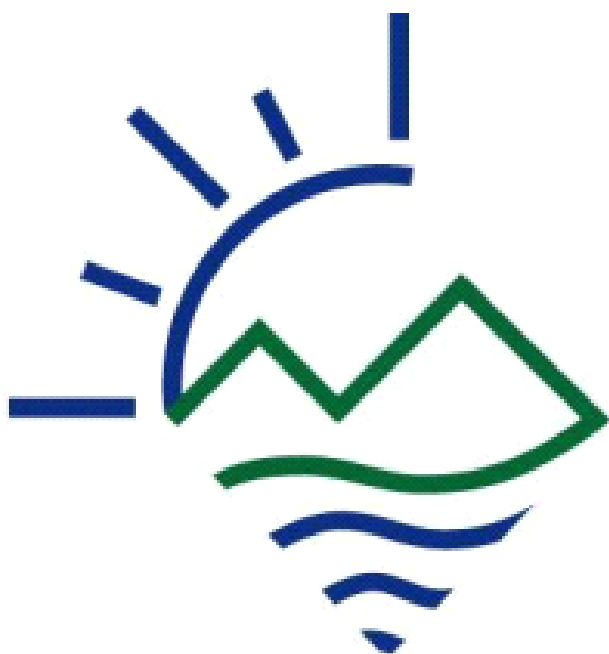


# **LEGISLATIVE SUMMARY REPORT**



## **2011 Legislative Year**

**A compilation of legislation from the first half of the 2011-2012 Legislative Session affecting the Department of Toxic Substances Control**

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# **State of California**

**Edmund G. Brown**  
Governor

**Matt Rodriguez**  
Secretary for Environmental Protection  
California Environmental Protection Agency

## **Department of Toxic Substances Control**

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# Introduction

This report summarizes bills considered by the California State Legislature during the first year of the 2011-12 Legislative Session that directly or indirectly affect the Department of Toxic Substances Control (DTSC). Bills noted as "Chaptered" were passed by the Legislature and signed by the Governor. Bills noted as "Vetoed" were passed by the Legislature but were rejected by the Governor (veto messages are included at the end of this report).

Bills listed as "Dead" failed passage in a policy or fiscal committee or on the floor of one of houses of the Legislature, or they were no longer pursued by their authors. Bills listed as "2 year" were tabled for the first year of the current legislative session, either because they did not meet their deadlines or because the author wants more time to work on them. The 2-year bills may be taken up at the beginning of the next legislative year within the current legislative session.

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, 2012. 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, current law, and bill-related documents can also be viewed on the California Legislative Counsel's Internet site (<http://www.leginfo.ca.gov>).

*DTSC's 2011 Legislative Summary can also be viewed on DTSC's Internet website:  
<http://www.dtsc.ca.gov>*

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# Acronyms

<b>AB</b>	Assembly Bill
<b>ACA</b>	Assembly Constitutional Amendment
<b>ARB</b>	Air Resources Board
<b>APA</b>	Administrative Procedure Act
<b>BDOs</b>	Boards, Departments and Offices within Cal/EPA
<b>BOE</b>	Board of Equalization
<b>Cal/EPA</b>	California Environmental Protection Agency
<b>CalRecycle</b>	California Department of Resources Recycling and Recovery
<b>CEQA</b>	California Environmental Quality Act
<b>CUPA</b>	Certified Unified Program Agency
<b>DGS</b>	Department of General Services
<b>DPH</b>	Department of Public Health
<b>DPR</b>	Department of Pesticide Regulation
<b>DTSC</b>	Department of Toxic Substances Control
<b>EIR</b>	Environmental Impact Report
<b>OAL</b>	Office of Administrative Law
<b>OEHHA</b>	Office of Environmental Health Hazard Assessment
<b>OPR</b>	Office of Planning and Research
<b>PERS</b>	Public Employees' Retirement System
<b>RWQCB</b>	Regional Water Quality Control Board
<b>SB</b>	Senate Bill
<b>SJR</b>	Senate Joint Resolution
<b>State</b>	State of California
<b>SWRCB</b>	State Water Resources Control Board
<b>US EPA</b>	United States Environmental Protection Agency
<b>UST</b>	Underground Storage Tank

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# **ASSEMBLY BILLS**

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**AB 1x (Portantino) Dead**

This bill would have suspended a salary increase for public employees making more than \$150,000 until January 1, 2014.

**AB 3x (Logue) Dead**

This bill would have required state agencies to review specific regulatory criteria and report on regulations that they adopt or amend on and after January 1, 2012. The Office of Administrative Law would have been required to review and make the reports available on its website.

**AB 4x (Logue) Dead**

This bill would have required regulations to become effective 90 days after the filing date with the Secretary of State unless otherwise specified by statute or unless the state agency had specified a later date.

**AB 5x (Logue) Dead**

This bill would have required state agencies to submit proposed regulations to the Legislature during the public comment period if those regulations had an economic impact.

**AB 6x (Logue) Dead**

This bill would have required the Department of Finance to establish criteria for state agencies for economic impact reports. State agencies would have been required to use the criteria to develop economic impact reports for regulations.

**AB 7x (Logue) Dead**

This bill would have required that all fines and penalties imposed by DTSC, DPR, ARB, and SWRCB for a violation be deposited into the General Fund.

