California Environmental Protection Agency
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
8800 Cal Center Drive
Sacramento, CA 95826
(916) 255-2200

Tuesday, July 14, 1998
1:30 p.m.

meeting of the

LEGISLATION AND PUBLIC EDUCATION COMMITTEE

Dan Eaton, Chair
Wesley Chesbro, Member
Robert C. Frazee, Member

AGENDA

Note:

- *Agenda items may be taken out of order.*
- *If written comments are submitted, please provide 15 two-sided copies in advance of the Committee meeting and include on the first page of the document the date, the name of the committee meeting, the agenda item number, and the name of the person submitting the document.*
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Some of the items listed below may be removed from the agenda prior to the Committee meeting. To verify whether an item will be heard, please call Piper Miguelgorry, Committee Secretary, at (916) 255-2177.

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1. UPDATE ON OFFICE OF PUBLIC AFFAIRS ACTIVITIES (ORAL PRESENTATION)

2. CONSIDERATION OF STATE LEGISLATION

3. OPEN DISCUSSION

4. ADJOURNMENT

Notice: The Board or the Committee may hold a closed session to discuss the following: confidential tax returns, trade secrets, or other confidential or proprietary information of which public disclosure is prohibited by law; the appointment or employment of a public employee; or litigation under authority of Government Code Sections 11126 (a)(1), (c)(3), (15), and (e), respectively.

For further information or copies of agenda items, please contact:

INTEGRATED WASTE MANAGEMENT BOARD
8800 Cal Center Drive
Sacramento, CA 95826

Request Line: (916) 255-2563/FAX (916) 255-2602
Patti Bertram, Administrative Assistant: (916) 255-2156

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California Integrated Waste Management Board

Legislation and Public Education Committee

July 14, 1998

AGENDA ITEM 2

ITEM:

CONSIDERATION OF STATE LEGISLATION

I. SUMMARY

This item presents analyses of three bills for the Legislation and Public Education Committee's (LPEC) consideration. In addition, the Committee may wish to consider any legislation presently before the California Legislature, as described in the Status Report of Priority Legislation, which is attached.

II. PREVIOUS COMMITTEE ACTION

AB 2181 (Firestone): Solid waste: tires. AB 2181 was pulled from the March 17, 1998 Legislation and Public Education Committee agenda.

AB 2521 (Wayne): Solid waste facilities. AB 2521 was pulled from the May 19, 1998 Legislation and Public Education Committee agenda.

III. OPTIONS FOR THE COMMITTEE

Committee members may wish to recommend a position to the full Board on the State legislation before them or postpone recommendations until a later date. Attachment 1 describes actions commonly taken by the LPEC in making recommendations to the full Board on pending State or Federal legislation.

IV. STAFF RECOMMENDATION

The Legislative and External Affairs Office suggests that the Committee recommend positions, or provide staff with direction, on the State legislation before them.

V. ANALYSIS

Analyses have been prepared for the following bills:

AB 2181 (Firestone): Solid waste: tires. AB 2181 would clarify the definition of "each day of violation" with regard to accepting waste tires at an unpermitted waste tire facility and knowingly directing or transporting waste tires to an unpermitted waste tire facility. The bill would establish separate penalties for negligent and intentional violations of law, permit, rule, regulation, standard, or requirement issued or adopted pursuant to waste tire law.

Additionally, this bill has been double-joined to AB 228 (Migden) and would incorporate the

following changes if AB 228 and AB 2181 are both chaptered, become effective on or before January 1, 1999, and AB 2181 is chaptered last: 1) add abandonment of tires to the circumstances under which a person can be convicted of a crime; 2) allow a city, county, or city and county to request designation to exercise enforcement authority from the CIWMB with regard to waste tires; and 3) allow penalties collected for waste tire violations to be retained by the city, county, or city and county if the attorney who brought the action represents that local government entity.

AB 2237 (Escutia): Environmental protection: loans and grants: environmental loans and grants: selection criterion. AB 2237 would require the California Environmental Protection Agency, the Resources Agency and the Department of Health Services and the departments, boards, offices and commissions within those agencies to: 1) consider disproportionate human health and environmental effects, as well as funding trends, when awarding loans and grants; and 2) make information regarding these loans and grants readily available to the public, including through its Internet website.

AB 2521 (Wayne): Solid waste facilities. AB 2521 would permit local enforcement agencies (LEAs) to recover costs in defending themselves against appeals of denials of a solid waste facility's permit where they prevail, eliminate the prohibition against a member of an independent hearing panel from serving for more than two consecutive two-year terms, and provide that a cease and desist order issued by an LEA against a solid waste facility operator shall remain in force and effect while any appeal by the operator is pending.

VI. FUNDING INFORMATION

Not applicable.

VII. ATTACHMENTS

1. Description of actions commonly taken by the Committee.
2. Bill analyses for the following bills:
   - A. AB 2181 (Firestone)
   - B. AB 2237 (Escutia)
   - C. AB 2521 (Wayne)
3. Status Report of Priority Bills.

VIII. APPROVALS

Prepared By:	Barbara J. Peavy	Phone:	255-2417
Reviewed By:	Gregson W. Porteous	Phone:	255-2415
Reviewed By:	Patty Zwarts	Phone:	255-2203
Legal Review:	Not applicable.	Date/Time:	

ATTACHMENT 1

Description of actions commonly taken by the Committee.

Legislation and Public Education Motions

◆ Recommend a position. This means the LPEC is recommending a position to the full Board for its consideration. The LPEC may recommend the bill for the Board's consent calendar, *provided* all LPEC members agree on a position and agree that the bill is not controversial and does not merit further discussion at the Board meeting. Commonly used positions are:

- **Support.** This indicates that LPEC recommends CIWMB's unconditional support for the legislation.

- **Support if amended.** This indicates that LPEC recommends that the CIWMB support the legislation, provided it is amended. If the author of the legislation does not accept the amendments, the CIWMB will not have a position and may re-evaluate the bill to determine if another position is warranted.

- **Oppose.** This indicates that LPEC recommends that the CIWMB unconditionally oppose the legislation – that is, that no amendments are available to remove the CIWMB's concerns.

- **Oppose unless amended.** This indicates that LPEC recommends that the CIWMB oppose the legislation until appropriate amendments are made to address the CIWMB's concerns. If the CIWMB amendments are taken, CIWMB will not have a position for the bill and may re-evaluate the legislation.

- **Neutral.** This indicates that LPEC recommends that the CIWMB adopt a neutral position regarding the legislation because the bill does not impose any policy or fiscal impacts of concern to the CIWMB's policies or programs.

- **Neutral if amended.** This indicates that LPEC recommends that the CIWMB adopt a neutral position regarding the legislation but nonetheless request amendments (usually minor, technical changes).

- **Defer to another agency.** This indicates that LPEC recommends that the CIWMB not take a position on the legislation but rather suggest that another agency should more appropriately adopt a position on the bill.

◆ Hold in Committee. This means that the LPEC is not prepared to forward the bill to the full Board for a position.

◆ Forward to the CIWMB without recommendation. This means that LPEC has reviewed and discussed the legislation but chooses not to recommend a position to the full Board.

LEGISLATION AND PUBLIC EDUCATION COMMITTEE

BILL ANALYSIS

Board	Author	Bill Number
California Integrated Waste Management Board	Firestone	AB 2181
Sponsor	**Related Bills**	**Date Amended**
Author	AB 228 (Migden), AB 964 (Bowen)	June 23, 1998

BILL SUMMARY

AB 2181 would clarify the definition of "each day of violation" with regard to accepting waste tires at an unpermitted waste tire facility and knowingly directing or transporting waste tires to an unpermitted waste tire facility. The bill would establish separate penalties for negligent and intentional violations of law, permit, rule, regulation, standard, or requirement issued or adopted pursuant to waste tire law.

