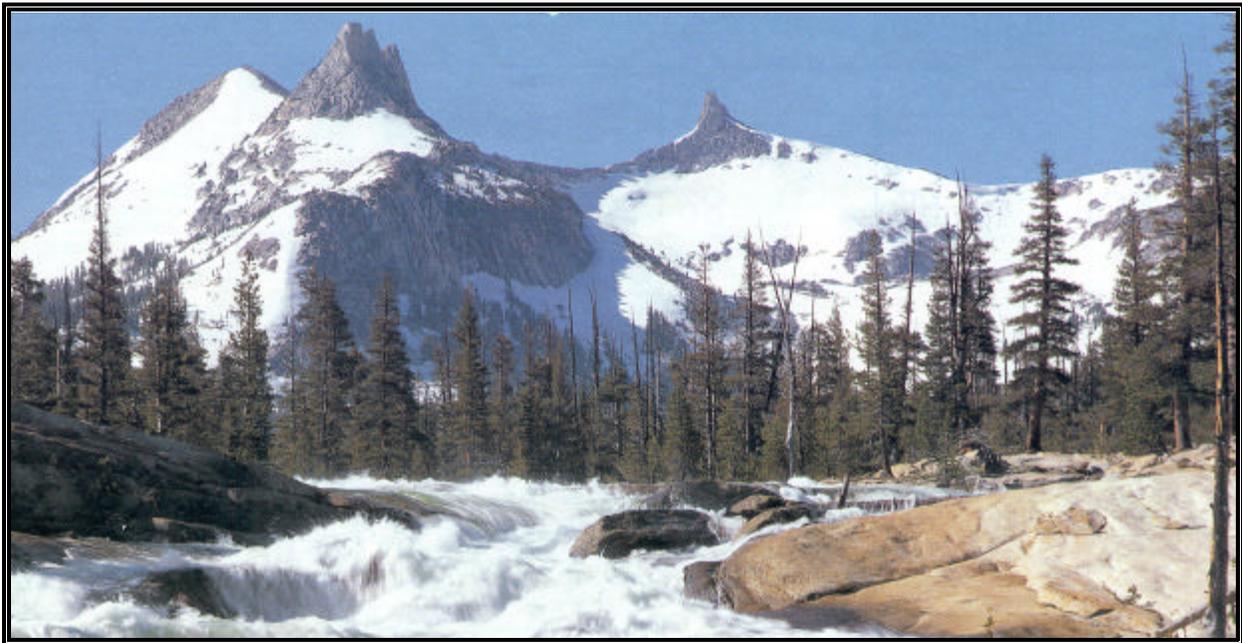


# DTSC LEGISLATIVE SUMMARY



## 1999 Legislative Year

A compilation of Legislation from the 1999 Legislative Year affecting the  
Department of Toxic Substances Control



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**S t a t e o f C a l i f o r n i a**

**Gray Davis**  
Governor

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

**Department of Toxic Substances Control**

**Edwin F. Lowry**  
Director

**December, 1999**

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Prepared by:  
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# Introduction

This summary identifies all legislation considered by the California Legislature during the first year of the 1999-2000 Legislative Session relative to hazardous waste or hazardous substances that either directly or indirectly affect the Department of Toxic Substances Control (DTSC) and its mission and various programs. In some instances, bills that initially affected DTSC were later amended to address, in whole or in part, completely different subjects. These bills are also included in this summary, and are described in both their introduced form and in their subsequently amended form.

Bills noted as “chaptered” were passed by the Legislature and signed by the Governor. Bills noted as “vetoed” were passed by the Legislature and vetoed by the Governor (the veto messages are included at the end of this report). Bills noted as “two-year” were postponed by their author until the second year of the two year session. Bills noted as “failed passage” failed to garner sufficient votes in a policy or fiscal committee. Bills that were sponsored by DTSC are underlined.

The summary lists the bills in numerical order. Bills may also be found by referring to the appropriate subject index (see Table of Contents). Except for urgency, tax levy, election, and appropriation measures, which take effect upon date of signing, all statutes take effect on January 1<sup>st</sup> of the following year. Bills enacted during a special session (designated by an "x" after the bill number) take effect 91 days after the adjournment of the session at which the bill is passed.

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) is controlling and will be enacted.

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Copies of the bills can be obtained from the Bill Room at the State Capitol at (916) 445-2323. You can also view any of these bills or bill-related documents at the California Office of Legislative Counsel's home page, using their bill search function and specifying the appropriate legislative session. The Office of Legislative Counsel's Internet website can be found at: <http://www.leginfo.ca.gov/>.

*The DTSC 1999 Legislative Summary can also be viewed at DTSC's Internet address:  
(<http://www.dtsc.ca.gov>).*

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# Acronyms

<b>AB</b>	Assembly Bill
<b>AJR</b>	Assembly Joint Resolution
<b>APA</b>	Administrative Procedure Act
<b>ARB</b>	Air Resources Board
<b>BOE</b>	Board of Equalization
<b>CalCAP</b>	California Capital Access Program
<b>Cal/EPA</b>	California Environmental Protection Agency
<b>CEQA</b>	California Environmental Quality Act
<b>CESA</b>	California Endangered Species Act
<b>CIWMB</b>	California Integrated Waste Management Board
<b>CPCFA</b>	California Pollution Control Financing Authority
<b>CUPA</b>	Certified Unified Program Agency
<b>DFA</b>	Department of Food and Agriculture
<b>DHS</b>	Department of Health Services
<b>DIR</b>	Department of Industrial Relations
<b>DTSC</b>	Department of Toxic Substances Control
<b>EIR</b>	Environmental Impact Report
<b>FCMAT</b>	Fiscal Crisis and Management Assistance Team
<b>MSDS</b>	Material Safety Data Sheet
<b>OEHHA</b>	Office of Environmental Health Hazard Assessment
<b>OPR</b>	Office of Planning and Research
<b>POTW</b>	Publicly Owned Treatment Works
<b>PRA</b>	Public Records Act
<b>RWQCB</b>	Regional Water Quality Control Board
<b>SB</b>	Senate Bill
<b>SCA</b>	Senate Constitutional Amendment
<b>SJR</b>	Senate Joint Resolution
<b>SWRCB</b>	State Water Resources Control Board

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# **Assembly Bills**

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**AB 50 Migden - Water Quality: Waste Discharge Requirements/Health Care (Two-Year Bill)**

As introduced, AB 50 would have enacted the Clean Water Enforcement and Pollution Prevention Act of 1999 and would have allowed the SWRCB, a RWQCB, or a POTW to require a waste discharger to complete a pollution prevention plan as a condition of National Pollution Discharge Elimination System waste discharge requirements. The provisions of AB 50 were placed into AB 1104 (Migden, Chapter 92, Statutes of 1999) and the bill was amended to pertain to health care.