**AB 4 (Miller) Dead**

This bill would have allowed the use of alkaline hydrolysis to treat human remains as an alternative to cremation.

**AB 7 (Portantino) 2 year**

This bill would prohibit a salary increase for public employees making more than \$150,000 until January 1, 2014.

**AB 27 (Gorell) 2 year**

This bill would require state agencies to use performance-based budgetary principles, and also require the Legislature to have the proposed budget in print and accessible on the Internet for 72 hours before passing it.

**AB 29 (Perez, John A) Chapter 475**

This bill establishes the Governor's Office of Business and Economic Development to lead economic strategy and marketing efforts for business development and private investment in California.

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**AB 49 (Gatto) 2 year**

This bill would establish the Office of Permit Assistance in the Office of Planning and Research to help facilitate state and local review of development projects for CEQA requirements.

**AB 92 (Blumenfield) Dead**

This bill would have made budgetary appropriations for support of various state functions.

**AB 95 (Committee on Budget) Chapter 2**

This bill establishes a number of budgetary and public resources statute changes.

**AB 127 (Logue) 2 year**

This bill would require regulations to become effective 90 days after the filling date to the Secretary of State unless specified by statute or if the state agency had specified a later date.

**AB 172 (Eng) Vetoed**

This bill would have established an Internet website for state agencies to provide results of audits and summaries of contracts.

**AB 213 (Silva) 2 year**

This bill would require a state agency, when it considers it appropriate, to send a notice of proposed action to adopt, amend, or repeal a regulation to local government agencies or local government agency representatives, that are likely to be affected by the proposed action.

**AB 209 (Ammiano) Chapter 171**

This bill requires that, when preparing an EIR or a negative declaration, the notice include a description of how the draft EIR or negative declaration can be obtained electronically.

**AB 237 (Galgiani) 2 year**

This bill would require cosmetic manufacturers that do not comply with federal voluntary cosmetic disclosure information to provide information to DPH. DPH would be required to post the United States Food and Drug Administration information about unsafe ingredients in cosmetics products on its website.

**AB 255 (Wieckowski) Chapter 213**

This bill clarifies that any household hazardous waste collection facility may also operate as a recyclable latex paint collection facility and can accept any amount of recyclable latex paint from any type of hazardous waste generator.

**AB 263 (Buchanan) 2 year**

This bill would make a technical, non-substantive change to the requirements for school facility construction.

**AB 273 (Valadao) 2 year**

This bill would require the Department of Finance to establish standards for state agencies to determine the economic impacts of proposed regulations.

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**AB 291 (Wieckowski) Chapter 569**

This bill continues the requirement for UST owners to pay an increased amount of \$0.006 per gallon of petroleum stored until January 1, 2014. The revenue resulting from the increased fee is required to be deposited in the Underground Storage Tank Cleanup Fund and be available, upon appropriation, for expenditure authorized under existing law.

**AB 298 (Brownley) 2 year**

This bill would prohibit the sale or distribution of a reusable bag after January 1, 2013, if the bag could not be cleaned or disinfected or if it contained lead, cadmium, or other heavy metals in toxic amounts. Printed guidelines would be required for allowable reusable bags.

**AB 305 (Furutani) 2 year**

This bill would allow state agencies to use United States Census Bureau data to determine how many non-English-speaking people they serve, for the purpose of employing a sufficient number of bilingual persons to provide services to those people.

**AB 320 (Hill) Chapter 570**

This bill requires a notice of approval or notice of determination to identify the person undertaking an activity that receives financial assistance from a public agency or the person receiving a lease, permit, license, certificate, or other entitlement of use from a public agency.

**AB 327 (Davis) 2 year**

This bill would require handlers of perchlorate materials to use best management practices, as specified in DTSC regulations. The bill was later amended to address a sentencing issue under the "three strikes" law.

**AB 331 (Brownley) 2 year**

This bill would enact a bond to fund the construction and modernization of facilities for schools and public universities.

**AB 338 (Wagner) 2 year**

This bill would require the Office of Administrative Law (OAL) to submit proposed regulations that OAL disapproved to the Legislature for review, if OAL disapproved those proposed regulations based on a determination that the proposed regulations were not within statutory authority.

**AB 342 (Atkins) 2 year**

This bill would expand the responsibility of the Office of Planning and Research (OPR) to be the state liaison for the Department of Defense (DOD) in order to facilitate coordination regarding issues of significant interest to the State and DOD. This bill also would allow OPR to develop legislation that supports the relationship between the State and DOD and to work with federal defense agencies to address regulatory activities by state agencies that affect the sustainability of defense operations within the State.

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**AB 343 (Atkins) 2 year**

This bill would require redevelopment plans to be consistent with plans adopted by the Metropolitan Planning Organizations or the local Council of Governments.

**AB 358 (Smyth) Chapter 571**

This bill requires the owner of a UST to provide information of a release within five business days either by mail or electronically to its affiliated CUPA. UST owners are already required to provide a description of the release, compliance information, and any other information as required by SWRCB.

**AB 393 (Wagner) 2 year**

This bill would make a technical, non-substantive change to the regulatory process.

**AB 403 (Campos) 2 year**

This bill would require DPH to post its progress on the establishment of primary drinking water standards for hexavalent chromium on its Internet website. DPH would have 90 days to adopt those standards, and the Department of Finance would have 90 days to review them.

