

## AEG Legislative Status Report, November, 2003

Of the 29 bills being watched this year, 12 were signed into law and 17 are two year bills. It has been very exciting since the recall. There is a lot of energy and hope that the Governor Elect can turn things around. He is making appointments daily but none that would be of interest to AEG up to this point. The DCA Director should be named in the near future and I will let you know as soon as I find out.

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**AB 58 (2003-2004) , Bates:** ASM ENVIRONMENTAL SAFETY AND TOXIC MATERIALS ( Version (amended asm) 2003-03-25 )

**Topic:** State Water Pollution Cleanup and Abatement Account.

**Last Action:** In committee: Set, first hearing. Hearing canceled at the request of author. (2003-04-08)

**Note:** This bill is a two year bill.

**Digest Summary:** Existing law, the Porter-Cologne Water Quality Control Act, authorizes a California regional water quality control board, if the regional board determines that there is a threatened or continuing violation of any cleanup or abatement order or certain other orders relating to water quality, to impose a civil penalty, not to exceed \$10,000 for each day in which the violation occurs.

This bill would continuously appropriate 75% of those funds that are collected by a regional board to that regional board to carry out the act and 25% of those funds to the state board to carry out the act.

**AB 66 (2003-2004) , Leslie:** ( Version (chaptered) 2003-10-09 )

**Topic:** Riparian habitat: Adopt-A-Riverway Program.

**Last Action:** Chaptered by Secretary of State - Chapter 675, Statutes of 2003. (2003-10-09)

**Note:** Bill was signed into law.

**Digest Summary:** Under existing law, the Department of Transportation controls state highways and associated properties, counties are responsible for county highways, and cities are responsible for city streets.

This bill would authorize the Department of Food and Agriculture to accept funds or services from any person, as defined, for maintenance or enhancement of a section of a state riverway, as defined, for purposes of operating a government-volunteer partnership Adopt-A-Riverway Program.

**AB 83 (2003-2004) , Corbett and Firebaugh:** SEN ( Version (amended sen) 2003-08-27 )

**Topic:** Bottled water.

**Last Action:** Withdrawn from committee. Ordered placed on third reading file. Read third time, passage refused. (Ayes 16. Noes 20. Page 2602.) Motion to reconsider made by Senator Sher. Reconsideration granted. (Page 2602.) (2003-09-13)

**Note:** This is a two year bill.

**Digest Summary:** Existing law, commonly referred to as the California Safe Drinking Water Act, imposes various functions and duties on the State Department of Health Services with respect to the administration of the act, and requires public water systems to comply with recommended public health levels for contaminants in drinking water established by the department.

This bill would transfer the provisions relating to the licensure and regulation of persons engaged in the above bottled water activities from the Sherman Food, Drug, and Cosmetic Law to the California Safe Drinking Water Act.

**AB 148 (2003-2004)** , **Dymally**: ASM LOCAL GOVERNMENT ( Version (amended asm) 2003-05-14 )

**Topic:** Municipal water districts.

**Last Action:** (Corrected May 22. ) (2003-05-23)

**Note:** This bill is a two year bill.

**Digest Summary:** This bill would prohibit the Central Basin Municipal Water District and the West Basin Municipal Water District from issuing bonds, certificates of participation, financing leases, installment sales or purchase agreements, or other evidence of indebtedness, without the approval of a majority of the voters participating in a districtwide election.

**AB 496 (2003-2004)** , **Lowenthal**: SEN ( Version (amended sen) 2003-09-12 )

**Topic:** Sales and use taxes: exemptions: bunker fuel.

**Last Action:** From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on RLS. Withdrawn from committee. Ordered placed on third reading file. (2003-09-13)

**Note:** This bill is a two year bill.

**Digest Summary:** This bill would additionally exempt, until 2014, the gross receipts from the sale of fuel and petroleum products to a water common carrier for immediate shipment outside this state for consumption in the conduct of its business as a common carrier after the first out-of-state destination, if specified conditions are met.

**AB 515 (2003-2004)** , **Matthews**: ASM BUSINESS AND PROFESSIONS ( Version (amended asm) 2003-04-21 )

**Topic:** Public contracts: responsible bidder.

**Last Action:** Re-referred to Com. on B. & P. (2003-04-22)

**Note:** This bill is a two year bill.

**Digest Summary:** This bill would require a public entity awarding a contract to consider safety and wage violations in evaluating responsible bidders.