**AB 75 Strom-Martin - State Agency Recycling: Waste Diversion (Chapter 764, Statutes of 1999)**

AB 75 requires each state agency to develop and adopt an integrated waste management plan before July 15, 2000, and requires all state agencies and large facilities (including prisons and state and community colleges) to divert 25% of their solid waste from landfills by January 1, 2002, and 50% by January 1, 2004.

**AB 86 McClintock - State Government: Realignment or Closure (Failed Passage)**

AB 86 would have established a Bureaucracy Realignment and Closure Commission to recommend to the Governor the realignment or abolishment of state bureaucracies.

**AB 137 Firebaugh - Schoolsites: Hazardous Materials (Vetoed)**

AB 137 would have required the California Research Bureau to tabulate a specified census of existing schoolsites, and the State Allocation Board to adopt regulations to implement a pilot program to evaluate 100 schoolsites to determine the presence of hazardous materials and report its findings to the Legislature.

**AB 172 Firebaugh - Regulated Substances: Schools/School District Elections (Two-Year Bill)**

As introduced, AB 172 would have prohibited any person from commencing any process, on or after January 1, 2000, involving a regulated substance at any facility that is located adjacent to a school. AB 172 was amended to pertain to school district elections.

**AB 173 Firebaugh - School Facilities: Acquisition of Contaminated Property for Schoolsites (Two-Year Bill)**

AB 173 would authorize a school district to acquire property that is a current or former hazardous waste disposal site, solid waste disposal site, or a hazardous substance release site, if the school district removes the waste, or engages in removal or remedial actions, to the satisfaction of DTSC.

**AB 174 Firebaugh - School Safety (Two-Year Bill)**

AB 174 would expand the role of the FCMAT to give schools physical plant safety audit assistance.

**AB 184 Davis - Material Safety Data Sheets: Electronic Filing (Chapter 366, Statutes of 1999)**

AB 184 permits a MSDS to be filed in electronic form and requires DIR to implement a system that allows for electronic filing by January 1, 2002.

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**AB 241**      **Cunneen - Hazardous Waste Codes (Chapter 401, Statutes of 1999)**

AB 241 deletes obsolete deadlines and makes other changes regarding the revision of the current hazardous waste code system.

**AB 387**      **Wildman - School Facilities: Site Contamination (Chapter 992, Statutes of 1999)**

AB 387 modifies funding formulas to allow school districts to request funds to pay for hazardous material site assessment and cleanup work at proposed schoolsites, and creates provisions governing the cleanup of contaminated schoolsites for school districts requesting state funds to ensure that environmental contamination is addressed prior to school construction. AB 387 is double-joined to SB 162 (Escutia, Chapter 1002, Statutes of 1999).

**AB 450**      **Ashburn - Hazardous Materials: Commitment Statement (Two-Year Bill)**

AB 450 would amend provisions of SB 1081 (Calderon, Chapter 873, Statutes of 1997) pertaining to arbitration, mediation and liability.

**AB 470**      **Wildman - Public Works: Design-Build Contracts (Vetoed)**

AB 470 would have authorized school districts to enter into design-build contracts for the design and construction of projects under the state school facilities program, with a requirement to retain the services of an architect or structural engineer in order to ensure compliance with the provisions of the bill. In addition, this bill would have prohibited withholding of retention proceeds by school districts using design-build contracts, and would have authorized withholding of subcontractor retention proceeds by a design-build entity.

**AB 486**      **Wayne - Administrative Law: Regulations and Advisory Interpretations (Vetoed)**

AB 486 would have created a non-mandatory "advisory interpretation" procedure under the APA. In addition, AB 486 would have created an abbreviated consent regulation procedure for noncontroversial regulatory actions.

**AB 524**      **Machado - Endangered and Threatened Species: State Agency Consultation (Two-Year Bill)**

AB 524 would re-enact state agency consultation provisions of CESA which sunset on January 1, 1999 for actions funded or carried out by a state lead agency.

**AB 564**      **Machado - Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Act (Two-Year Bill)**

AB 564 would enact the framework for the Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Act, a bond act to be submitted to California voters at the March 7, 2000, statewide direct primary election. It would authorize the sale of \$1.8 billion in General Obligation Bonds. This money would be appropriated for a variety of water related projects, including \$20 million to DTSC for the orphan share of response actions to groundwater contamination. The bond provisions were enacted in AB 1584 (Machado, Chapter 725, Statutes of 1999).

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**AB 833            Battin - Cal/EPA (Failed Passage)**

AB 833 would have created the California Environmental Protection Agency Sunset Review and Regulatory Accountability Act of 1999 to sunset the statutory authority for Cal/EPA on June 30, 2001, and would have created a committee to recommend whether the agency should be reauthorized.

**AB 963            Gallegos - Automotive Products: Coolants and Antifreeze (Chapter 494, Statutes of 1999)**

AB 963 requires DFA to establish the specifications for both engine coolants and antifreeze if the American Society for Testing and Materials adopts standards. AB 963 also requires DFA to adopt testing procedures and specify a virgin reference coolant that it finds is recognized as standard in the industry. In addition, AB 963 extends the sunset date for DFA to utilize interim standards for coolants and antifreeze to January 1, 2003.

**AB 970            Ducheny - Hazardous Waste Treatment: Elementary Neutralization (Two-Year Bill)**

AB 970 would exempt treatment of hazardous wastes in an elementary neutralization unit from hazardous waste facilities permitting requirements and generator secondary containment requirements, provided certain conditions are met.

**AB 973            Olberg - Endangered Species: Corrective Action (Two-Year Bill)**

AB 973 would allow the incidental take of endangered, threatened, or candidate species if the take is incidental to the implementation of a corrective action order issued by DTSC, a CUPA, or an authorized local officer.

**AB 992            Wayne - Solid Waste Disposal Sites: Cleanup (Chapter 496, Statutes of 1999)**

AB 992 removes restrictions on annual programmatic and administrative expenditures by the CIWMB for the Solid Waste Disposal and Codisposal Cleanup Program.

**AB 998            Wayne - Oil: Used Oil Fee: Exemption (Two-Year Bill)**

AB 998 would provide the CIWMB with the authority to maintain a fee exemption currently granted to oil manufacturers handling less than 500 gallons of lubricating oil per quarter.