**AB 408 (Wieckowski) Chapter 603**

This bill allows hazardous waste transporters to receive one shipment of used oil from a generator that has a suspended identification number if certain requirements are met. AB 408 also includes technical amendments to update references to the Fire Code and changes to the requirements for Hazardous Materials Business Plans with respect to irritants, propane, oils used by electric facilities, and sensitizers. It also allows household hazardous waste collection facilities to accept oil-based paint and any paint collected by stewardship organizations.

**AB 410 (Swanson) Chapter 495**

This bill amends the APA to require a state agency, upon a request from a person with a vision disability or other disability, to provide that person with a narrative description of a proposed regulation. The bill requires state agencies to specify within the notice of proposed action that narrative descriptions are available for disabled persons, as specified.

**AB 425 (Nestande) 2 year**

This bill would require, no later than December 31, 2012, each state agency that adopts regulations to review those regulations, and repeal or report to the Legislature those identified as duplicative, archaic, or inconsistent with statute or other regulations. State agencies would also be required to report regulations that inhibit economic growth to the Legislature.

**AB 429 (Knight) 2 year**

This bill would require a state agency, for any proposed regulation that it has identified as having a gross cost of \$15,000,000 or more, or a cost of 5% or more above the cost of an existing regulation, to submit a copy of the rulemaking record for that regulation to the appropriate policy committee in each house of the Legislature.

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**AB 453 (Skinner) 2 year**

This bill would require those state employees appointed to a state scientist classification on or after January 1, 2012 to have a baccalaureate degree in a scientific discipline from a foreign or domestic accredited university.

**AB 467 (Eng) 2 year**

This bill would require DPH, in collaboration with DTSC and SWRCB, to develop guidelines governing the repayment of costs that are subsequently recovered from responsible parties, instead of regulations. The guidelines are to also allow grant recipients to retain repayments to fund ongoing or additional groundwater cleanup activities.

**AB 482 (Williams) 2 year**

This bill would state that the Legislature encourages innovation in green building design that meets or exceeds all existing health and safety requirements. The bill was later amended to allow the Ventura Port District to award a contract without competitive bidding if certain criteria are met.

**AB 484 (Alejo) 2 year**

This bill would allow funds for long-term management of land or conservation easements to be handled by nonprofit organizations. The bill would require those nonprofit organizations to submit reports to local governments on the funds they manage.

**AB 525 (Gordon) Chapter 573**

This bill updates existing statutory requirements pertaining to tire recycling and would specify that CalRecycle shall provide outreach to public agencies regarding a grant program that may be adopted for public works projects that use waste tires.

**AB 530 (Smyth) 2 year**

This bill would require state agencies to submit an Economic Impact Statement for any proposed regulation to OAL. The bill would also prohibit state agencies from rejecting a reasonable alternative unless documentation was provided to explain why a reasonable alternative was rejected.

**AB 535 (Morrell) 2 year**

This bill would require a state agency to review and report on regulations that the agency adopted or amended on and after January 1, 2012. This review would be conducted five years after the adoption or amendment of the regulation. The bill would require that the review and report include 10 specified factors, including a summary of the written criticisms of the regulation received by the agency within five years of the adoption of the regulation and the estimated impact on the economy, small businesses, and consumers. The bill would also require the OAL to make the review and report available on its Internet website.

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**AB 549 (Carter) 2 year**

This bill would specify that in order for an authorized recycler or collector to receive a payment for the recycling of covered electronic devices (CEDs) under the Electronic Waste Recycling Act, the CED must have been used in California. This bill also would provide CalRecycle with additional authorities to review payment claim documents and to avoid fraudulent payments by refusing to make such payments under certain circumstances.

**AB 553 (Monning) 2 year**

This bill would require the Board of Occupational Safety and Health Standards to adopt standards for certain chemicals at the workplace. The bill would specify guidelines for the adoption of those standards.

**AB 566 (Galgiani) Chapter 218**

This bill requires the State Mining and Geology Board to provide information on local mineral deposits to local governments and metropolitan planning organizations within 30 days of a request.

**AB 578 (Hill) 2 year**

This bill would establish the Debris Removal Account in the Special Fund for Economic Uncertainties, and would allow the Director of Finance to allocate funds to CalRecycle for debris removal service costs incurred as a result of a proclamation by the Governor of a state of emergency. The bill was later amended to address natural gas pipeline safety.

**AB 583 (Knight) 2 year**

This bill would transfer various duties, powers, and authorities of DTSC under the Electronic Waste Recycling Act (EWRA) to CalRecycle. The bill would require that certain DTSC employees be transferred to CalRecycle. The bill also would remove DTSC's authority to use hazardous waste laws for enforcement of the EWRA, and would make conforming changes to transfer that enforcement authority to CalRecycle under the Public Resources Code.

**AB 586 (Garrick) 2 year**

This bill would require a standing committee of the Legislature with jurisdiction over a state agency to hold an informational hearing regarding any proposed regulation that would impose a gross cost of over \$10,000,000.

**AB 591 (Wieckowski) 2 year**

This bill would define "hydraulic fracturing" and specify reporting requirements regarding this practice, including the history of the drilling of the well and a list of the chemical constituents used in the hydraulic fracturing fluid.

**AB 598 (Grove) 2 year**

This bill would limit the standing to file and maintain a mitigated negative declaration for a CEQA project.