**AB 1107 (2003-2004)** , **Liu**: ASM APPROPRIATIONS ( Version (introduced) 2003-02-21 )

**Topic:** Groundwater: uniform data standards.

**Last Action:** In committee: Set, second hearing. Held under submission. (2003-05-28)

**Note:** This bill is a two year bill.

**Digest Summary:** Existing law requires the State Water Resources Control Board to integrate existing monitoring programs and design new program elements, as necessary, for the purpose of establishing a comprehensive monitoring program capable of assessing each groundwater basin in the state through direct and other statistically reliable sampling approaches, and to create an interagency task force composed of representatives of listed state agencies to identify actions necessary to establish the monitoring program and to identify measures that would increase coordination among state and federal agencies that collect groundwater contamination information.

This bill would additionally require the interagency task force to develop uniform groundwater data standards.

**AB 1159 (2003-2004)** , **Liu**: ASM WATER, PARKS AND WILDLIFE ( Version (introduced) 2003-02-21 )

**Topic:** Groundwater data.

**Last Action:** In committee: Set, first hearing. Hearing canceled at the request of author. (2003-04-29)

**Note:** This bill is a two year bill.

**Digest Summary:** Existing law requires the State Water Resources Control Board, on or before March 1, 2003, to submit a report to the Governor and the Legislature that includes a detailed description of a comprehensive groundwater quality monitoring program capable of assessing each groundwater basin in the state through statistically reliable sampling approaches.

This bill would enact the Groundwater Data Standards Act of 2003.

**AB 1195 (2003-2004)** , **Cohn**: SEN LOCAL GOVERNMENT ( Version (introduced) 2003-02-21 )

**Topic:** Subdivision Map Act: exemptions.

**Last Action:** In committee: Set, first hearing. Hearing canceled at the request of author. (2003-06-11)

**Note:** The bill is a two year bill.

**Digest Summary:** Existing law makes the Subdivision Map Act inapplicable to specified land uses or interests in land, including, among other things, leases of agricultural land for agricultural purposes and requires that a local agency, as defined, may not acquire real property for specified purposes nor construct or authorize a public building or structure in any county or city that has adopted an applicable general plan until the location, purpose, and extent of the acquisition or disposition of real property, or the proposed public building or structure has been submitted to the local planning agency for review.

This bill would exempt a regional park and open space district from these provisions.

### **AB 1212 (2003-2004) , Pavley:** ( Version (chaptered) 2003-09-04 )

**Topic:** Public resources: coastal development: permits: restrictions.

**Last Action:** Chaptered by Secretary of State - Chapter 285, Statutes of 2003. (2003-09-04)

**Note:** This bill was signed into law.

**Digest Summary:** (1) Existing law requires a person wishing to perform or undertake development in the coastal zone, as defined, to obtain a coastal development permit, except as specified, in addition to obtaining any other permit required by law from a local government or from a state, regional, or local agency.

This bill would require that a coastal development permit for sand replenishment require the project applicant to provide onsite monitoring and supervision during the implementation of the permit.

### **AB 1218 (2003-2004) , Dutra:** ( Version (chaptered) 2003-10-09 )

**Topic:** Underground storage tanks: claims: performance-based contracts: fire safety agency claims.

**Last Action:** Chaptered by Secretary of State - Chapter 689, Statutes of 2003. (2003-10-09)

**Note:** This bill was signed into law.

**Digest Summary:** (1) Under the existing Barry Keene Underground Storage Tank Cleanup Trust Fund Act of 1989, owners and operators of petroleum underground storage tanks requires every owner of an underground storage tank to pay a storage fee for each gallon of petroleum placed in the tank.

This bill would authorize the board to pay a claim to reimburse the cost of a performance-based contract that is approved by the board as being consistent with the requirements of the bill.

### **AB 1247 (2003-2004) , Aghazarian:** ( Version (chaptered) 2003-09-04 )

**Topic:** Hazardous waste facility: postclosure.

**Last Action:** Chaptered by Secretary of State - Chapter 286, Statutes of 2003. (2003-09-04)

**Note:** This bill was signed into law.

**Digest Summary:** (1) Existing law requires the owner or operator of a hazardous waste facility to submit a hazardous waste facility closure and postclosure plan to the Department of Toxic Substances Control and to the California regional water quality control board for the region in which the facility is located.