Additionally, this bill has been double-joined to AB 228 (Migden) and would incorporate the following changes if AB 228 and AB 2181 are both chaptered, become effective on or before January 1, 1999, and AB 2181 is chaptered last: (1) add abandonment of tires to the circumstances under which a person can be convicted of a crime; (2) allow a city, county, or city and county to request designation to exercise enforcement authority from the CIWMB with regard to waste tires; and (3) allow penalties collected for waste tire violations to be retained by the city, county, or city and county if the attorney who brought the action represents that local government entity.

BACKGROUND

AB 2181 is sponsored by the author, who wishes to promote the productive use of waste tires.

AB 2181 has been amended six times since its introduction in February, 1998, and its current form is close to the "as introduced" version. Language from AB 228 (Migden) has been double-joined to it; however, the language covering site access for remediation of tires is no longer part of AB 228 and therefore is not part of the language added.

Previous versions of AB 2181 would have required the CIWMB to submit reports on: (1) its progress in reducing the landfill disposal and stockpiling of used whole tires by

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25%; (2) a phased strategic plan and cost estimate to eliminate existing stockpiles of whole waste tires and to replace the need for landfill deposition of shredded waste tire with a sustainable productive use for waste tires; and (3) the impact of waste tires imported from other states for use or disposal in California. In addition, earlier versions of AB 2181 would have increased the current tire fee from $0.25 to $0.50 per tire and extended its payment until June 30, 2004. Finally, AB 2181 in earlier forms, would have created a program for productive end use of waste tires and required the CIWMB to establish a certification process to identify qualified productive end users eligible for a $0.20 per passenger tire equivalent (PTE) reimbursement from the California Tire Recycling Management Fund.

In 1997 Assemblyman Firestone authored AB 375, a comprehensive tire bill that would have (1) raised the tire fee and made it payable by motor vehicle manufacturers and tire wholesalers, (2) established a tire recycling reimbursement program, (3) required all state agencies to give a purchase preference to asphalt pavement containing recycled rubber, (4) prescribed minimum combined state agency utilization requirements for asphalt pavement containing recycled rubber, and (5) addressed several violation and enforcement issues. AB 375 failed passage on the Assembly Floor (20-41) on June 2, 1997, and was granted reconsideration and moved to the Assembly Inactive File where it died after failing to move out of the Assembly by the January 31, 1998 deadline

The California Tire Recycling Act (Public Resources Code [PRC] §42860-42895), Waste Tire program (PRC §42800-42859), and Tire Hauler Registration program (PRC §42950-42967) require the California Integrated Waste Management Board (CIWMB) to administer a tire recycling program and a waste tire facility and hauler regulatory program. The goal of these programs is to promote and develop alternatives to the landfill disposal of whole waste tires and protect the public health and safety and the environment with regard to waste tire facilities and haulers. Within the Act, PRC Section 42885 created the California Tire Recycling Management Fund, which is used to support tire recycling and regulatory activities. Revenues in the fund are generated by a fee of $0.25 on each new tire sold (approximately $4.5 million projected in Fiscal Year 1997-98). In addition, the CIWMB has a program to encourage the use of retreaded tires and increase the percentage of recycled materials used in paving applications.

California generates the largest number of tires annually and has the smallest recycling fee in the United States. There are insufficient markets to handle the annual flow of waste tires and even fewer opportunities to utilize legacy tires. Legacy tires are those which have been stockpiled over the years in the hope that they would someday have positive value, and for which there is no recycling fee associated. Legacy tires are more difficult to find markets for because of their generally unclean state, and are sometimes intermingled with debris and other waste materials.

On March 31, 1997, the Assembly Natural Resources Committee held an oversight hearing on California's tire disposal and recycling system. At that hearing, the CIWMB testified that there are more than 30.5 million waste or used tires produced in California annually. Additionally, the CIWMB estimates that there are currently more than 30 million tires stockpiled throughout the State in legal and illegal piles. Annually, California waste tire facilities receive approximately four to five million tires that have been exported from other states such as Oregon, Arizona, and Utah.

Of the approximately 35.5 million waste tires, which comprise the pool of waste tires annually available in California, approximately 15 million go into landfills or monofills or are disposed of illegally and 20 million are put to productive use or are exported. Waste tire generation in California is growing by approximately 2% annually.

RELATED BILLS

AB 228 (Migden) would add abandonment of tires to the circumstances under which a person can be convicted of a crime. It would also allow a city, county, or city and county to request designation as an enforcement authority from the CIWMB, and allow penalties collected to go to the city, county, or city and county. AB 228 passed the Senate Appropriations Committee (7-2) on April 20, 1998, and has been referred to the Senate Appropriations Committee (Rule 28.8) on June 29, 1998 and is now on the Senate Floor. The CIWMB has taken a "support" position on AB 228.

AB 964 (Bowen) would require the CIWMB, as part of its annual Budget request, to submit to the appropriate policy and fiscal committees of the Legislature, a report that describes the expenditures proposed to be made for that fiscal year by the board for grants, loans, and contracts under the tire recycling program. AB 964 passed the Assembly (48-24) on January 28, 1998, passed the Senate Environmental Quality Committee (9-0) on June 15, 1998 and has been referred to the Senate Appropriations Committee. A date for hearing has not been scheduled. The CIWMB has not taken a position on AB 964.

EXISTING LAW

State law:

1. Requires any person who accepts waste tires at a major waste tire facility which has not yet been issued a permit or knowingly directs or transports waste tires to a major waste tire facility which has not been issued a permit, upon conviction, to be punished by a fine of not less than $1,000 or more than $10,000 for each day of violation, by imprisonment in county jail for not more than one year, or by both fine and imprisonment (PRC §42825).

2. Requires any person who accepts waste tires at a minor waste tire facility which has not been issued a permit or knowingly directs or transports waste tires to a minor waste tire facility which has not been issued a permit, upon conviction, to be punished by a fine of not less than $500 or more than $5,000 for each day of violation, by imprisonment in the county jail for not more than one year, or by both fine and imprisonment (PRC §42835).

3. Requires any person who intentionally or negligently violates any CIWMB permit, rule, regulation, standard or requirement issued or adopted to be liable for a civil penalty not to exceed $10,000 for each violation or, for continuing violations, for each day that the violation continues (PRC §42850).

4. Allows the CIWMB to delegate specific powers and authority under Chapter 16 (Waste Tires) commencing with Section 42800 to enforcement agencies, including the following: (a) review of operations plans submitted pursuant to regulations for major waste tire facility

permits; (b) inspection of permitted facilities; and (c) enforcement of waste tire facility permits (PRC §42811).

ANALYSIS

AB 2181 would:

1. Clarify the definition of "each day of violation" for any person who accepts waste tires at an unpermitted major or minor waste tire facility or any person who knowingly directs or transports waste tires to an unpermitted major or minor waste tire facility. Define "each day of violation" as each day on which a violation continues, unless the person has filed a report with the CIWMB disclosing the violation and is in compliance with any order regarding the waste tires issued by the CIWMB, a hearing officer, or a court of jurisdiction;

2. Establish that the penalty, for any person who *negligently* violates any provision of law, permit, rule, regulation, standard, or requirement issued or adopted pursuant to waste tire law (Chapter 16, commencing with §42800), shall be a fine of not less than $500 nor more than $5,000 for each violation, or for continuing violations, for each day that the violation continues;

3. Establish that the penalty, for any person who *intentionally* violates any provision of law, permit, rule, regulation, standard, or requirement issued or adopted pursuant to waste tire law (Chapter 16, commencing with §42800), shall be a fine not to exceed $10,000 for each day of violation, by imprisonment in the county jail for not more than one year, or by both.