**AB 1021          House - Controlled Substances: Disposal (Two-Year Bill)**

AB 1021 would make it a felony for any person engaged in the manufacture, possession, sale or use of a controlled substance to dispose, dump or place a controlled substance, or drug paraphernalia, into a water source.

**AB 1099          Shelley - Public Records: Computerized Data/Elections: Ballots (Chapter 843, Statutes of 1999) URGENCY**

As introduced, AB 1099 would have required a public agency to provide computerized data in any form or format that is requested from among any of the forms or formats used by the agency. As enacted, AB 1099 requires SCA 11 of the 1999-2000 Regular Session to be designated as Proposition 1A on the March 7, 2000, statewide primary election ballot.

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**AB 1102 Jackson et. al. - Cal/EPA Budget Trailer Bill (Chapter 65, Statutes of 1999)**

AB 1102 enacts a variety of budget trailer provisions related to the budget of the Secretary of Cal/EPA. Specifically, AB 1102 expands the duties of Cal/EPA's deputy secretary for enforcement; requires Cal/EPA to establish a deputy secretary for external affairs; adopts requirements for Cal/EPA to establish and operate permit assistance centers; and requires Cal/EPA to establish eight pilot projects for evaluating environmental management systems to determine whether such systems result in more public health and environmental protection, as well as greater public access to information, than is provided through traditional authorization and compliance monitoring activities.

**AB 1103 Lempert et. al. - Budget Trailer Bill (Chapter 66, Statutes of 1999) URGENCY**

AB 1103 enacts a variety of budget trailer provisions related to the State Budget Act of 1999, including creation of the Stringfellow Insurance Proceeds Account.

**AB 1104 Migden - Water Quality: Waste Discharge Requirements and Penalties (Chapter 92, Statutes of 1999)**

AB 1104 implements provisions of the 1999 Budget Act regarding the SWRCB, including authorizing SWRCB, RWQCB, or a POTW to require a discharge or industrial discharger to complete a prescribed pollution prevention plan.

**AB 1122 Machado - Local Disaster Preparedness Trust Fund (Two-Year Bill)**

AB 1122 would establish the Local Disaster Preparedness Trust Fund for use in local disaster preparedness response, and would appropriate \$10 million from the General Fund for that purpose. AB 1122 would also establish the California Preparedness Program Committee.

**AB 1126 Calderon - Hazardous Substances: Definitions (Two-Year Bill)**

AB 1126 would delete the obsolete definition of "large site" within the Carpenter-Presley-Tanner Hazardous Substance Account Act.

**AB 1128 Ackerman - Private Property: Taking (Two-Year Bill)**

AB 1128 would provide that any law that requires just compensation for the taking of private property is in effect as of the date of a final agency action.

**AB 1207 Shelley - Environmental Health and Safety: Environmental Hazards (Vetoed)**

AB 1207 would have enacted the Healthy Schools Act of 1999 to require the notification of parents and staff when pesticides are applied at schools; to establish a least-toxic pest management program for schools; and to convene a task force to evaluate public health and environmental exposures at schools (e.g. radon, indoor air quality).

**AB 1234 Shelley - State Bodies: Open Meetings: Notice: Violations (Chapter 393, Statutes of 1999)**

AB 1234 requires state bodies to provide meeting notices on the Internet and to provide on written meeting notices

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the website where Internet notices are available.

**AB 1236      Battin - Maintenance of Criminal Provisions (Chapter 706, Statutes of 1999) URGENCY**

AB 1236, among other things, modifies the felony sentencing requirements in the statutory provisions related to illegal hazardous waste management and disposal.

**AB 1312      Machado - Records: Administrative Regulations (Two-Year Bill)**

AB 1312 would provide that nothing in the PRA shall be construed to exempt from disclosure any report or analysis that forms any part of an agency's decision to adopt, amend, or repeal an administrative regulation.

**AB 1321      Cardoza - CEQA (Two-Year Bill)**

AB 1321 would amend CEQA to require the lead agency to determine, within 25 days from the date on which a project application has been accepted as complete, whether an Environmental Impact Report, a Negative Declaration, or a Mitigated Negative Declaration would be required for an activity that involves the issuance of a permit, license, or other entitlement by a public agency.

**AB 1332      Lowenthal - Nonhazardous Waste: Determination (Chapter 629, Statutes of 1999)**

AB 1332 requires DTSC to provide training and conduct enforcement related to waste classification determinations.

**AB 1412      Wildman - Public Employees (Chapter 156, Statutes of 1999)**

AB 1412 prohibits any state or local governmental employee from interfering with the right of any person to disclose an improper governmental activity to an investigating committee of the Legislature.

**AB 1584      Machado - Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Act (Chapter 725, Statutes of 1999)**

AB 1584 enacts the framework for the Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Act, a bond act to be submitted to California voters at the March 7, 2000, statewide direct primary election. It would authorize the sale of \$1.8 billion in General Obligation Bonds. This money would be appropriated for a variety of water related projects, including \$20 million to DTSC for the orphan share of response actions to groundwater contamination.

**AB 1620      Torlakson - Hazardous Materials: Release (Chapter 925, Statutes of 1999)**

AB 1620 allows county boards of supervisors to delegate authority to conduct investigations into accidents involving the release, or potential release, of hazardous materials.

**AB 1680      Assembly Committee on Environmental Safety and Toxic Materials - Environmental Health Policy Institute (Two-Year Bill)**

AB 1680 would establish a research institute, the Environmental Health Policy Institute, under the Division of

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Environmental Health and Occupational Disease Control in DHS, operating in conjunction with OEHHA.

**AB 1681      Assembly Committee on Environmental Safety and Toxic Materials/*Bock* - Hazardous Substances: Definitions/*Air Pollution* (Two-Year Bill)**

As introduced, AB 1681 would have deleted obsolete definitions from the State Superfund provisions. AB 1681 was amended to pertain to air pollution.

**AB 1685      Assembly Committee on Information Technology - Regulated Substances: Local Agencies (Chapter 1014, Statutes of 1999)**

AB 1685 modifies the public notice requirements for public meetings related to local regulated substances ordinance changes, and requires Cal/EPA, on or after July 1, 2001, to post on the Internet copies of these submitted notices.

**AJR 5          Margett - Main San Gabriel Groundwater Basin (Two-Year Resolution)**

AJR 5 would memorialize the President and Congress to enact legislation to make available necessary funds to implement groundwater remediation in the Main San Gabriel Groundwater Basin.