This bill would require the department to impose the requirements of a hazardous waste facility postclosure plan by issuing a postclosure permit, issuing an enforceable order, or entering into an enforceable agreement.

### **AB 1248 (2003-2004) , Aghazarian:** ( Version (chaptered) 2003-10-09 )

**Topic:** Waste discharge requirements.

**Last Action:** Chaptered by Secretary of State - Chapter 690, Statutes of 2003. (2003-10-09)

**Note:** This bill was signed into law.

**Digest Summary:** Existing law, the Porter-Cologne Water Quality Control Act, requires the State Water Resources Control Board and the California regional water quality control boards to carry out various duties relating to water quality, including the issuance of waste discharge requirements, water reclamation requirements, and related orders.

This bill would require the state board or the regional board, as appropriate, to provide notice and a period of at least 30 days for public comment prior to adopting waste discharge requirements, water reclamation requirements, or those related orders.

### **AB 1265 (2003-2004) , Benoit:** SEN JUDICIARY ( Version (amended asm) 2003-05-05 )

**Topic:** Engineers and land surveyors: limited liability partnerships.

**Last Action:** In committee: Hearing postponed by committee. (2003-07-10)

**Note:** This bill is a two year bill.

**Digest Summary:** (1) Existing law, the Professional Engineers Act and the Professional Land Surveyors' Act, provides for the licensing and regulation of engineers and land surveyors.

This bill would additionally authorize an engineer and a land surveyor to practice within the scope of his or her licensure as a limited liability partnership.

**AB 1280 (2003-2004) , Liu:** ASM NATURAL RESOURCES ( Version (introduced) 2003-02-21 )

**Topic:** San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy.

**Last Action:** In committee: Set, first hearing. Hearing canceled at the request of author. (2003-05-05)

**Note:** This bill is a two year bill.

**Digest Summary:** Existing law provides for the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy.

This bill would add a provision to the definition of the territory of the conservancy to clarify that the conservancy and the Santa Monica Mountains Conservancy may enter into a memorandum of agreement to pursue joint projects.

**AB 1353 (2003-2004) , Matthews:** SEN ENVIRONMENTAL QUALITY ( Version (amended asm) 2003-05-06 )

**Topic:** Waste discharge requirements: exemption.

**Last Action:** Referred to Com. on ENV. QUAL. In committee: Hearing postponed by committee. (2003-06-12)

**Note:** This bill is a two year bill.

**Digest Summary:** (1) Existing law, the Porter-Cologne Water Quality Control Act, with certain exceptions, imposes on a person for whom waste discharge requirements have been prescribed, an annual fee established by the State Water Resources Control Board, not to exceed \$20,000, but subject to an annual adjustment, on the basis of total flow, volume, number of animals, threat to water quality, and area involved.

This bill would provide that a person who stores liquid wastewater in a holding tank and periodically transports the liquid wastewater to an authorized disposal facility is not subject to waste discharge requirements and is subject to the payment of *an annual* fee of \$50, if the appropriate regional board determines that the discharge will not have a significant impact on the environment.

**AB 1360 (2003-2004) , Steinberg:** ( Version (chaptered) 2003-10-03 )

**Topic:** Environmental quality: environmental indicators.

**Last Action:** Chaptered by Secretary of State - Chapter 664, Statutes of 2003. (2003-10-03)

**Note:** This bill was signed into law.

**Digest Summary:** Existing law requires the Secretary for Environmental Protection, on or before January 1, 2002, to convene a Working Group on Environmental Justice to assist the California Environmental Protection Agency (Cal/EPA) in developing, on or before July 1, 2002, an agencywide strategy for identifying and addressing gaps in existing programs, policies, or activities that may impede the achievement of environmental justice.

This bill would require the Office of Environmental Health Hazard Assessment (OEHHA), on behalf of the office of the Secretary for Environmental Protection, beginning on July 1, 2004, and, to the extent that funds are appropriated by the Legislature, to develop and maintain a system of environmental indicators that meets specified objectives.