In addition, if both AB 2181 and AB 228 (Migden) are enacted, become effective on or before January 1, 1999, and if AB 2181 is chaptered after AB 228:

4. Subject anyone who abandons waste tires at an unpermitted waste tire facility to the same penalties and/or jail time as anyone who, under current law, accepts waste tires at an unpermitted major/minor waste tire facility or knowingly directs or transports waste tires to an unpermitted major/minor waste tire facility (see #1 and #2 under Existing law above).

5. Allow a city, county, or city and county to request that they be designated by the CIWMB, in writing, to exercise enforcement authority with regard to waste tires. Requires any city, county, or city and county so designated to follow the same procedures set forth for the CIWMB and states that such a designation shall not limit the authority of the CIWMB to take action it deems necessary or proper to ensure enforcement.

6. Allow penalties collected for waste tire violations to be retained by the city, county, or city and county if the attorney who brought the action represents the city, county, or city and county.

COMMENTS

AB 2181 Similar to Sections of AB 375 of 1997. The provisions of AB 2181 would replicate sections of Assemblyman Firestone's AB 375 that focused on enforcement against violators of

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waste tire law. AB 375, a much more comprehensive tire bill, failed passage on the Assembly Floor (20-41) on June 2, 1997, and was granted reconsideration and moved to the Assembly Inactive File where it died after failing to move out of the Assembly by the January 31, 1998 deadline.

Violations and Law Enforcement. AB 2181 would strengthen enforcement provisions allowing for more efficient prosecution of violators. The bill would increase the penalties for acceptance of waste tires at an unpermitted waste tire facility or for directing tires to an unpermitted waste tire facility by defining "each day of violation." The definition includes not only each day the tires are accepted or transported to the unpermitted site, but also includes each day the waste tires remain at the facility. Each day they remain at the site is considered a separate, additional violation unless the person has filed a report with the CIWMB disclosing the violation and is in compliance with any order regarding the waste tires issued by the CIWMB, a hearing officer or a court. AB 2181 would also create a separate violation penalty which includes jail time for "intentionally" violating any requirement related to major or minor waste tire facility permits. These tougher penalties are helpful to the CIWMB and district attorneys as a means of enforcing the law. Jail time, in particular, may be more of a deterrent to unscrupulous tire haulers than fines.

Generator Responsibilities. The only real weakness in AB 2181's enforcement provisions would be the wording that states "any person...who *knowingly* directs or transports" waste tires to a major or minor waste tire facility which has not been issued a permit shall be punished by a fine or a prison sentence. This provision would allow a generator to plead ignorance about the fate of its scrap tires once they leave its facility. In the competitive tire business, ignorance allows some generators to gain an economic advantage by use of unscrupulous haulers with little chance of repercussion. However, if the recently implemented scrap tire hauler regulations were modified to require the ultimate waste tire/disposal facility to return (by mail) a copy of the generator's manifest, then the generator could no longer plead innocence to improper disposal. All ethical tire dealers would likely favor this modification because it will discourage their less ethical counterparts from gaining a competitive advantage through improper disposal. The manifest should identify the disposal facility, its permit number and expiration date. This system has worked effectively in Texas. AB 2181 should be revised to require the ultimate waste tire/disposal facility to return (by mail) a copy of the generator's manifest.

Penalty Money to the CIWMB. Under current law, penalties collected for intentional or negligent violation of any provision of the chapter on Waste Tires (PRC § 42850) are deposited in the California Tire Recycling Management Fund (CTRMF) (PRC §42855). Since AB 2181 separates *intentional* and *negligent* violations into two separate code sections (PRC §42850 as amended, and new 42850.1), both code sections must be included in PRC §42855, in order that the same penalties in AB 2181 go to the CTRMF (or to the local government who brought the action). Since AB 228 already amends PRC §42855 to allow locals to get penalties for actions they bring, that would appear to be the appropriate place to make this amendment.

In addition, if both AB 2181 and AB 228 (Migden) are enacted, become effective on or before January 1, 1999, and if AB 2181 is chaptered after AB 228:

Addition of "abandoned". The justification for the addition of the "abandoned" term is that many lessees, as well as property owners, will transport or direct waste tires to a site. However, it is very difficult to prove these activities. It is very obvious when tires are abandoned on a site, especially by a lessee or a landowner that goes through a foreclosure proceeding. This term being added to the statute will provide a clearer path for conviction in such cases.

Local government enforcement authority. This change would provide an incentive for local enforcement agencies to assist the CIWMB in regulating the waste tire industry. At the present time, these entities are fully engaged and have little incentive to pursue penalty enforcement when the fines go only to the Tire Recycling Fund. Under this proposal, these fines could be used to support local tire enforcement efforts.

SUGGESTED AMENDMENTS

Amend PRC §42850.1 to replicate language in §42850 that imposes liability in a civil action or administratively, and allows a local government to exercise enforcement authority since §42850 has been split into two sections: negligent violation (§42850) and intentional violation (§42850.1).

Amend PRC §42961.5 to require the ultimate waste tire/disposal facility to return (by mail) a copy of the generator's manifest.

LEGISLATIVE HISTORY

AB 2181 was introduced on February 19, 1998. It passed the Assembly Natural Resources Committee (8-2) on April 13, 1998; passed the Assembly Appropriations Committee (13-4) on May 20, 1998, passed the Assembly Floor (67-7) on May 27, 1998, passed the Senate Rules Committee (9-0) on June 15, 1998. It is set for a hearing before the Senate Appropriations Committee on July 13, 1998.

Support: California District Attorneys Association
California Cement Manufacturers Association
Planning and Conservation League
Sierra Club

Opposition: None received

FISCAL AND ECONOMIC IMPACT

By clearly defining the term "each day of violation," AB 2181 would strengthen enforcement provisions allowing for more efficient prosecution of violators and could bring increased revenues to the CIWMB tire program.

<u>In addition, if both AB 2181 and AB 228 (Migden) are enacted, become effective on or before January 1, 1999, and if AB 2181 is chaptered after AB 228:</u>

To the extent that local governments choose to exercise enforcement authority with regard to waste tires, AB 2181 could bring a potential increase in penalty revenues to local governments, and a potential cost to the CIWMB for local enforcement training.

By adding abandonment of tires to the circumstances under which a person can be convicted of a crime, AB 2181 would strengthen enforcement provisions allowing for more efficient prosecution of violators and could bring increased revenues to the CIWMB tire program or to local governments.

AMENDMENTS TO AB 2181 (FIRESTONE)
AS AMENDED JUNE 23, 1998

On page 6, line 5 insert:

(b) Liability under this section may be imposed in a civil action or liability may be imposed administratively pursuant to this article.

(c) Upon request of a city, county, or city and county, that city, county, or city and county may be designated, in writing, by the board, to exercise the enforcement authority granted to the board under this chapter. Any city, county, or city and county so designated shall follow the same procedures set forth for the board under this article. This designation shall not limit the authority of the board to take action it deems necessary or proper to ensure the enforcement of this chapter.

Section 42961.5 of the Public Resources Code is amended to read:

42961.5. The board shall develop a waste tire manifest system for registered waste tire haulers that complies with all of the following conditions:

(a) The board shall develop a waste tire manifest form that shall be completed and shall accompany each shipment of waste tires from the point of origin to the processing, collection, storage, or disposal facility.

(b) The manifest form shall be signed by the generator, the waste tire hauler, and the processing, collection, storage, or disposal facility. Each party shall retain one copy of the manifest form.

(c) If waste tires are transported from a collection center, a new manifest shall be used until the waste tires reach a final processing, collection, storage, or disposal facility.

(d) Once tires have reached their final waste tire or disposal facility destination, a copy of the generator's manifest shall be returned by mail to the generator.

~~(d)~~ (e) No transporter shall receive waste tires and no person or facility shall accept waste tires for processing, collection, storage, or disposal without a properly completed manifest form, with the exception that the processor may accept waste tires that are delivered by a waste tire hauler without a manifest, if the processor reports the name of the waste tire hauler and the vehicle license number to the board.