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**AB 632 (Wagner) 2 year**

This bill would require that the Notice of Proposed Regulatory Action be submitted to the Legislature if it included particular information relating to economic and cost impacts of the regulation on businesses and individuals.

**AB 639 (Norby) 2 year**

This bill would prohibit law enforcement entities that seize assets for controlled substance-related violations from transferring those assets to the federal government unless such a transfer is mandated by a court. If the local agency did transfer property or assets to the federal government, the local agency would be required to transfer 24 percent of those funds to the General Fund for the State Legislature to appropriate for drug prevention and treatment services.

**AB 644 (Blumenfield) 2 year**

This bill would require the State Energy Resources Conservation and Development Commission, in consultation with CalRecycle, DTSC, and the Department of Conservation, to establish criteria for identifying closed disposal sites, brownfields, and degraded agricultural lands that have high potential for use as sites for renewable generation facilities, and to prepare a list of properties that meet those criteria.

**AB 666 (Jeffries) 2 year**

This bill would authorize the State Public Works Board to acquire, from the Jurupa Area Recreation and Park District, 30 acres of land immediately adjacent to the Stringfellow Superfund Site. The bill would require the State Public Works Board to then transfer that land to DTSC.

**AB 681 (Wieckowski) Chapter 574**

This bill requires the money in the Environmental Protection Trust Fund that has not been expended by June 1, 2013, to be deposited into the Unified Program Account.

**AB 691 (Perea) 2 year**

This bill would require the Department of Food and Agriculture to review regulations from Cal/EPA to determine the economic impacts to the agricultural industry.

**AB 742 (Lowenthal) 2 year**

This bill would prohibit a lead agency from approving a reclamation plan for mining operations if those operations would take place within a specified proximity to an Indian reservation or a Native American sacred site unless the tribe consents to the operation.

**AB 762 (Smyth) Chapter 222**

This bill authorizes the consolidation of specified wastes in a common container that is labeled appropriately, and requires that the consolidated waste be treated by incineration, either at a permitted medical waste treatment facility or with an alternative technology.

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**AB 767 (Perez, John A) Vetoed**

This bill would have established the State Capitol Sustainability Task Force to coordinate activities with state agencies and the private sector to develop and implement a State Capitol Sustainability Initiative for the State Capitol Building, the Legislative Office Building, and the State Capitol Park grounds.

**AB 789 (Chesbro) Dead**

This bill would have extended CalRecycle's tire recycling grant program until June 30, 2015, and updated statutory references to CalRecycle.

**AB 794 (Wieckowski) 2 year**

This bill would have authorized CalRecycle to impose a civil penalty against a covered electronic waste recycler or collector who makes a false statement or misrepresentation for purposes of compliance with the Electronic Waste Recycling Act. The bill was later amended to address school bonds.

**AB 801 (Swanson) 2 year**

This bill would prohibit part-time code enforcement officers from having the power of arrest or access to criminal records. The bill would also disqualify people convicted of a felony from becoming a code enforcement officer.

**AB 837 (Nestande) 2 year**

This bill would prohibit a manufacturer or supplier from selling a plastic food container in this state that is advertised as having a specific recycled content unless the manufacturer or supplier can provide certification of the recycled content.

**AB 838 (Hill) 2 year**

This bill originally would have required the Secretary of Cal/EPA to establish a conflict resolution process if conflicts arose among different departments in Cal/EPA. This bill was later amended to address a Public Utilities Commission issue.

**AB 868 (Davis) 2 year**

This bill originally would have increased the maximum amount of hazardous waste that public utilities and other hazardous waste generators may transport from a remote site to a consolidation site without using a manifest or a hazardous waste transporter. The bill was later amended to address an education issue.

**AB 880 (Perez, V. Manuel) 2 year**

This bill would allow a "focused" or expedited environmental impact report to be used to assess the installation of direct emission reduction technology required by ARB to meet greenhouse gas emissions standards.

**AB 913 (Feuer) Chapter 578**

This bill requires DTSC to develop a California Green Business Program to provide support and assistance to local governmental programs that certify businesses that adopt environmentally preferable practices.

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**AB 931 (Dickinson) 2 year**

This bill would exempt specified residential projects for infill development from CEQA requirements.

**AB 942 (Huber) 2 year**

This bill would require that all fines and penalties imposed by DTSC, DPR, ARB, and SWRCB for a violation be deposited into the General Fund.

**AB 960 (Lowenthal) 2 year**

This bill would allow payments to recyclers for covered electronic waste only if they demonstrate that any type of e-waste that they export is being managed under specified standards. This bill would also expand the notification requirements that apply to the export of covered electronic wastes to include additional types of electronic waste and would repeal the exclusion for the export of component parts of covered electronic devices, replacing it with a requirement for DTSC to adopt regulations to implement the new export requirements.

**AB 963 (Valadao) 2 year**

This bill would require DPH, in collaboration with SWRCB, to adopt guidelines for funding projects in disadvantaged communities and guidelines for replacing drinking water systems in areas with contaminated groundwater.

**AB 968 (Chesbro) 2 year**

This bill would establish a Tribal Advisor within the Governor's Office to consult with Native American tribes on state policies. The Tribal Advisor would serve as a facilitator among the Governor's Office, state agencies and Native American tribes to discuss pertinent policy issues affecting the tribes. The bill would also require state agencies to consult directly with Native American tribes on regulatory, legislative and other issues affecting tribal communities.