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# Senate Bills

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**SB 25            Escutia - Environmental Health Protection: Children (Chapter 731, Statutes of 1999)**

SB 25 directs the state ARB to ensure that air quality standards and control measures protect children and establishes a Children's Environmental Health Center within Cal/EPA.

**SB 27            Burton - State Finances (Chapter 95, Statutes of 1999) URGENCY**

SB 27 transfers, from the State Controller to the Board of Control, the authority to discharge state agencies and employees from accountability for collecting debt if it is either uncollectible or if the amount of debt does not justify the cost of collection.

**SB 46            Sher - Solid Waste Management (Vetoed) URGENCY**

SB 46 would have required that one of the two public members to the CIWMB was to have experience as an elected local official and would make various other technical and conforming changes to the Integrated Waste Management Act.

**SB 47            Sher - State Superfund Re-enactment (Chapter 23, Statutes of 1999) URGENCY**

SB 47 re-enacts Chapter 6.8 of Division 20 of the Health and Safety Code (State Superfund) and modifies certain provisions.

**SB 48            Sher - Public Records: Disclosure (Vetoed)**

SB 48 would have required government agencies' responses to public records requests be in writing, and would have provided an appeal process to the Attorney General for requests that are denied. SB 48 would also have allowed for penalties to be assessed against government agencies that denied access to public records without justification.

**SB 62            Perata - School Facilities (Two-Year Bill)**

SB 62 would allow a school district to apply 50% of the current market value of a schoolsite in meeting its matching share requirement under the state School Facilities Program.

**SB 89            Escutia - Environmental Justice (Two-Year Bill)**

SB 89 would require OPR, by January 15, 2000, to convene a Working Group on Environmental Justice, comprised of representatives from each state agency to identify disproportionately high and adverse human health or environmental effects on minority or low-income populations, and to provide guidance to state agencies.

**SB 115          Solis - Environmental Justice (Chapter 690, Statutes of 1999)**

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SB 115 requires OPR to be the coordinating agency in state government for environmental justice programs; and requires Cal/EPA, by January 1, 2001, to develop a model environmental justice mission statement for its boards, departments, and offices.

**SB 120      Ortiz - Hazardous Substances: Union Pacific Railyard Development (Chapter 395, Statutes of 1999)**

SB 120 prohibits DTSC from making a determination that a response action at the Union Pacific Railroad site in Sacramento is complete until the City of Sacramento has finalized its land use planning process and all response actions necessary to conform to the approved land use plan are complete.

**SB 153      Haynes - Private Property Rights: Taking Impact Analysis (Two-Year Bill)**

SB 153 would enact the Property Owner Rights Act of 1999, that would require public agencies to minimize the number of agency actions that may significantly impair the use of private property; and would require every public agency to conduct a private property taking impact analysis, as prescribed.

**SB 162      Escutia - School Facilities: Contamination (Chapter 1002, Statutes of 1999)**

SB 162 creates provisions governing the assessment of proposed schoolsites by school districts requesting state funds to ensure that hazardous material contamination is discovered prior to acquiring the schoolsites, and that those sites are avoided if not cost-effective to acquire. SB 162 is double-joined to AB 387 (Wildman, Chapter 992, Statutes of 1999).

**SB 262      Wright - Medical Waste: Pharmaceuticals (Two-Year Bill)**

SB 262 would include, as a pharmaceutical, a drug listed pursuant to the federal Controlled Substances Act, and would allow these drugs to be managed as waste pharmaceuticals.

**SB 274      Johannessen - Hazardous Materials: Shasta Cascade Hazardous Materials Response Team (Chapter 601, Statutes of 1999) URGENCY**

SB 274 appropriates \$140,000 from the Toxic Substances Control Account to DTSC for allocation to Shasta County for the purchase of equipment toward the development of a Shasta Cascade Hazardous Materials Response Team.

**SB 300      Poochigian - Governmental Liability: Permits (Two-Year Bill)**

SB 300 would provide, among other things, that a state agency is liable to a private property owner for a temporary taking of the owner's real property if: (1) the state agency is responsible for a delay in the issuance of a development permit affecting the use of the real property, and (2) the delay is the result of a final decision of the state agency that is later determined by a court to be legally erroneous.

**SB 324      Escutia - Contaminated Property: Restoration (Two-Year Bill)**

SB 324 would require DTSC to prepare a study that evaluates the financial and other incentives that may encourage

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the cleanup and reuse of “brownfields.”

**SB 328      Alpert - Real Property: Liability (Chapter 60, Statutes of 1999)**

SB 328 removes a sunset provision in existing law so that a secured lender may proceed with two alternative remedies instead of foreclosing on commercial property that is contaminated with toxic substances.

**SB 390      Alpert - Water Quality (Chapter 686, Statutes of 1999)**

SB 390, among other things, revises the authority of RWQCBs to waive waste discharge requirements of the Porter-Cologne Water Quality Control Act if the waiver is not against the public interest and is not for a period to exceed five years.

**SB 407      Alpert - Medical Waste: Disposal (Chapter 139, Statutes of 1999)**

SB 407 amends the conditions required for disposal of medical waste to a public sewage system if the medical waste is liquid or semiliquid and meets other specified conditions.

**SB 453      O’Connell - School Facilities: Construction and Modernization (Two-Year Bill)**

SB 453 would make a technical, nonsubstantive change to the Leroy F. Greene School Facilities Act of 1998.

**SB 530      Costa - Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Act (Two-Year Bill)**

SB 530 would enact the framework for the Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Act, a bond act to be submitted to California voters at the March 7, 2000, statewide direct primary election. It would authorize the sale of \$1.8 billion in General Obligation Bonds. This money would be appropriated for a variety of water related projects, including \$20 million to DTSC for the orphan share of response actions to groundwater contamination. These provisions were amended into AB 1584 (Machado, Chapter 725, Statutes of 1999).

**SB 598      Costa - Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Act (Two-Year Bill)**

SB 598 would enact the framework for the Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Act, a bond act to be submitted to California voters at the March 7, 2000, statewide direct primary election. It would authorize the sale of \$1.8 billion in General Obligation Bonds. This money would be appropriated for a variety of water related projects, including \$20 million to DTSC for the orphan share of response actions to groundwater contamination. These provisions were amended into AB 1584 (Machado, Chapter 725, Statutes of 1999).