~~(e)~~ (f) A waste tire hauler shall not transport any waste tires without having at all times, in the vehicle transporting the waste tires, a copy of the manifest for the waste tires, which shall be presented upon demand of an authorized representative of the board.

~~(f)~~ (g) Each party required to sign a manifest shall maintain it for three years and shall make it available for review during regular business hours.

LEGISLATION AND PUBLIC EDUCATION COMMITTEE

BILL ANALYSIS

Board	Author	Bill Number
California Integrated Waste Management Board	Escutia	AB 2237
Sponsor	**Related Bills**	**Date Amended**
Author	SB 451 (Watson) SB 906 (Lee) SB 1113 (Solis)	June 23, 1998

BILL SUMMARY

AB 2237 would require the California Environmental Protection Agency (Cal/EPA), the Resources Agency (RA) and the Department of Health Services (DHS) and the departments, boards, offices and commissions within those agencies to: 1) consider disproportionate human health and environmental effects, as well as funding trends, when awarding loans and grants; and 2) make information regarding these loans and grants readily available to the public, including through its Internet website.

BACKGROUND

Purpose of Bill. According to the author, "The State does not provide a one-stop shop for information on environmental loans and grants. Furthermore, most State agencies cannot ensure that its environmental loans and grants are awarded in a manner that is equitable and commensurate with environmental threats that high-risk communities face." The author asserts that "...environmental risks facing some communities are not balanced by assurance of environmental funding benefits. As a result, California places an unfair burden on these communities and perpetuates environmental injustice."

Federal Requirements on this Issue. On February 11, 1994, President Clinton signed Executive Order 12898 relative to "Federal actions to address environmental justice in minority populations and low-income populations." It directed relevant Federal agencies, "to the greatest extent practicable and permitted by law, to make achieving environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects on minority populations and low-income populations..."

The Executive Order followed a 1992 report by the U.S. Environmental Protection

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California Environmental Protection Agency (Cal/EPA), the Resources Agency (RA) and the Department of Health Services (DHS) and the departments, boards, offices and commissions within those agencies.		
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Agency indicating that "...communities of color and low-income populations experience higher than average exposures to selected air pollutants, hazardous waste facilities and other forms of environmental pollution."

Number of Grant and Loan Programs Affected by AB 2237. In response to an inquiry by Assemblymember Escutia regarding grant and loan programs within the California Environmental Protection Agency (Cal/EPA), Secretary Rooney provided information indicating eight California Integrated Waste Management Board (CIWMB) programs, two Air Resources Board (ARB) programs, nine State Water Resources Control Board (SWRCB) programs, and one Department of Pesticide Regulation program. For programs within the Resources Agency, Secretary Wheeler identified three agency programs, seven California Energy Commission programs, two Department of Boating and Waterways programs, four State Coastal Conservancy programs, one California Coastal Commission program, five California Tahoe Conservancy programs, one Department of Forestry and Fire Protection program, eight Department of Fish and Game programs, five Department of Water Resources programs, two Department of Parks and Recreation programs, and five Department of Conservation programs. In addition, the Department of Health Services (DHS) administers several safe drinking water grant and loan programs. Many of these programs have specific statutory constraints, such as regional considerations or local match requirements.

RELATED BILLS

Three bills this session, other than AB 2237, also address environmental justice issues.

- SB 451 (Watson) would have required the general plan land use element to include policies for the equitable distribution of solid, hazardous, and liquid waste facilities that avoid disproportionate effects on low-income communities and minority communities, and feasible implementation measures to achieve these policies.

  SB 451 was vetoed by the Governor, who cited "....The law presently contains an abundance of planning requirements, including provisions of extensive public hearings to address environmental and other land use planning concerns that include and exceed those contained in this bill."

- SB 906 (Lee) would have required a hazardous waste management plan to include demographic information within a 10-mile radius of each hazardous waste facility, and to include procedures for considering environmental equity issues. SB 906 was held in the Senate Environmental Quality Committee.

- SB 1113 (Solis) would have required the Office of Planning and Research, by January 1, 2000, to recommend proposed changes in, and the Secretary of the Resources Agency to certify and adopt revisions to, the California Environmental Quality Act (CEQA) Guidelines to provide for the identification and mitigation, by public agencies, of disproportionately high and adverse environmental effects of projects on minority and low-income populations. SB 1113 was passed by the Legislature, but was vetoed by the Governor, who cited the bill's

focus on minority and low-income communities and stated that, "environmental laws are, and should remain, color-blind." SB 1113 was heard at the June 1997 CIWMB meeting. The CIWMB members adopted a "no position" motion on SB 1113. The CIWMB members believed that land use policies were more properly addressed by other State agencies, such as the Resources Agency and the Office of Planning and Research.

EXISTING LAW

State law:

1. Requires Cal/EPA, the RA and DHS to implement, administer and enforce various human health and environmental protection laws and regulations (Public Resources Code [PRC] and Health and Safety Code [HSC], generally);

2. Establishes various loan and grant programs administered by these agencies and the departments, boards, offices and commissions within these agencies (PRC and HSC, generally); and

3. Requires the California Integrated Waste Management Board (CIWMB) to establish various loan and grant programs including:

   a. Household hazardous waste (PRC §s 47200-47203;

   b. Tire recycling (PRC §s 42872-42875);

   c. Used oil collection projects grants (PRC §s 3475-3494);

   d. Local enforcement agency grants (PRC §s 43230-43232);

   e. Market development zones (PRC §s 42010-42023);

   f. Used oil collection and recycling programs (PRC §s 48631-48634, 48674 and 48690);

   g. Solid Waste Disposal and Codisposal Cleanup Program (PRC §s 48020-48028); and

   h. Farm and ranch solid waste cleanup and abatement grant program (PRC §s 48100-48106).

ANALYSIS

AB 2237 would:

1. Make legislative findings and declarations regarding the Cal/EPA, the RA, DHS and their departments, boards, offices and commissions to address disproportionate human health or environmental effects of its programs, policies and activities on communities in California;

2. Make legislative findings and declarations regarding the need for the Cal/EPA, the RA, DHS and their departments, boards, offices and commissions to ensure that communities that experience disproportionately high and adverse human health or environmental effects receive access to environmental funding that is commensurate with those effects;

3. Require the Cal/EPA, the RA, DHS and their departments, boards, offices and commissions, to the greatest extent practicable and permitted by law, to consider certain selection criteria including:

   a. Adverse human health or environmental effects faced by an applicant's community, as compared to other applicants' communities;

   b. Amount of funding from loans and grants that is commensurate with those adverse effects and previously awarded to an applicant's community, as compared to other applicants' communities; and

   c. Use of a narrative and one page summary for an applicant to respond to the criteria set forth in letters (a) and (b) above;

4. Provide an environmental agency may choose not to use the criteria in (#3) above if those criteria are not related to the environmental loan or grant to be awarded; and

5. Require the Cal/EPA, the RA, DHS and their departments, boards, offices and commissions, to make the following environmental loan and grant information available in a concise, understandable, readily accessible form, including through its Internet website:

   a. Name and purpose of the loan or grant;

   b. Estimated available funding;

   c. Selection criteria;

   d. Application and award process; and

   e. A contact for further information.

COMMENTS

CIWMB Requirements. AB 2237 would require the CIWMB, to the greatest extent practicable and permitted by law, to incorporate the following selection criteria under its loan and grant programs: 1) the adverse human health or environmental effects faced by an applicant's community, as compared to other applicants' communities; and 2) the amount of funding from loans and grants administered by an environmental agency previously awarded to an applicant's community, as compared to other applicants' communities. In addition, the bill will require the

CIWMB to provide loan and grant information to the public in a "concise, understandable and readily-accessible form, including through its Internet website."

CIWMB Grant and Loan Program Impacts. The awarding of grants and loans under the following programs would have to be significantly revised if this bill were to be enacted.