**AB 982 (Skinner) Chapter 485**

This bill requires the State Lands Commission to enter into a memorandum of agreement by April 1, 2012, with the United States Secretary of the Interior to facilitate land exchanges consolidating school land parcels into contiguous holdings that are suitable for renewable energy-related projects.

**AB 998 (Morell) 2 year**

This bill would require that budget bills be made available to the public for three days before the Legislature could pass a state budget.

**AB 1018 (Donnelly) 2 year**

This bill would require state, city, and county employees to verify a person's residency status before he or she can receive state benefits.

**AB 1019 (Perez, John A.) 2 year**

This bill would re-enact the carpet stewardship program administered by CalRecycle.

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**AB 1023 (Wagner) Chapter 296**

This bill makes minor, non-substantive changes to maintain the Health and Safety Code and other code sections.

**AB 1037 (Perez, V. Manuel) 2 year**

This bill would change the definition of a small business and would require state agencies, when proposing a regulation, to include with the initial statement of reasons a description of alternatives to the regulation and why those alternatives were deemed unreasonable. The bill would also require state agencies to assess the potential economic impacts of regulations, and to reassess regulations within five years of adoption.

**AB 1048 (Harkey) 2 year**

This bill would require the RWQCB and the San Diego region to review fluoride standards in recycled water and wastewater.

**AB 1051 (Feuer) 2 year**

As introduced, this bill would have declared the intent of the Legislature to enact legislation that promotes the growth of small businesses by ensuring agencies design regulations that take care to avoid unduly burdensome or duplicative constraints on small business growth while maintaining consumer, worker, and environmental protections. This bill was later amended to make a technical, non-substantive change regarding the collection of fees.

**AB 1176 (Williams) 2 year**

This bill would require the director of DPR to evaluate pesticides for toxic air contaminants. The bill would also require DPR to submit reports to the Legislature regarding the progress of those evaluations.

**AB 1178 (Ma) 2 year**

This bill would prohibit an ordinance enacted by a city or county or by initiative from restricting or limiting the importation of solid waste into a privately owned solid waste facility in that city or county based on place of origin.

**AB 1183 (Berryhill) Dead**

This bill would have limited the standing to file and maintain a mitigated negative declaration for a project.

**AB 1189 (Miller) 2 year**

This bill would require, by September 30, 2012, household battery producers to develop and implement stewardship plans to manage household batteries that are disposed of. The bill would require CalRecycle to review and approve the plans.

**AB 1207 (Furutani) 2 year**

This bill would allow litigation to recover compensation for damage to real or personal property, or for personal injury or wrongful death, if there is evidence of exposures to hazardous or toxic materials, pollution, hazardous waste, or associated environmental remediation activities.

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**AB 1213 (Nielsen) 2 year**

This bill would allow a chair or vice chair of a legislative committee to request review of a regulation. The court would be the final arbiter of legal interpretation and would be required to invalidate erroneous interpretations of regulations.

**AB 1220 (Alejo) Vetoed**

This bill would have extended the time to three years during which a notice could be filed against zoning and planning decisions by a legislative body regarding housing development.

**AB 1221 (Alejo) Chapter 517**

This bill allows the SWRCB to transfer funds in the State Water Pollution Cleanup and Abatement account to another public agency with authority to clean up or abate the effects of waste on waters of the state, for the cleanup or abatement of such waste. The bill also authorizes the SWRCB to pay these funds to specified tribal governments and not-for-profit organizations serving disadvantaged communities, as defined, that have authority to clean up or abate the effects of waste.

**AB 1235 (Hernandez) 2 year**

This bill would apply all authority, duties, and protections afforded to a redevelopment agency under the Polanco Redevelopment Act to a successor agency under certain conditions after the redevelopment agency is dissolved.

**AB 1250 (Alejo) 2 year**

This bill would establish guidelines to measure redevelopment agencies' performance and would create specific criteria for performance information such as the amount of jobs created or cleanups and hazardous waste mitigation within redevelopment areas. The bill was later amended to address the formulas for the Educational Revenue Augmentation Fund for redevelopment agencies.

**AB 1319 (Butler) Chapter 467**

This bill enacted the Toxin-Free Infants and Toddlers Act to prohibit, with certain exceptions, the manufacture, sale, or distribution of any bottle or cup intended for use by infants or children 3 years of age or younger that contains bisphenol A at a detectable level above 0.1 parts per billion.

**AB 1322 (Bradford) 2 year**

This bill would have adopted the principles of regulation as outlined in Presidential Executive Order 12866 for the State.

**AB 1351 (Logue) 2 year**

This bill would allow the SWRCB to reduce liability payments of three years for qualified absentee UST owners. The bill would also define a "qualified absentee owner" as an owner of a UST that is not operating a UST or was unaware of a UST on their property.

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**AB 1380 (Feuer) Dead**

This bill would have established an environmental technologies certification program at Cal/EPA.

**AB 1395 (Swanson) Vetoed**

This bill would have required that the announcement of an examination or a vacancy for a state service position be publicly displayed on the Internet website maintained by the State Personnel Board for a reasonable period of time.

**ACA 2 (Jeffries) Dead**

This bill would have allowed the Legislature to meet in a floor session only between the hours of 9 a.m. and 9 p.m. except to address legislation relating to an emergency created by a natural disaster.