**SB 606      O’Connell - Hazardous Waste: Transportation and Recycling (Chapter 745, Statutes of 1999)**

SB 606 makes a variety of changes to the Hazardous Waste Control Law related to modified manifesting procedures and eligible waste types, adoption and use of a list of recyclable hazardous wastes, and certification by generators of used oil, all intended to encourage additional recycling of hazardous wastes.

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**SB 636 Sher - Hazardous Waste: Management: Incineration (Chapter 420, Statutes of 1999)**

SB 636 requires DTSC to issue a public notice 30 days prior to approving a hazardous waste reclassification. SB 636 also repeals the model incineration facility provisions.

**SB 665 Sher - Underground Storage Tanks (Chapter 328, Statutes of 1999)**

SB 665 makes changes to the Underground Storage Cleanup Trust Fund Act of 1989, including provisions regarding litigation aimed at the Underground Storage Cleanup Trust Fund and prohibitions regarding reimbursement of specified costs.

**SB 667 Sher - Hazardous Substances: Response Actions: Orphan Sites (Two-Year Bill)**

SB 667 would make a variety of technical changes to the Carpenter-Presley-Tanner Hazardous Substances Account Act (State Superfund), and would provide a funding source for the Orphan Share Trust Fund.

**SB 675 Sher - State Environmental Goals and Policy Report/State Capital Outlay (Two-Year Bill)**

As introduced, SB 675 would have expressly required the State Environmental Goals and Policy Report to serve as a basis for judgments about major capital outlay projects, infrastructure projects, and facilities financed pursuant to the Bergeson-Peace Infrastructure and Economic Development Bank Act. SB 675 was amended to pertain to state capital outlay and infrastructure projects.

**SB 680 O'Connell - Land and Water Conservation (Two-Year Bill)**

SB 680 would make the Secretary of the Resources Agency responsible for determining whether a property owner may donate "qualified" land to the state, a local government, or a designated nonprofit agency and be eligible for a tax credit. SB 680 would establish procedures for making applications to donate property and establish criteria for evaluating those applications.

**SB 730 Senate Committee on Budget and Fiscal Review - DTSC: Implementation of the Budget Act of 1999 (Two-Year Bill) URGENCY**

SB 730 would declare the intent of the Legislature to make the necessary statutory changes to implement the Budget Act of 1999 relative to DTSC.

**SB 755 Hayden - CEQA (Two-Year Bill)**

SB 755 would make various amendments to strengthen the role of CEQA, in particular the EIR, to make it more consistent with court decisions.

**SB 761 Sher - Environmental Quality (Two-Year Bill) URGENCY**

SB 761 would require OPR to establish and maintain a central repository for the collection, storage, retrieval, and dissemination of certain CEQA notices provided to OPR. This bill is a re-introduction of SB 1047 (Sher, Vetoes, 1998).

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**SB 951**      **Hayden - State Employees: Disclosure of Improper Activities (Chapter 673, Statutes of 1999)**

SB 951 renames the Reporting of Improper Governmental Activities Act as the “California Whistleblower Protection Act,” and aligns these statutes with federal “whistleblower” statutes.

**SB 993**      **Hayden - Education: School Facilities: Contamination (Vetoed)**

SB 993 would have directed the task force created in AB 1207 (Shelley, Vetoed, 1999) to consider ways to develop children’s health standards and guidelines for schoolsites, directed DTSC to follow interim standards and guidelines based on its current methodologies until the task force has made its recommendations, required school districts to assess existing schoolsites that are reasonably assumed to be contaminated, required schoolsite response actions to be monitored by an advisory committee, and required the Division of the State Architect to revise its design standards for school buildings as prescribed.

**SB 1065**      **Bowen - Public Records: Electronic Format (Vetoed)**

SB 1065 would have amended the PRA to require state and local agencies to make public records available in an electronic format when requested by a person.

**SB 1119**      **Alarcon - Pollution Control: Financing: Capital Access (Chapter 756, Statutes of 1999) URGENCY**

SB 1119 expands the scope of projects eligible for funds from the CPCFA to provide financing for reduction or remediation of environmental pollution including the settlement of de minimus liability at Superfund sites. SB 1119 also broadens the CalCAP, administered by the CPCFA, by increasing the types of financial institutions that can participate.

**SB 1222**      **Knight - Taxation: State Agencies: Burden of Proof/Taxation: Judicial Relief (Two-Year Bill)**

SB 1222 would have provided that a “state agency,” including but not limited to the Franchise Tax Board, the BOE, and the Employment Development Department, all of whom collect taxes, would have the burden of proof in any court or administrative proceeding with respect to any factual issue relevant to the taxpayer’s liability. SB 1222 was amended to no longer apply to state agencies, but rather to judicial relief.

**SB 1232**      **Senate Committee on Revenue and Taxation - Taxation: BOE/Alcoholic Beverages (Two-Year Bill)**

SB 1232 would have revised the computation of a maximum permissible refund for a generator who pays a hazardous waste generator inspection fee to a CUPA, revised the time frame for reporting and paying these fees, and permitted cigarettes in packages that fail to conform to federal labeling requirements to be forfeited to the state upon seizure by the BOE. SB 1232 was amended to pertain to alcoholic beverages: and tied-house restrictions.

**SB 1254**      **Schiff - Confidentiality of Writings (Two-Year Bill)**

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SB 1254 would create the "Sunshine in the Courts Act" to regulate and control the use of court-sanctioned "secrecy" agreements.

**SB 1260**      **Hayden - Los Angeles Unified School District (LAUSD) (Chapter 295, Statutes of 1999) URGENCY**

SB 1260 extends to the Director of the Internal Audits and Special Investigations Unit within the LAUSD, until January 1, 2001, special investigative authority.

**SB 1300**      **Senate Committee on Environmental Quality/*Sher* - Drug Laboratories: Emergency Removal Actions/*Air Pollution* (Two-Year Bill)**

SB 1300, originally sponsored by DTSC, would have corrected the statutory reference in the Budget Act of 1998 for the Clandestine Drug Lab Program by referring to the Hazardous Waste Control Law (Chapter 6.5) as the underlying authorization and would have provided immediate reversion of the unencumbered Illegal Drug Lab Cleanup Account funds during the fiscal year 1998/99 to make the money available for DTSC to continue its drug lab cleanup program. SB 1300 was amended to pertain to air pollution.

**SB 1304**      **Senate Committee on Environmental Quality - Environmental Laboratories (Chapter 372, Statutes of 1999)**

SB 1304 requires DHS to adopt or amend the current regulations relating to environmental laboratories to enable California laboratories to participate in the National Environmental Laboratory Accreditation Program (NELAP), once the national program is implemented.