- The CIWMB's Diversion Planning and Local Assistance Division has two grant programs. The California Oil and Recycling Enhancement Act and the Household Hazardous Waste (HHW) Grants program authorize the CIWMB to administer grant programs to help keep used oil and other household hazardous substances out of the environment. Both used oil and HHW grants are available to local jurisdictions to establish or enhance local HHW collection and recycling programs. Currently, the CIWMB has active grants with all but 13 jurisdictions statewide serving more than 99 percent of California's population. Local environmental needs, with respect to used oil and HHW programs, are a primary consideration when awarding grants. Additionally, jurisdictions that have not received grants from the CIWMB in the past are given extra consideration.

- The CIWMB's Waste Prevention and Market Development Division has two grant programs -- the Recycling Market Development Zone (RMDZ) loan program and the Tire Recycling Grant Program. To date the CIWMB has awarded 169 Tire Recycling Grants and approved 92 RMDZ loans. The combined applicant pool for these grants and loans totaled approximately 600. There is no formal process is in place to equitably distribute grant and loan funds.

- The CIWMB's Permitting and Enforcement Division is in charge of cleaning up solid waste disposal sites and illegal disposal sites through local enforcement agency grants, the Solid Waste Disposal and Codisposal Cleanup Program, and the Farm and Ranch Solid Waste Cleanup and Abatement Grant Program. Solid waste disposal sites are cleaned up through loans and matching grants to local governments. Illegal waste disposal sites are cleaned up with grants to certified local enforcement agencies. The loan and grant programs use CIWMB-managed remediations utilizing the CIWMB's contractors. In prioritizing sites for remediation the Board is required to consider the following:

  - The degree of risk that site conditions pose to the public health and safety and the environment; (The degree of threat posed by the conditions at the site is determined by the Solid Waste Ranking System [SWRS] for solid waste disposal sites and the Illegal Disposal Site Ranking System for illegal disposal sites.)

  - The ability of the site owner to clean up the site without monetary assistance;

  - The ability of the CIWMB to adequately clean up the site with available funds; and

  - The maximal use of available funds.

Selection Criteria Impracticable to Implement: AB 2237 would allow an environmental agency to suspend use of the listed criteria if they are not related to the loan or grant. However, this change will not give relief to the CIWMB in cases where loans or grants are related to the criteria.

As part of the selection criteria for giving out the loans and grants, AB 2237 would require, to the greatest extent practicable and permitted by law, consideration of the following into the selection criteria: 1) the adverse human health or environmental effects faced by an applicant's community, as compared to other applicants' communities; and 2) the amount of funding from loans and grants administered by an environmental agency previously awarded to an applicant's community, as compared to other applicants' communities. This requirement is unclear in regard to the definition of "adverse human health or environmental effects" and how this should be compared in the loan/grant process. Without clarification, it would be difficult for the CIWMB to consider the selection criteria when awarding loans and grants.

While the funding criteria could be implemented rather simply, the selection criteria based on adverse human health or environmental effects would be impracticable to implement. It is not clear how adverse human health or environmental effects should be defined, nor are any guidelines provided as to how they should be compared in a competitive grant process. Staff know of no data or methodology readily available to effectively compare adverse human health or environmental effects between communities of applicants. To develop said criteria would involve a major effort by program staff and could involve the use of outside contractors and consultants. Such criteria would be difficult to develop and could not be practicably implemented and, therefore, should be clarified or deleted from the legislation.

Unfunded Mandate. Additionally, the amount of time and resources necessary to develop an objective and reasonable methodology to determine: 1) how to measure adverse human health effects or environmental effects for each grant or loan type; 2) a fair way to compare those effects amongst a group of diverse applicants; and 3) a formula to assign an amount of funding commensurate with those effects would be prohibitive. Staff time will be required to determine if the criteria could be practicably implemented and, if so, modify current CIWMB policy to incorporate the criteria and to revise loan and grant application packages. The CIWMB estimates that to implement the requirements of AB 2237 would cost $40,000 (0.5 PY) in FY 1998-99 and range from $140,000 (2 PY) in FY 1998-99 to $420,000 (6 PY) in FYs 1999-2000 through FY 2000-2001 to implement.

Narrative and One Page Summary. AB 2237 would require an applicant to provide a narrative that responds to the listed criteria. This requirement will place a significant burden on the applicant because it is difficult, for instance, to determine the human health effects of having used oil enter a storm drain. Most applicants for State loans or grants do not have the expertise or resources to gather evidence to do research that would support claims of adverse human health or environmental effects. Again, this requirement of AB 2237 is impractical and should either be clarified or deleted.

Information on Agency Websites. AB 2237 would require agencies within the Cal/EPA, the DHS and the RA to provide specified basic information regarding loans and grants available to the public in a "concise, understandable and readily-accessible form, including through its Internet website." Information on CIWMB loans and grants is currently available on the CIWMB website, but it may not exactly mirror the Internet-accessible format proposed in this bill. However, since the CIWMB is already providing basic information regarding loans and grants on its Internet site, this mandate would have only a minor fiscal impact on the CIWMB.

Difference Between this Bill and the Executive Order. The Federal Executive Order 12898 refers to environmental justice, which is the fair treatment of people of all races, cultures, and income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. AB 2237 is similar to the Federal Executive Order 12898 as it applies to environmental loans and grants that are administered by California's environmental agencies. However, rather than referring to the environmental justice "minority and low income populations" term, AB 2237 refers to communities that experience disproportionately high and adverse human health or environmental effects. AB 2237 also seeks consideration of funding that is commensurate with those adverse effects and ensures that grant and loan information is readily accessible through Internet websites.

Supporters' Comments. Supporters of this bill are generally concerned about the disproportionate exposure of communities to air and water pollution and other impacts from certain facilities, and the need to improve access to grant and loan funds. Supporters also believe that it would be helpful to target grants and loans to areas with the highest environmental risks.

Opponents' Comments. In opposing this bill, the Department of Fish and Game asserts that trustee agencies such as the department do not substantially affect human health or the environment, that the bill could divert funds away from areas or projects with high conservation value, and that determining the comparative, adverse impacts is subjective and outside the expertise of the Department.

SUGGESTED AMENDMENTS

The LPEC may wish to consider the following amendments:

1. Clarify how State agencies are to implement the selection criteria; and

2. Clarify how applicants are to determine adverse human health and environmental effects.

LEGISLATIVE HISTORY

AB 2237 was introduced on February 19, 1998. The bill passed the Assembly Natural Resources Committee (8-3) on April 20, 1998; passed the Assembly Appropriations Committee (13-8) on May 21, 1998 and passed the Assembly Floor (48-24) on May 26, 1998. The bill failed passage before the Senate Environmental Quality Committee (3-2) on June 29, 1998; the author was granted reconsideration.

before the Senate Environmental Quality Committee (3-2) on June 29, 1998; the author was granted reconsideration.

Support: African American Development Association
Communities for a Better Environment
East Bay Municipal Utility District
Environmental Defense Fund
Planning and Conservation League
Sierra Club
Waste Management

Oppose: Department of Finance
Department of Fish and Game

FISCAL AND ECONOMIC IMPACT

AB 2237 would impose one time start-up costs of approximately $40,000 (0.5 PY) in FY 1998-99, and ongoing costs ranging from $140,000 (2 PY) to $420,000 (6 PY) in FY 1999-2000 through FY 2000-2001. Funding for these expenditures would be borne from the CIWMB's various accounts (the Integrated Waste Management Account, the California Tire Recycling Management Fund and the California Used Oil Recycling Fund).