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# **SENATE BILLS**

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**SB 17 (Blakeslee) 2 year**

This bill would require the Legislative Counsel to post the Budget Bill, or any bill providing for appropriations related to the Budget Bill, on the Internet for 72 hours prior to a vote by the Legislature.

**SB 68 (Leno) Dead**

This bill would have made appropriations for support of state government for the 2011-2012 fiscal year.

**SB 71 (Committee on Budget and Fiscal Review) Dead**

This bill would have made appropriations for support of state government for the 2011-2012 fiscal year.

**SB 96 (Committee on Budget and Fiscal Review) Dead**

This bill would have allowed the Department of Finance to reduce appropriations to specified departments if revenue projections did not meet expectations for the 2011-2012 fiscal year.

**SB 103 (Liu) 2 year**

This bill would authorize state agencies, to the extent practicable, to conduct teleconference meetings in lieu of travel, and would have required that any state body that maintains an Internet website provide a supplemental live audio or video broadcast of its board meetings that are open to the public.

**SB 120 (Anderson) 2 year**

This bill would require a state agency to accept, from any person or entity, a registered warrant issued by the State Controller for the payment of any obligations owed by a payee to that state agency.

**SB 147 (Leno) Dead**

This bill would require the Bureau of Electronic and Appliance Repair, Home Furnishings, and Thermal Insulation to include an alternative flammability standard in California's Furniture Flammability Standard Technical Bulletin 117 that could be met without the use of chemical fire retardants in the product standards for fire-retardant furniture.

**SB 178 (Simitian) 2 year**

This bill would limit the total number of meetings held by Green Ribbon Science Panel subgroups to not more than 10 during a fiscal year and would require that meetings conducted by a subgroup be held in a cost-effective manner.

**SB 241 (Cannella) 2 year**

This bill would enact the CEQA Litigation Protection Pilot Program and require the Business, Transportation and Housing Agency to select 25 projects in specific regions of the state for which the CEQA process could be streamlined.

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**SB 252 (Vargas) 2 year**

This bill would require a state agency that enters into a privatization contract to report to the Department of General Services (DGS), by April 1, 2012, and annually each April 1 thereafter, regarding that privatization contract. The bill would have required DGS to make that report available to the public.

**SB 263 (Pavley) Vetoed**

This bill would have required that reports on wells be made available to other governmental agencies, to academia, and to other specified professionals, including persons performing an environmental cleanup study. It also would have instituted a misdemeanor penalty and a fine of not more than \$25,000 for misuse of the reports.

**SB 270 (Hernandez) 2 year**

This bill would have continuously appropriated from the General Fund and other specified funds to the Controller an amount necessary to pay state employees' salaries and benefits when a budget has not been enacted by July 1.

**SB 324 (Cannella) 2 year**

This bill would make a minor change to the California Beverage Container Recycling and Litter Reduction Act to update the name of the California Department of Resources Recycling and Recovery.

**SB 353 (Blakeslee) 2 year**

This bill would require any state agency proposing a regulation that would cost more than \$5,000,000 to conduct an economic analysis of that proposed regulation.

**SB 354 (Blakeslee) 2 year**

This bill would make a technical, non-substantive change to CEQA.

**SB 366 (Calderon) 2 year**

This bill would establish the Streamlined Permit Review Team to coordinate actions on permits to reduce unnecessary delays, duplication and other overlaps or paperwork associated with the issuance of a permit. The Secretary of Business, Transportation and Housing, the Secretary for Cal/EPA and the Secretary of the Natural Resources Agency would be part of the Streamlined Permit Review Team. The bill would also require state agencies to review regulations and identify any that are duplicative, out-of-date, or inconsistent. The bill would require that regulations be adopted, amended, or repealed to resolve those issues.

**SB 394 (DeSaulnier) 2 year**

This bill would require all "school sites", as defined, to send at least one person to one of DPR's training sessions on least-hazardous pest control practices at least once every three years.

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**SB 396 (Huff) 2 year**

This bill would require state agencies to review each regulation adopted prior to January 1, 2011, and to develop a report with certain information to be submitted to the Legislature on or before January 1, 2013. The bill also would require state agencies, on or before January 1, 2018, and at least every five years thereafter, to conduct additional reviews of regulations that have been in effect for at least 20 years and to submit an annual report to the Legislature that identifies the regulations reviewed during that year.

**SB 400 (Dutton) 2 year**

This bill would require state agencies to conduct economic analyses with specified criteria when developing regulations.

**SB 401 (Fuller) 2 year**

This bill would require that every regulation proposed by a state agency after January 1, 2012, include a provision repealing the regulation in 5 years. The bill would prohibit OAL from approving a proposed regulation unless it contained repeal provisions.

**SB 419 (Simitian) 2 year**

This bill would require pharmaceutical manufacturers selling or distributing medication that is self-injected at home to submit their plan for collection and disposal of medical sharps to CalRecycle in an electronic format.

**SB 436 (Kehoe) Chapter 590**

This bill allows a state or local public agency to authorize a nonprofit organization, a special district, a for-profit entity, a person, or another entity to hold a title to and manage an interest in property held for mitigation purposes. This bill also allows a state or local agency to protect property and take action to meet its mitigation obligations.