**SJR 8**      **Solis - Main San Gabriel Groundwater Basin (Resolution Chapter 66, Statutes of 1999)**

SJR 8 memorializes the President and Congress to enact legislation to make available necessary funds to implement groundwater remediation in the Main San Gabriel Groundwater Basin.

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# **Bill Subject Index**

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## Administration:

AB 75	Strom-Martin	State Agency Recycling: Waste Diversion	Chapter 764, Statutes of 1999
AB 86	McClintock	State Government: Realignment or Closure	Failed Passage
AB 1099	Shelley	Public Records: Computerized Data/ <i>Elections: Ballots</i>	Chapter 843, Statutes of 1999 <b>(URGENCY)</b>
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AB 1312	Machado	Records: Administrative Regulations	Two-Year Bill
AB 1412	Wildman	Public Employees	Chapter 156, Statutes of 1999
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SB 675	Sher	State Environmental Goals and Policy Report/ <i>State Capital Outlay</i> Two-Year Bill	
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SB 115	Solis	Environmental Justice	Chapter 690, Statutes of 1999
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AB 1685	Assembly Committee on Information Technology	Regulated Substances: Local Agencies	Chapter 1014, Statutes of 1999

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SB 1232	Senate Committee on Revenue and Taxation	Taxation: State Board of Equalization/ <i>Alcoholic Beverages</i>	Two-Year Bill

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SB 606	O'Connell	Hazardous Waste: Transportation and Recycling	Chapter 745, Statutes of 1999

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AB 1620	Torlakson	Hazardous Materials: Release	Chapter 925, Statutes of 1999
AB 1685	Assembly Committee on Information Technology	Regulated Substances: Local Agencies	Chapter 1014, Statutes of 1999

## Hazardous Waste Treatment:

AB 970	Ducheny	Hazardous Waste Treatment: Elementary Neutralization	Two-Year Bill
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## Internet: Electronic Access to Information:

AB 184	Davis	MSDS: Electronic Filing	Chapter 366, Statutes of 1999
AB 1099	Shelley	Public Records: Computerized Data/ <i>Elections: Ballots</i>	Chapter 843, Statutes of 1999 <b>(URGENCY)</b>
AB 1685	Assembly Committee on Information Technology	Regulated Substances: Local Agencies	Chapter 1014, Statutes of 1999
SB 636	Sher	Hazardous Waste Management: Incineration	Chapter 420, Statutes of 1999
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SB 324	Escutia	Contaminated Property: Restoration	Two-Year Bill
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SB 755	Hayden	CEQA	Two-Year Bill
SB 993	Hayden	Education: School Facilities: Contamination	Vetoed

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SB 328	Alpert	Real Property: Liability	Chapter 60, Statutes of 1999

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AB 1685	Assembly Committee on Information Technology	Regulated Substances: Local Agencies	Chapter 1014, Statutes of 1999
SB 274	Johannessen	Hazardous Materials: Shasta Cascade Hazardous Materials Response Team	Chapter 601, Statutes of 1999 <b>(URGENCY)</b>

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SB 606	O'Connell	Hazardous Waste: Transportation and Recycling	Chapter 745, Statutes of 1999

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**Permitting/Variances:**

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AB 1321	Cardoza	CEQA	Two-Year Bill
SB 300	Poochigian	Governmental Liability: Permits	Two-Year Bill

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AB 1312	Machado	Records: Administrative Regulations	Two-Year Bill
SB 48	Sher	Public Records: Disclosure	Vetoed
SB 1065	Bowen	Public Records: Electronic Format	Vetoed

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SB 606	O'Connell	Hazardous Waste: Transportation and Recycling	Chapter 745, Statutes of 1999

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AB 172	Firebaugh	Regulated Substances: Schools/ <i>School District Elections</i>	Two-Year Bill

AB 173	Firebaugh	School Facilities: Acquisition of Contaminated Property	Two-Year Bill
AB 174	Firebaugh	School Safety	Two-Year Bill
AB 387	Wildman	School Facilities: Site Contamination	Chapter 992, Statutes of 1999
AB 470	Wildman	Public Works: Design-Build Contracts	Vetoed
AB 1207	Shelley	Environmental Health and Safety: Schoolsites	Vetoed
SB 62	Perata	School Facilities	Two-Year Bill
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SB 453	O'Connell	School Facilities: Construction and Modernization	Two-Year Bill
SB 993	Hayden	Education: School Facilities: Contamination	Vetoed
SB 1260	Hayden	Los Angeles Unified School District	Chapter 295, Statutes of 1999 <b>(URGENCY)</b>

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AB 137	Firebaugh	Schoolsites: Hazardous Materials	Vetoed
AB 173	Firebaugh	School Facilities: Acquisition of Contaminated Property	Two-Year Bill
AB 387	Wildman	School Facilities: Site Contamination	Chapter 992, Statutes of 1999
AB 450	Ashburn	Hazardous Materials: Commitment Statement	Two-Year Bill
AB 564	Machado	Safe Drinking Water, Clean Water, and Flood Protection Act	Two-Year Bill
AB 973	Olberg	Endangered Species: Corrective Action	Two-Year Bill
AB 992	Wayne	Solid Waste Disposal Sites: Cleanup	Chapter 496, Statutes of 1999

## Site Mitigation/Site Cleanup/Corrective Action (Continued):

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AJR 5	Margett	Main San Gabriel Groundwater Basin	Two-Year Resolution
SB 47	Sher	State Superfund Re-enactment	Chapter 23, Statutes of 1999 <b>(URGENCY)</b>
SB 62	Perata	School Facilities	Two-Year Bill
SB 120	Ortiz	Hazardous Substances: Union Pacific Railyard Development	Chapter 395, Statutes of 1999
SB 153	Haynes	Private Property Rights: Taking Impact Analysis	Two-Year Bill
SB 162	Escutia	School Facilities: Contamination	Chapter 1002, Statutes of 1999
SB 300	Poochigian	Governmental Liability: Permits	Two-Year Bill
SB 324	Escutia	Contaminated Property: Restoration	Two-Year Bill
SB 530	Costa	Safe Drinking Water, Clean Water, and Flood Protection Act	Two-Year Bill
SB 598	Costa	Safe Drinking Water, Clean Water, and Flood Protection Act	Two-Year Bill
SB 667	Sher	Hazardous Substances: Response Actions: Orphan Sites	Two-Year Bill
SB 680	O'Connell	Land and Water Conservation	Two-Year Bill
SB 993	Hayden	Education: School Facilities: Contamination	Vetoed
SB 1119	Alarcon	Pollution Control: Financing: Capital Access	Chapter 756, Statutes of 1999
SJR 8	Solis	Main San Gabriel Groundwater Basin	Resolution Chapter 66, Statutes of 1999