The one-time start-up costs relate to the development of guidelines for all grant and loan programs. In addition, the bill imposes annual costs for establishing selection criteria pertaining to the adverse human health or environmental effects faced by applicant communities with respect to other applicant communities. The CIWMB cannot provide exact estimates because the sciences of environmental risks/hazards are in a state of continuous flux. For example what was viewed as having no or little effect on human health and the environment, when understood with past scientific knowledge, may, when viewed through the understanding provided by future science, be found to be extremely hazardous to humans and the environment.

LEGISLATION AND PUBLIC EDUCATION COMMITTEE

BILL ANALYSIS

Board	Author	Bill Number
California Integrated Waste Management Board	Wayne	AB 2521
Sponsor	**Related Bills**	**Date Amended**
California Associations of Environmental Health Administrators		June 23, 1998

BILL SUMMARY

AB 2521 would permit local enforcement agencies (LEAs) to recover costs in defending themselves against appeals of denials of a solid waste facility's permit where they prevail, eliminate the prohibition against a member of an independent hearing panel from serving for more than two consecutive two-year terms, and provide that a cease and desist order issued by an LEA against a solid waste facility operator shall remain in force and effect while any appeal by the operator is pending.

BACKGROUND

The sponsor of AB 2521 is the California Association of Environmental Health Administrators, which represent the LEAs for solid waste laws and regulations. According to the sponsor, this measure is intended to rectify several ambiguities or problems with current law governing their activities. Specifically, AB 2521 is intended to ensure that LEAs may recover their costs in defending themselves against appeals of denials of a solid waste facility's permit where they prevail, ensure stability and workability of LEA independent hearing panel membership, and ensure the enforceability of cease and desist orders while appeals are pending.

Local Enforcement Agencies (LEAs). The Integrated Waste Management Act, Chapter 1095, Statutes of 1989 (AB 939, Sher) allows the California Integrated Waste Management Board (CIWMB) to designate cities and counties as LEAs. Cities and counties, through their LEA designation, essentially serve as CIWMB's "enforcement arm" through on-site inspections to enforce State law and conditions placed on the operation of solid waste facilities by the CIWMB and/or a LEA. LEAs can also impose permit conditions, regulations and requirements on facilities operating within their jurisdiction.

Departments That May Be Affected		
California Integrated Waste Management Board when acting as an enforcement agency.		
Committee Recommendation	**Committee Chair**	**Date**
		2-20

EXISTING LAW

State law:

1. Allows a solid waste facility operator to request that an LEA hold a hearing if the operator disputes any enforcement action taken by an LEA (Public Resources Code [PRC] §s44300-44310);

2. Requires all LEA hearings to be conducted by a hearing panel consisting of three members appointed according to one of the two following procedures:

   a. In cases where the local government does not operate a solid waste facility in the jurisdiction, an LEA's governing body (either a county board of supervisors or a city council) may appoint three of its own members to serve as the hearing panel; or

   b. In cases where the local government does operate a solid waste facility in the jurisdiction, the chairperson of the governing body must appoint an independent hearing panel of three members each with a term of two years, for not more than two consecutive terms (PRC §44308);

3. Authorizes the appointment of an independent hearing panel to conduct a public hearing in connection with the denial, suspension, or revocation of solid waste facilities permits ((PRC §44305);

4. Prohibits a member of an independent hearing panel from serving on the panel for more than two consecutive two-year terms (PRC §44308);

5. Provides that reports, notices and applications for solid waste facilities permits be submitted under oath (PRC §44006);

6. Provides that a solid waste facilities permit can be denied for the following reasons:

   a. The application is incomplete or otherwise inadequate;

   b. The applicant has not complied with California Environmental Quality Act;

   c. The applicant has failed to demonstrate that the facility will meet minimum regulatory standards;

   d. The application contains significant false or misleading information or significant misrepresentations; and

   e. The CIWMB has determined that the applicant has, during the previous three years, been convicted of, or been issued a final order for, one or more violations of the California Integrated Waste Management Act (PRC §44300);

7. Authorizes an applicant for a solid waste facilities permit to appeal the decision of an LEA to deny the issuance of a permit to an independent hearing panel appointed by the governing body of the LEA (i.e. a city council or county board of supervisors) (PRC §45017); and

8. Provides that a cease and desist order issued by an LEA against a solid waste facility operator shall be stayed pending any appeal of the order by the solid waste facility operator (PRC §45005).

ANALYSIS

AB 2521 would:

1. Permit an independent hearing panel member to be reappointed following the completion of two consecutive two-year terms;

2. Provide that, if an applicant for a solid waste facilities permit appeals a decision by an LEA not to issue a permit to a hearing panel and that decision is upheld by the hearing panel, who deems the appeal to be frivolous, an LEA may recover from the appellant any reasonable and necessary costs incurred during the appeals process;

3. Require an LEA to issue a written notice of a proposed denial of a permit to the applicant for the permit and specifies that an applicant may appeal the proposed denial pursuant to existing law; and

4. Provide that a cease and desist order issued by an LEA against a solid waste facility operator shall remain in force and effect while any appeal by the operator is pending.

COMMENTS

CIWMB Workshop on AB 59 Hearing Panel and Appeals Process. On June 16, 1998, the CIWMB held a workshop to identify key issues in Chapter 952, Statutes of 1995 (AB 59, Sher) local hearing panel procedures and appeals to the CIWMB. Included in the discussions were the purpose and what is and is not working in the appeals process. As a result of this workshop, the CIWMB may recommend changes to statute, regulations or internal administrative procedures.

Hearing Panels. Current law allows a solid waste facility operator to request a hearing before a hearing panel regarding any enforcement action taken by an LEA, against a solid waste facility, or in cases where the facility operator believes the permit conditions governing the facility are inappropriate. The hearing panel must either be an LEA governing board or an independent hearing board. Independent hearing board members are limited by current law to serving two two-year terms (cumulative four years). The hearing panels were established to deal with complex local and State permitting and enforcement issues.

Hearing Panel Term Limits. AB 2521 would delete the four-year term limit on independent panel members, thus allowing more continuity in panel membership and giving panel members

Hearing Panel Term Limits. AB 2521 would delete the four-year term limit on independent panel members, thus allowing more continuity in panel membership and giving panel members more opportunities to actually participate in a hearing. According to the sponsor, these panels do not meet frequently. As a result, it would not be uncommon for a panel member's term to expire before he or she serves on a panel that participates in a hearing. The sponsor believes that allowing independent members to serve longer periods of time would provide greater continuity and reduce administrative costs to local government agencies.

Recovery of Costs. AB 2521 would give an LEA the ability to recover the costs of holding an administrative hearing to review denial of a permit if the hearing panel determines that the appeal was frivolous. This may result in a decrease in the number of appeals overall, freeing up LEA resources to implement their core programs more efficiently. If a frivolous appeal was filed, the LEA's costs would decrease, while the appellant's costs would increase.

Cease and Desist Orders. AB 2521 would allow for a cease and desist order, in certain cases, to remain in effect in the event of an appeal to the hearing panel. This will allow LEAs, and the CIWMB when acting as the enforcement agency (EA), to enforce a cease and desist order during the time an appeal is being processed, even though there is less than an imminent and substantial threat to public health and safety or the environment. This will result in greater enforcement flexibility for the LEA and better overall protection of public health and safety and the environment. Another result may be a decrease in the number of appeals for this type of Notice and Order and in associated costs to LEAs, and the CIWMB when acting as EA.

LEGISLATIVE HISTORY

AB 2521 was introduced on February 20, 1998. The bill passed the Assembly Natural Resources Committee (7-2) on April 13, 1998; passed the Assembly Appropriations Committee (12-8) on April 22, 1998; passed the Assembly Floor (66-8) on May 14, 1998; passed the Senate Environmental Quality Committee (8-1) on June 15, 1998 and passed the Senate Appropriations Committee (28.8 Calendar) on June 29, 1998. The bill is awaiting vote on the Senate Floor.

Support: California Association of Environmental Health Administrators (sponsor)
Butte County Butte County Department of Public Health
California Public Interest Research Group
Regional Council of Rural Counties

Oppose: None on file.