**AB 1367 (2003-2004) , Laird:** SEN ( Version (amended sen) 2003-09-08 )

**Topic:** Waste: regulation.

**Last Action:** To inactive file on motion of Senator Sher. (2003-09-09)

**Note:** This bill is a two year bill.

**Digest Summary:** (1) Existing law establishes various standards for management and control of hazardous waste.

This bill would authorize the department to adopt alternative management standards by regulation, for hazardous waste management activities that meet specified criteria.

**AB 1375 (2003-2004) , Daucher:** ASM ENVIRONMENTAL SAFETY AND TOXIC MATERIALS ( Version (introduced) 2003-02-21 )

**Topic:** Waste discharge requirements: municipal separate storm sewer systems.

**Last Action:** In committee: Set, first hearing. Hearing canceled at the request of author. (2003-04-29)

**Note:** This bill is a two year bill.

**Digest Summary:** Under existing law, the State Water Resources Control Board and the California regional water quality control boards prescribe waste discharge requirements for the discharge of storm water by municipalities and industries in accordance with the federal national pollutant discharge elimination system (NPDES) permit program established by the Clean Water Act, and the Porter-Cologne Water Quality Control Act.

This bill would require the state board and the regional boards to prescribe and enforce waste discharge requirements for municipal separate storm sewer systems in conformance with the maximum extent practicable standard set forth in the Clean Water Act.

### **AB 1405 (2003-2004) , Wolk and Harman: ( Version (chaptered) 2003-10-09 )**

**Topic:** California Watershed Protection and Restoration Act.

**Last Action:** Chaptered by Secretary of State - Chapter 693, Statutes of 2003. (2003-10-09)

**Note:** This bill was signed into law.

**Digest Summary:** Existing law provides for a watershed protection program, and provides funds to assist in implementing watershed plans to reduce flooding, control erosion, improve water quality, and improve aquatic and terrestrial species habitats, to restore natural systems of groundwater recharge, native vegetation, waterflows, and riparian zones, to restore the beneficial uses of waters of the state in watersheds, and to provide matching funds for federal grant programs.

This bill would enact the California Watershed Protection and Restoration Act.

### **AB 1517 (2003-2004) , Plescia: ASM ENVIRONMENTAL SAFETY AND TOXIC MATERIALS ( Version (amended asm) 2003-04-07 )**

**Topic:** Stormwater.

**Last Action:** Joint Rule 61(a)(2) suspended. (Com. on NAT. RES. and E.S. & T.M.) (Ayes 77. Noes 0. Page 1379.) (2003-05-01)

**Note:** This bill is a two year bill.

**Digest Summary:** Under existing law, the State Water Resources Control Board and the California regional water quality control boards regulate the discharge of stormwater in accordance with the federal Clean Water Act and the Porter-Cologne Water Quality Control Act.

This bill would state the intent of the Legislature to enact legislation that would foster science-based, environmentally beneficial, results-oriented, and cost-effective water quality programs that draw on the strengths of municipalities that administer stormwater permits and the state and regional water quality control boards.

### **AB 1541 (2003-2004) , Montanez: ( Version (chaptered) 2003-09-29 )**

**Topic:** Waste discharge requirements: penalties.

**Last Action:** Chaptered by Secretary of State - Chapter 609, Statutes of 2003. (2003-09-29)

**Note:** This bill was signed into law.

**Digest Summary:** Existing law, the Porter-Cologne Water Quality Control Act, with certain exceptions, requires the imposition of a mandatory minimum penalty in the amount of \$3,000 for certain violations of waste discharge requirements, including for each serious violation, as defined, and, under certain circumstances, for a violation of a waste discharge requirement effluent limitation, a failure to file a waste discharge report, or a violation of a toxicity discharge limitation.

This bill would classify a failure to file a required discharge monitoring report for each complete period of 30 days following the deadline for submitting the report, if the report is designed to ensure compliance with effluent limitations contained in waste discharge requirements, as a "serious violation" for the purposes of these provisions and, subject to certain exceptions, would make that serious violation subject to a penalty of \$3,000 for each 30-day period a report is not submitted as required.