## Solid Waste:

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AB 75	Strom-Martin	State Agency Recycling: Waste Diversion	Chapter 764, Statutes of 1999
AB 992	Wayne	Solid Waste Disposal Sites: Cleanup	Chapter 496, Statutes of 1999
SB 46	Sher	Solid Waste Management	Vetoed <b>(URGENCY)</b>

### **Storage Tanks (Above and Underground):**

SB 665	Sher	Underground Storage Tanks	Chapter 328, Statutes of 1999
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### **Superfund/Superfund Reform:**

AB 1126	Calderon	Hazardous Substances Definitions	Two-Year Bill
AB 1681	Assembly Committee on Environmental Safety & Toxic Materials/ <i>Bock</i>	Hazardous Substances: Definitions/ <i>Air Pollution</i>	Two-Year Bill
SB 47	Sher	State Superfund Re-enactment	Chapter 23, Statutes of 1999 <b>(URGENCY)</b>
SB 667	Sher	Hazardous Substances: Response Actions: Orphan Sites	Two-Year Bill

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SB 606	O'Connell	Hazardous Waste: Transportation and Recycling	Chapter 745, Statutes of 1999
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### **Used Oil/Oil/Oily Waste:**

AB 998	Wayne	Oil: Used Oil Fee: Exemption	Two-Year Bill
SB 606	O'Connell	Hazardous Waste: Transportation and Recycling	Chapter 745, Statutes of 1999

### **Waste Classification:**

AB 1332	Lowenthal	Nonhazardous Waste: Determination	Chapter 629, Statutes of 1999
SB 636	Sher	Hazardous Waste: Management: Incineration	Chapter 420, Statutes of 1999

### **Water Quality:**

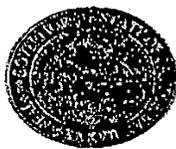
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AB 50	Migden	Water Quality: Waste Discharge Requirements/ <i>Health Care</i>	Two-Year Bill
AB 564	Machado	Safe Drinking Water, Clean Water, and Flood Protection Act	Two-Year Bill
AB 1021	House	Controlled Substances: Disposal	Two-Year Bill
AB 1104	Migden	Water Quality: Waste Discharge Requirements and Penalties	Chapter 92, Statutes of 1999
AB 1584	Machado	Safe Drinking Water, Clean Water and Flood Protection Act	Chapter 725, Statutes of 1999
AJR 5	Margett	Main San Gabriel Groundwater Basin	Two-Year Resolution
SB 390	Alpert	Water Quality	Chapter 686, Statutes of 1999
SB 407	Alpert	Medical Waste: Disposal	Chapter 139, Statutes of 1999
SB 530	Costa	Safe Drinking Water, Clean Water, and Flood Protection Act	Two-Year Bill
SB 598	Costa	Safe Drinking Water, Clean Water, and Flood Protection Act	Two-Year Bill
SJR 8	Solis	Main San Gabriel Groundwater Basin	Resolution Chapter 66, Statutes of 1999

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# Veto Messages



GOVERNOR GRAY DAVIS

October 10, 1999

To the Members of the Assembly:

I am returning Assembly Bill 137 without my signature.

AB 137 would establish a pilot program for evaluating the presence of hazardous materials at 100 public schoolsites and requires the State Allocation Board to adopt regulations for the pilot program.

I am fully committed to ensuring that California school children are safe from environmental harm. To this end I have signed SB 162 and AB 387 by Senator Escutia and Assemblyman Wildman. Together these bills require school districts to conduct a comprehensive environmental assessment and any necessary environmental cleanup before receiving funds from the State to do new construction. In signing these bills we are working to ensure that every new public school built in California meets strict environmental standards, protecting California's children from harmful contaminants.

However, AB 137 would fail to help meet this goal in a credible or useful way. I am concerned that this bill would yield very little valuable information for the level of effort required. It is unclear how the evaluation of 100 schoolsites required by AB 137 would be useful on a statewide basis as each of the 8,000 schoolsites are inherently different.

Sincerely,

A handwritten signature in black ink that reads "Gray Davis".

GRAY DAVIS

STATE CAPITOL • SACRAMENTO, CALIFORNIA 95814 • (916) 445-2841





GOVERNOR GRAY DAVIS

October 10, 1999

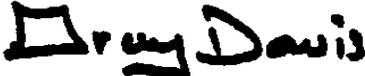
To the Members of the Assembly:

I am returning Assembly Bill No. 470 without my signature.

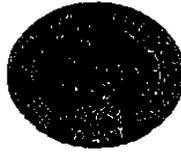
This bill would, among other things, authorize school districts to enter into design-build contracts for the design and construction of projects under the state school facilities program, with a requirement to retain the services of an architect or structural engineer in order to ensure compliance with the provisions of the bill. The bill would prohibit withholding of retention proceeds by school districts using design-build contracts, and authorizes withholding of subcontractor retention proceeds by a design-build entity.

I am supportive of the design-build process in concept. However, I cannot support this bill because it prohibits the withholding of retention proceeds by school districts using design-build contracts necessary to protect taxpayers if the contractor does not fulfill his responsibilities under the contract. This provision would put public funds at risk, and for that reason I cannot support this bill.

Sincerely,

  
GRAY DAVIS

STATE CAPITOL • SACRAMENTO, CALIFORNIA 95814 • (916) 445-2841



**GOVERNOR GRAY DAVIS**

October 8, 1999

To the Members of the Assembly:

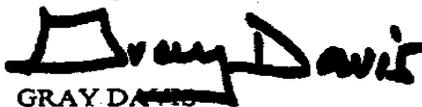
I am returning Assembly Bill 486 without my signature.

Although the provisions of this bill are optional, the concern is that the public will confuse an advisory interpretation, which is non-binding expression of the agency's interpretation of the law it enforces, with a legally binding regulation. The procedure prescribed for adopting an advisory interpretation is much the same as the procedure for adopting a regulation. An advisory interpretation would have no legal effect; would be entitled to no judicial deference; could not prescribe a penalty or course of conduct, confer a right, privilege, authority, exemption, or immunity, impose an obligation, or in any way bind or compel; and could not be used as an alternative means of adopting binding regulations. There is a potential that advisory interpretations could ultimately become underground regulations. Existing law already provides a process for declaratory decisions to be issued by a state agency that have the "same status and binding effect as any other decision issued by the agency in an adjudicative proceeding: (Gov. Code 11465.10 et seq.). State agencies have various other methods by which they may publicize their interpretation of the laws they enforce.