FISCAL AND ECONOMIC IMPACT

Enactment of AB 2521 could result in some savings to both the CIWMB and LEAs. While the level of anticipated savings is currently unknown, the savings could accrue due to the following:

1. Both the LEAs and the CIWMB, while acting as an EA, would be able to recover their costs for frivolous appeals, thereby offsetting any costs incurred; and

2. The ability to recover the costs of frivolous appeals is likely to reduce the number of appeals initiated annually.

INTEGRATED WASTE MANAGEMENT BOARD

Legislative and External Affairs Office
Status Report of Priority Bills

State Legislation
1997/98 Session

Federal Legislation
105th Congress

July 6, 1998

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Legislative and External Affairs Office
Status Report of Priority Bills
July 6, 1998

Assembly Bills

Bill No:	**AB 117 (Escutia)** ***Sponsor: Author***
Subject:	**Solid Waste: Demolition or Construction Debris**
Intro: 1/13/97 Amended: 7/3/97	Would prohibit, commencing April 1, 1999, the operation of a solid waste facility or operation that handles demolition and construction debris, except as authorized by Integrated Waste Management Act (Act) or regulations adopted by the CIWMB. The bill would require the CIWMB to adopt tiered regulations by October 1, 1998, which adopt State minimum standards for the operation of these facilities.
Status:	Set to be heard before the Senate Environmental Quality Committee on 7/7/97; taken off Calendar; held in the Senate Environmental Quality Committee on 7/15/97; set to be heard before the Senate Environmental Quality Committee on 6/29/98.

Bill No:	**AB 228 (Midgen)** ***Sponsor: Author***
Subject:	**Solid Waste: Tires**
Intro: 2/5/97 Amended: 6/30/98	Would: 1) add abandonment of tires to the circumstances under which a person can be convicted of a crime; 2) allow a city, county, or city and county to request designation to exercise enforcement authority from the CIWMB with regard to waste tires; and 3) allow penalties collected for waste tire violations to be retained by the city, county, or city and county if the attorney who brought the action represents that local government entity. AB 228 is double joined to AB 2181.
Status:	Passed the Senate Appropriations Committee (28.8 Calendar) on 6/29/98; referred to the Senate Floor for vote.

Bill No:	**AB 964 (Bowen)** ***Sponsor: Author***
Subject:	**Solid Waste: Tires**
Intro: 2/27/97 Amended: 7/1/98	Would require the CIWMB, as part of its annual State Budget request, to submit to the appropriate policy and fiscal committees of the Legislature, a report that describes the expenditures proposed to be made for that fiscal year by the CIWMB, for grants, loans, and contracts under the tire recycling program.
Status:	Passed the Senate Environmental Quality Committee (9-0) on 6/15/98; referred to the Senate Appropriations Committee.

Bill No:	**AB 972 (Torlakson)** ***Sponsor: Contra Costa County***
Subject:	**Government Records**
Intro: 2/27/98 Amended: 6/24/98	Would request that the California County Information Services Directors Association and the County Recorders Association of California propose standards for recording in electronic media for approval and adoption by the Secretary of State as regulations on or before January 1, 2000, and would authorize State and local government recording pursuant to these regulations.
Status:	Passed the Senate Local Government Committee (8-0) on 7/1/98; referred to the Senate Appropriations Committee.

Bill No: **AB 1497 (Brown)** ***Sponsor: Author***
Subject: **State Agencies: Leasing Real Property**

Intro: 2/28/97
Amended: 1/6/98
Status:

Would authorize any State department, board, or commission, subject to approval by DGS, to lease any real property for storage, warehouse, or office purposes, proved that the lease term does not exceed three years and the annual rental does not exceed $50,000.

Passed the Assembly Floor (79-0) on 1/28/98; referred to the Senate Governmental Organization Committee.

Bill No: **AB 1513 (Cardoza)** ***Sponsor: Thermo-Eco-Teck***
Subject: **Income and Bank and Corporation Taxes: Credit: Agricultural Prunings**
Intro: 2/28/97
Amended: 5/12/98
Status:

Would provide a credit in an amount equal to $30 per ton of agricultural prunings, as defined, that are delivered without charge to a biomass conversion facility, as provided. This credit would not apply to commercial timber harvesting.

Passed the Senate Revenue and Taxation Committee (5-1) on 7/1/98; referred to the Senate Appropriations Committee.

Bill No: **AB 1656 (Ducheny)** ***Sponsor: Assembly Budget Committee***
Subject: **1998-99 Budget**
Intro: 1/12/98
Amended: 5/28/98
Status:

Would make an appropriation for support of State government for the 1998-99 fiscal year. Urgency Measure.

Passed the Assembly Floor (41-35) on 5/28/98; passed the Senate Floor (23-5) on 6/3/98; referred to the Assembly Floor for Concurrence of Amendments vote. Conference Committee set for 7/6/98, 7/7/98, 7/9/98 and 7/10/98.

Bill No: **AB 1664 (Murray)** ***Sponsor: Author***
Subject: **State Contracts: Participation Goals**
Intro: 1/12/98
Amended: 4/13/98
Status:

Would provide for statewide participation goals of not less than 30% for small business enterprises with respect or professional bond services and State contracts, generally.

Passed the Senate Local Government Committee (5-3) on 7/1/98; referred to the Senate Appropriations Committee.

Bill No: **AB 1666 (Alquist) Sponsor: Author**
Subject: **Child Support: State Agencies**
Intro: Amended 4/27/98
Status:

Would specify that all State agencies and divisions therein would be required to provide specified data with respect to their employees, licensees, contractors, or vendors and that the data shall be used also by the Franchise Tax Board for child support enforcement.

Referred to the Assembly Judiciary Committee.

Bill No: **AB 1671 (Keeley)** ***Sponsor: Author***
Subject: **State Environmental Goals and Policy Report**
Intro: 1/14/98
Amended: 4/13/98
Would shift the responsibility for preparing, maintaining, reviewing and revising the State Environmental Goals and Policy Report from the Governor to the Secretary of the California Resources Agency.
Status: Passed the Senate Appropriations Committee (28.8 Calendar) on 6/29/98; referred to the Senate Floor for vote; sent to the Senate Floor Inactive File on 7/2/98.

Bill No: **AB 1682 (Ortiz)** ***Sponsor: Author***
Subject: **Child Support: Debt Collectors: State Remuneration, and Employee Registry**
Intro: 1/16/98
Amended: 6/23/98
Would require any vendor who contracts with the State or anyone applying for a grant or loan from the State to be entered into the Employment Development Department's (EDD) child support computer system to assist in the collection of any child support delinquency.
Status: Double referral to the Senate Judiciary Committee and the Senate Industrial Relations Committee; passed the Senate Judiciary Committee (6-2) on 6/30/98; referred to the Senate Appropriations Committee.

Bill No: **AB 1699 (Ortiz)** ***Sponsor: Author***
Subject: **Air Pollution: Rice Straw Burning**
Intro: 1/26/98
Amended: 3/24/98
Would require the ARB and the air pollution control officers in the Sacramento Valley Air Basin, in making a determination regarding the maximum allowable acres to be burned each day, to consider specified factors relating to rice straw burning, and, to reduce, to the maximum extent possible, the number of allowable acres to be burned on any day that the ARB and the air pollution control officers determine to be a marginal burn day. Additionally, the bill would require the DFA, in cooperation with the State Energy Resources Conservation and Development Commission, the CIWMB, and the ARB, to prepare and submit to the Legislature a study on ways of ensuring consistency and predictability in the supply of rice straw for cost-effective alternative uses, containing specified information, by September 1, 1999.
Status: Passed the Assembly Appropriations Committee (13-8) on 5/21/98; failed passage on the Assembly Floor (39-34) on 5/26/98; author granted reconsideration; sent to the Assembly Floor Inactive File on 6/4/98.