**SB 456 (Huff) Chapter 602**

The bill allows door-to-door household hazardous waste collection programs to transport household hazardous waste not only to household hazardous waste facilities operated by local governments, but also to authorized hazardous waste facilities. It also allows transporters operating a door-to-door household hazardous waste collection program to use a consolidated manifesting procedure. These provisions expire on January 1, 2020.

**SB 482 (Kehoe) Chapter 592**

This bill requires the SWRCB to adopt regulations to establish and maintain minimum health standards for public beaches. The bill also requires that waters located next to public beaches be tested for specified bacteria beginning in 2012 on a weekly basis from April 1 to October 31.

**SB 494 (Fuller) 2 year**

This bill would transfer responsibility for the investigation and remediation of perchloroethylene contamination to a RWQCB.

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**SB 515 (Corbett) 2 year**

This bill would require, by September 30, 2012, household battery producers, including manufacturers, distributors, wholesalers, and retailers, or a stewardship organization or hazardous waste transporter on their behalf, to develop and implement stewardship plans to manage household batteries that are disposed. The bill would require CalRecycle to review and approve the plans.

**SB 553 (Fuller) 2 year**

This bill would require that a regulation that has an economic impact of more than \$10,000,000 become effective 180 days after the date it is filed with the Secretary of State, rather than the current 30 days.

**SB 560 (Wright) 2 year**

This bill would require an agency that adopts regulations, if it does not consult with impacted businesses, to submit notification to the Office of Small Business Advocate and the Department of Finance of its decision.

**SB 567 (DeSaulnier) Chapter 594**

Beginning on January 1, 2013, plastic bags that are labeled as “compostable,” “home compostable,” or “marine degradable” will be prohibited unless they meet American Society for Testing and Materials standards, OK Compost HOME certification standards, or a standard adopted by CalRecycle.

**SB 589 (Lowenthal) 2 year**

This bill would require a manufacturer of household mercury-containing lamps, on or before April 1, 2013, to prepare and submit a stewardship plan and recovery plan for end-of-life management to CalRecycle. The bill would require that the plan include the payment of a stewardship fee at the point of sale and would specify a procedure for CalRecycle’s approval of the amount of the stewardship fee.

**SB 591 (Gaines) 2 year**

This bill would institute a new regulatory principle of burden for proposed regulations. The principle of burden would demonstrate that a state agency considered other alternatives to the proposed regulation that has been submitted to the OAL.

**SB 617 (Calderon) Chapter 496**

This bill requires state agencies to incorporate independent, ongoing monitoring into their internal accounting and administrative control systems, following guidelines that will be established by the Director of Finance. This bill also requires each state agency to prepare a standardized regulatory impact analysis examining the costs and benefits of any regulation proposed on or after November 1, 2013.

**SB 623 (Kehoe) 2 year**

This bill would restrict the sale of new recreational vessels painted with marine anti-fouling paint containing copper in California, and would restrict the use or application of anti-fouling paint containing copper on recreational vessels.

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**SB 639 (Cannella) 2 year**

This bill would require Cal/EPA and its BDOs and the Division of Occupational Safety and Health, when proposing to adopt, amend, or repeal an administrative regulation, to complete an economic impact analysis of the proposal. The economic impact analysis would have to address impacts to the General Fund and to the economy and be made available on the agency's Internet website.

**SB 646 (Pavley) Chapter 473**

This bill allows DTSC to enforce against companies that are part of the consolidated cases titled *People vs. Burlington Coat Factory Warehouse Corporation, et al.* for lead standards in jewelry. The bill also clarifies current certification requirements for manufacturers and suppliers to ensure that information about the content of lead and cadmium in their products is known to those who are selling it or offering it for sale.

**SB 682 (Rubio) 2 year**

This bill would authorize the Division of Oil, Gas, and Geothermal Resources in the Department of Conservation to establish standards for the permitting of gas injection.

**SB 683 (Correa) 2 year**

As introduced, this bill would have made a non-substantive change to CEQA. The bill was later amended to consolidate multiple needs assessment testing for special needs children.

**SB 688 (Wright) 2 year**

This bill would require a state agency, when proposing the adoption or amendment of a regulation, to produce, as part of the required economic impact assessment, a detailed estimate of the cumulative statewide cost impacts for affected businesses. Regulations with cost impacts for businesses exceeding \$10,000,000 would be required to be submitted to specified legislative committees.

**SB 692 (Walters) Dead**

The bill would have prohibited the practice of various engineering disciplines by any person who had not passed a specified exam and who was not licensed by the Board of Professional Engineers and Land Surveyors in that specific discipline.

**SB 711 (Rubio) 2 year**

This bill would authorize the Division of Oil, Gas, and Geothermal Resources in the Department of Conservation to permit the underground injection of a gas as defined, including the constituents associated with the gas that are produced downhole in connection with exploration, development, or production operations for the purposes of disposal.

**SB 735 (Price) 2 year**

This bill would require the courts to commence hearings on appeals to CEQA within nine months of the date of the appeal.

**SB 758 (Fuller) 2 year**

This bill would reduce the tire fee from \$1.75 to \$1.15.

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**SB 763 (Steinberg) 2 year**

This bill would establish an environmental recognition program for facilities to be recognized for reducing the amount of pollution they generate. The bill would require Cal/EPA to determine guidelines for the program.

**SB 770 (Steinberg) 2 year**

Originally, this bill would have required the Department of Fish and Game to consult with the United States Navy and Native Americans. It was later amended to address autism issues.