Existing law already provides a shortened and efficient process for adopting non-controversial regulations.

The provisions of AB 486 are duplicative of existing law and therefore, unnecessary.

Sincerely,

  
GRAY DAVIS

STATE CAPITOL • SACRAMENTO, CALIFORNIA 95814 • (916) 445-2841



GOVERNOR GRAY DAVIS

October 10, 1999

To the Members of the Assembly:

I am returning Assembly Bill 1207 without my signature.

This bill attempts to address important issues concerning the health and safety of children in schools including indoor environmental quality, portable classrooms, and the use of pesticides at school facilities.

While laudable in much of its intent, this legislation contains a serious flaw which precludes me from signing it. My main concern with this bill is the overly prescriptive requirements on the use of pesticides on school sites. Unfortunately the bill is drafted with such broad language that it creates costly requirements for schools that are not reasonable or optimal approaches to pest management.

AB 1207 would, for example, require school districts to notify parents of applications in schools of such commonly used household insecticides as Raid and Combat, or three days before applying insecticides to address pest emergencies such as hornets nests or fire ants on school property. The bill would require schools districts to notify parents of applications of pesticides even during school vacations when children would not normally be present in the school. For example, parents would need to be notified each time a summer baseball league applies weedkiller, such as Round-Up, to delineate lines on a ballfield on school property.

The California Department of Finance indicates that this measure would result in estimated costs of \$2.7 million in 2000-01, \$1.7 million in 2001-02 and \$1.2 million annually thereafter. In addition, this bill would result in reimbursable state-mandated costs estimated in the tens of millions of dollars for school districts to comply with the notification and posting requirements for pesticide use, establishing the least hazardous integrated pest management program, and training to implement the program.

In the 1999-2000 Budget Act, I set aside \$1 million to provide a comprehensive review of air quality in portable classrooms. Additionally, the Department of Health Services (DHS) conducts an Indoor Air Quality Program charged with studying indoor environmental quality and coordinating the state's response to indoor air problems. DHS's Environmental Health Investigation Branch investigates environmental health problems in the state and has consulted with several school districts at their request on recent school environmental health issues, including potential problems in portable classrooms.

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Page Two

I continue to believe the issue of air quality in portable classrooms is an important issue that must be addressed to ensure that any unsafe conditions are identified and promptly addressed, and I will support legislation to utilize the funds set aside in the budget toward that end.

Sincerely,

GRAY DAVIS



GOVERNOR GRAY DAVIS

October 10, 1999

To the Members of the Senate:

I am returning Senate Bill 46 without my signature.

This bill would require that one of the two public members to the California Integrated Waste Management Board (CIWMB) has experience as an elected local official and would make various other technical and conforming changes to the Integrated Waste Management Act.

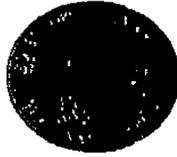
I believe it is inappropriate to reduce the number of gubernatorial appointees on the CIWMB who represent the public from two to one. While I am supportive of local government representation on the CIWMB, I would ask that this issue and the membership structure of the CIWMB be addressed as part of the Structure and Funding Review Report being prepared by the Secretary of Environmental Protection.

Sincerely,

A handwritten signature in black ink that reads "Gray Davis".

GRAY DAVIS

STATE CAPITOL • SACRAMENTO, CALIFORNIA 95814 • (916) 445-2841



GOVERNOR GRAY DAVIS

October 9, 1999

To Members of the California State Senate:

I am returning Senate Bill No. 48 without my signature.

This bill would authorize the Attorney General to issue an opinion on the validity of a State or local agency's denial of a request for information under the California Public Records Act.

I am signing Assembly Bill No. 427 which clarifies that no state agency, commissioner, or officer, shall employ legal counsel other than the Attorney General, or one of his assistants or deputies, in any matter in which they are interested, or a party to, as a result of office or official duties.

Therefore, under SB 48, should the Attorney General issue an opinion adverse to a state agency or department which ultimately leads to litigation, the Attorney General may not be able to represent an agency that it has already opined against.

SB 48 creates an Attorney General appeals process that will lead to inherent conflicts of interest between the Attorney General and his major clients, the state agencies and departments. Consequently, this bill could result in uneven legal representation and increased use of costly outside counsel by the agency or department.

Finally, the costs to comply with this bill would be borne by the General Fund and would likely be significant. Therefore, I am vetoing this bill.

Sincerely,

  
GRAY DAVIS

STATE CAPITOL • SACRAMENTO, CALIFORNIA 95814 • (916) 445-2841



GOVERNOR GRAY DAVIS

October 10, 1999

To the Members of the Senate:

I am returning Senate Bill 993 without my signature.

This bill would require the development of children's health standards and guidelines for schools, require schoolsite response actions to be monitored by an advisory committee and require the Division of the State Architect to revise its design standards for school buildings.

I believe that California's school children should be safe from environmental harm. To this end, I have signed SB 162 and AB 387 by Senator Escutia and Assemblyman Wildman. These bills work together to create a comprehensive environmental assessment process for school construction.

While the efforts of the author are laudable, the current hazardous waste cleanup standards adequately protect children. Also, the bill requires the revision of school design standards in a manner that is unclear and fails to provide adequate funding for this purpose.

Sincerely,

A handwritten signature in black ink that reads "Gray Davis".

GRAY DAVIS

STATE CAPITOL • SACRAMENTO, CALIFORNIA 95814 • (916) 445-2841



GOVERNOR GRAY DAVIS

October 10, 1999

To the Members of the Senate:

I am returning Senate Bill 1065 without my signature.

This is well-intentioned legislation. However, many of the state's computer systems do not yet have the capacity to implement the provisions of this bill.

As such, this bill does not keep faith with previous legislation I have signed to protect the confidentiality of citizens whose personal information is maintained by state departments including the Employment Development Department, the Department of Motor Vehicles, the Department of Health Services, and the California Highway Patrol.

I believe the State's information technology resources should be directed towards making sure that its computer systems are year 2000 compliant. The author was unwilling to add language which would ensure the completion of this task before the implementation of the provisions of this bill.

Cordially,

  
GRAY DAVIS

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