### **AB 1598 (2003-2004) , Corbett: ( Version (chaptered) 2003-09-22 )**

**Topic:** Seismic safety: insurance: retrofitting.

**Last Action:** Chaptered by Secretary of State - Chapter 448, Statutes of 2003. (2003-09-22)

**Note:** This bill was signed into law.

**Digest Summary:** Existing law requires the Department of Insurance to establish a program for residential grants and loans to help pay for the retrofitting of high-risk residential dwellings owned or occupied by low- and moderate-income households, in order to minimize the risk of earthquake damage to those dwellings and thereby reduce the costs of residential earthquake insurance.

This bill would limit the department to using no more than \$265,000 for the 1998-99 through 2002-03 fiscal years, and to using no more than \$290,000 per fiscal year thereafter to administer the program.

**AB 1609 (2003-2004) , Spitzer:** ASM ( Version (introduced) 2003-02-21 )

**Topic:** Public contracts: design-build-operate.

**Last Action:** Read first time. (2003-02-24)

**Note:** This bill is a two year bill.

**Digest Summary:** Existing law sets forth the requirements for the solicitation and evaluation of bids and the awarding of contracts by public entities for the erection, construction, alteration, repair, or improvement of any public structure, building, road, or other public improvement.

This bill would make legislative findings and declarations, including that the single-step design-build-operate process is an attractive and valuable alternative to a public entity in comparison to the existing 3-step process of design-bid-build and then the separate operation of the project.

**SB 22 (2003-2004) , Sher and Burton:** ( Version (enrolled) 2003-04-07 )

**Topic:** Surface mining and reclamation.

**Last Action:** Chaptered by Secretary of State. Chapter 3, Statutes of 2003. (2003-04-07)

**Note:** This bill was signed into law.

**Digest Summary:** The existing Surface Mining and Reclamation Act of 1975 prohibits a person from conducting surface mining operations without obtaining a permit from the lead agency for those operations, and submitting and receiving approval for a reclamation plan and financial assurances from the lead agency.

This bill would repeal the provision making the operation of those changes contingent on the enactment of SB 1828 on or before January 1, 2003.

**SB 34 (2003-2004) , Soto:** SEN RULES ( Version (introduced) 2002-12-05 )

**Topic:** Inland Empire Water Quality Authority.

**Last Action:** To Com. on RLS. (2003-01-08)

**Note:** This bill is two year bill.

**Digest Summary:** Existing law establishes the San Gabriel Basin Water Quality Authority to take measures to improve the quality of groundwater in the San Gabriel Basin.

This bill would enact the Inland Empire Water Quality Authority Act.

**SB 214 (2003-2004) , Morrow:** SEN ENVIRONMENTAL QUALITY ( Version (amended sen) 2003-04-09 )

**Topic:** Waste discharge requirements: municipal separate storm sewer systems.

**Last Action:** Set, first hearing. Hearing canceled at the request of author. (2003-04-28)

**Note:** This bill is a two year bill.

**Digest Summary:** Under existing law, the State Water Resources Control Board and the California regional water quality control boards prescribe waste discharge requirements for the discharge of *stormwater* by municipalities and industries in accordance with the federal national pollutant discharge elimination system (NPDES) permit program established by the federal Clean Water Act, and the Porter-Cologne Water Quality Control Act.

This bill would require the state board and the regional boards to prescribe and enforce waste discharge requirements for municipal separate storm sewer systems that conform to the "maximum extent practicable" standard set forth in the Clean Water Act.

**SB 277 (2003-2004) , Ducheny:** ( Version (chaptered) 2003-09-29 )

**Topic:** Water: Salton Sea.

**Last Action:** Chaptered by Secretary of State. Chapter 611, Statutes of 2003. (2003-09-29)

**Note:** This bill was signed into law.

**Digest Summary:** (1) Under existing law, various agencies carry out responsibilities relating to the Salton Sea.

This bill would enact the Salton Sea Restoration Act.

**SB 1079 (2003-2004) , Committee on Business and Prof:** ( Version (chaptered) 2003-09-05 )

**Topic:** Department of Consumer Affairs.

**Last Action:** Chaptered by Secretary of State. Chapter 325, Statutes of 2003. (2003-09-05)

**Note:** This bill was signed into law.

**Digest Summary:** (1) Existing law provides for the regulation of landscape architects by the California Architects Board.

This bill would require a licensee to file his or her current mailing or business address at the board's Sacramento office and would require the licensee to immediately notify the board if his or her business or mailing address changed.