**SB 783 (Dutton) 2 year**

This bill originally would have made a minor change to CEQA, but was later amended to address access issues for the disabled.

**SB 785 (Dutton) 2 year**

This is a spot bill that would make a technical, non-substantive change to CEQA.

**SB 880 (Corbett) 2 year**

This bill originally would have added a CEQA requirement but was ultimately amended to establish standards for electric vehicle charging stations.

**SB 891 (Lowenthal) 2 year**

This bill would require an ombudsman for the State Allocation Board to work with DTSC and other agencies on school facility projects.

**SB 904 (Yee) 2 year**

This bill would move CalRecycle from the Natural Resources Agency back to Cal/EPA.

**SB 909 (La Malfa) Chapter 601**

This bill extends the authorizing statutes for treated wood waste management and disposal regulations for an additional five years.

**SB 915 (Calderon) 2 year**

This bill would require that plastic bags be made from a certain percentage of recycled material, and would require the reduction of plastic bag use according to a schedule to be determined.

**SCA 1 (Wyland) 2 year**

This bill would amend the State Constitution to require the State Auditor, beginning on January 1, 2013, to conduct a performance review of state programs in state departments or agencies. The bill would also require the State Auditor to submit to the Legislature a report with certain specifications for evaluation of the program. The performance reviews would be made public and be posted on an Internet website.

**SCA 3 (Wyland) 2 year**

This bill would amend the State Constitution to require that the budget bills be publicly available for 21 days before the State Legislature votes on the budget bills.

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**SCA 6 (Emmerson) 2 year**

This bill would change the biennial sessions of the Legislature. The Legislature would focus on the budget in odd-numbered years and focus on legislation in even-numbered years.

**SJR 3 (Pavley) Chapter 62**

The resolution urges Congress and the President to enact federal legislation to reform the Toxic Substances Control Act.

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AB 27	Gorell	2011-12 Budget	2 year
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AB 305	Furutani	Dymally-Alatorre Bilingual Services Act	2 year
AB 453	Skinner	State employees: scientists	2 year
AB 942	Huber	General Fund: fines	2 year
AB 1018	Donnelly	Public employees	2 year
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SB 482	Kehoe	Public beach contamination: standards: testing: closing	Chapter 592
SB 494	Fuller	California regional water quality control boards: perchloroethylene	2 year

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# **VETO MESSAGES**

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To the Members of the California State Assembly:

I am returning **Assembly Bill 172** without my signature.

This bill would require information about state contracts and audits to be posted on a specific, new website. Information about state contracts can already be found at [www.dgs.ca.gov/pd/programs/eprocure](http://www.dgs.ca.gov/pd/programs/eprocure), and I am issuing an Executive Order to ensure that these contracts continue to be posted on this site. Audits conducted by the Bureau of State Audits can be found at [www.bsa.ca.gov](http://www.bsa.ca.gov). Other audits are readily available as public records.

While governmental transparency is laudable, there's no need for a new law.

Sincerely,

Edmund G. Brown Jr.

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To the Members of the California State Assembly:

I am returning **Assembly Bill 767** without my signature.

This bill establishes the State Capitol Sustainability Task Force to develop and implement a State Capitol Sustainability Initiative.

I strongly support sustainability efforts, but creating a specific task force to work on these goals is not necessary. The interested parties, including my office, the Lieutenant Governor, the Senate and the Assembly - can work cooperatively to improve energy efficiency, water conservation and recycling without codifying a task force.

Sincerely,

Edmund G. Brown Jr.

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To the Members of the California State Assembly:

I am returning **Assembly Bill 1220** without my signature.

This bill increases the statute of limitations from 90 days to 3 years for a citizen to file a Notice of Deficiency in a locally adopted housing element.

While I understand the value of using the courts to compel compliance with state housing goals, there should be a balance between a local government's planning authority and citizen oversight. This bill tilts that balance and creates too much uncertainty.

Sincerely,

Edmund G. Brown Jr.

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To the Members of the California State Assembly:

I am returning **Assembly Bill 1395** without my signature.

This measure requires all state agencies and departments to post examination and vacancy announcements on the State Personnel Board's website. It also requires that the names of employees that are laid off from department specific job classifications be placed on "comparable" statewide reemployment lists.

While I support the author's intent to increase access to state employment opportunities for laid off state employees, this measure fails to provide adequate protections against an unqualified employee being misplaced on a comparable statewide list. Further, it may delay the layoff process and reduce the anticipated savings from future layoffs.

I note that state departments and agencies working in conjunction with the Department of Personnel Administration currently have the authority to work collaboratively to designate comparable classes on a case-by-case basis as part of layoff negotiations with employees and their representatives. Further, I encourage all parties to engage in this process whenever possible during these difficult fiscal times for the state, its employees and all Californians.

Sincerely,

Edmund G. Brown Jr.

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To the Members of the California State Senate:

I am returning **SB 263** without my signature.

The original intent of this bill recognized that wise management and use of groundwater supply requires public disclosure of well logs. Unfortunately, as amended, this bill now unduly restricts the use of these reports and imposes severe criminal penalties for disclosure.

California is the only western state that does not provide ready access to well reports. That should be changed. I am directing the Department of Water Resources to work with the author to ensure responsible public access to well logs.

Sincerely,

Edmund G. Brown Jr.