Bill No: **AB 1859 (Ackerman)** ***Sponsor: Department of General Services***
Subject: **Public Works: Insurance and Surety Requirements**
Intro: 2/13/98
Would authorize a State or public agency to utilize owner-controlled or wrap-up insurance programs if specified conditions are met and would provide that safety requirements for a public works project subject to owner-controlled or wrap-up insurance programs may be developed jointly between a State or public agency and the prime contractor.
Status: Set to be heard before the Senate Appropriations Committee on 7/13/98.

Bill No: **AB 2067 (Cunneen)** ***Sponsors: Romic Environmental Technologies Corporation, WMX Technologies, Evergreen Oil and Safety Kleen***

Subject: **Hazardous Waste: State Agency Procurement**

Intro: 2/18/98
Amended: 6/22/98

Would be two bills in one–one part deals with hazardous waste control laws and the other part deals with State agency procurement of recycled materials. AB 2067 would amend the hazardous waste control laws to define recycling, to allow electronic manifesting of wastes, to allow loading and unloading operations at certain facilities, to modify land disposal standards, to revise the definition of used oil and allow for the mixing of used and fuel oils, and to define "contaminated petroleum product". The bill would require the Bureau of State Audits to submit a report to the Legislature, by June 30, 1999, making recommendations for changes in the structure of generator fees. The bill would exempt from manifest fees those manifests used for shipping hazardous wastes created by the use of clean air solvents, as defined. Additionally the bill would reenact provisions of law that sunsetted on January 1, 1997, which required all State agencies to purchase recycled fluid, paint, and solvent if they meet quality and cost considerations. The bill would include building and construction materials, outdoor furniture, and landscaping materials within the definition of recycled products for purposes of procurement requirements.

Status: Passed the Senate Environmental Quality Committee (7-0) on 6/29/98; referred to the Senate Appropriations Committee.

Bill No: **AB 2119 (Murray)** ***Sponsor: Author***

Subject: **Solid Waste: Definitions**

Intro: 2/18/98
Amended: 4/28/98

Would correct an erroneous reference with regard to definitions in the California Integrated Waste Management Act of 1989.

Status: Double-referral to the Assembly Natural Resources Committee and the Assembly Judiciary Committee

Bill No: **AB 2179 (Assembly Legislative Ethics Committee)** ***Sponsor: Assembly Legislative Ethics Committee***

Subject: **State Agencies: Ethics Orientation**

Intro: 2/19/98
Amended: 4/15/98

Would require each State agency to offer at least semiannually, and certain State officials and employees to attend once every two years, an orientation course on the relevant ethics statutes and regulations that govern the official conduct of State officials.

Status: Passed the Senate Governmental Organization Committee (10-0) on 6/30/98; referred to the Senate Appropriations Committee.

Bill No: **AB 2181 (Firestone)** ***Sponsor: Author***

Subject: **Solid Waste: Tires**

Intro: 2/19/98
Amended: 6/23/98

Would clarify the definition of "each day of violation" with regard to accepting waste tires at an unpermitted waste tire facility and knowingly directing or transporting waste tires to an unpermitted waste tire facility. AB 2181 would establish separate penalties for negligent and intentional violations of law, permit, rule, regulation, standard, or requirement issued or adopted pursuant to waste tire law. AB 2181 is double-joined to AB 228.

Status: Set to be heard before the Senate Appropriations Committee on 7/13/98.

Bill No:	**AB 2234 (Escutia)** ***Sponsor: Author***
Subject:	**State Contracts**
Intro: 2/19/98 Amended: 6/24/98	Would require a State agency to suspend, for a period of up to three years from the date of conviction, any person from bidding upon, or being awarded a contract with the agency under those provisions of law if that person, or any partner, member, officer, director, or responsible managing employee thereof has been convicted in a court of competent jurisdiction within the United States of any charge of fraud, bribery, collusion, conspiracy, or any other act in violation of any State or Federal antitrust law in connection with the operation of the business or related to the qualifications, functions and duties of the contract.
Status:	Failed passage before the Senate Governmental Organization Committee on 6/30/98.

Bill No:	**AB 2237 (Escutia)** ***Sponsor: Author***
Subject:	**Environmental Protection: Loans and Grants: Environmental Loans and Grants: Selection Criterion**
Intro: 2/19/98 Amended: 6/23/98	Would require the Cal/EPA, the Resources Agency, and the State Department of Health Services to make specified information relating to environmental loans and grants that either it or any of its various departments, boards, offices, and commissions administer available to the public in a concise, understandable, readily accessible form, including through its Internet website. The bill would require each environmental agency to review selection criteria for existing and future environmental loan and grant programs and, to the greatest extent practicable and permitted by law, incorporate consideration of specified selection criteria.
Status:	Set to be heard before the Senate Environmental Quality Committee on 6/15/98; taken off Calendar at the request of the author; failed passage before the Senate Environmental Quality Committee (3-2) on 6/29/98; author granted reconsideration.

Bill No:	**AB 2273 (Woods)** ***Sponsor: California Biomass Energy Alliance***
Subject:	**Electric Utility Rates: Cost-Shifting: Reports, and Gas Producers' Cooperative Associations: Facilities.**
Intro: 2/19/98 Amended: 6/29/98	Would require the Secretary of Cal/EPA, in consultation with relevant State and Federal agencies, boards, and commissions, and with representatives of the solid-fuel biomass industry, to prepare and submit to the Legislature an annual report, in accordance with a prescribed schedule, on the existence, status, and progress of any public policy measures for cost-shifting developed as a result of the recommendations made pursuant to those provisions.
Status:	Set to be heard before the Senate Appropriations Committee on 7/13/98.

Bill No:	**AB 2309 (Bowen)** ***Sponsor: Author***
Subject:	**Beverage Containers: Fees**
Intro: 2/19/98 Amended: 4/23/98	Would make numerous changes to the California Beverage Container Recycling and Litter Reduction Act including expanding the types of containers subject to the Act.
Status:	Passed the Assembly Natural Resources Committee on 4/20/98; set to be heard before the Assembly Appropriations Committee on 5/21/98; taken off Calendar at the request of the author.

Bill No: **AB 2353 (Olberg)** ***Sponsor: California Integrated Waste Management Board***
Subject: **Surety Insurers**
Intro: 2/20/98
Amended: 6/23/98
Would, notwithstanding Sections 995.660 and 995.670 of the Code of Civil Procedure, allow the CIWMB, the SWRCB, and the DTSC to require, in order for these agencies to comply with Subtitle C or Subtitle D of the federal Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. Sec. 6901 et seq.), an admitted surety insurer to be listed in Circular 570 issued by the United States Treasury before the insurer is deemed sufficient.
Status: Set to be heard before the Senate Appropriations Committee on 7/13/98.

Bill No: **AB 2397 (Bowen)** ***Sponsor: Author***
Subject: **Environmental Quality Waste Disposal Facilities**
Intro: 2/20/98
Amended: 4/20/98
Would define "person," for the purposes of CEQA, to include any person, firm, association, organization, partnership, business, trust, corporation, limited liability company, company, district, county, city and county, city, town, the State, and any of the agencies or political subdivision of those entities. The bill would additionally include within that definition of "person" for the purposes of CEQA, to the extent permitted by Federal law, the United States, or any of its agencies or political subdivisions.
Status: Passed the Senate Appropriations Committee (28.8 Calendar) on 6/29/98; referred to the Senate Floor for vote.

Bill No: **AB 2420 (Olberg)** ***Sponsor: California-Nevada Soft Drink Association***
Subject: **Processing Fees**
Intro: 2/20/98
Among other things, this bill would require the DOC to set the recycling cost for PET containers as $770 per ton and would delete the repeal of the existing processing fee calculation provisions.
Status: Set to be heard before the Assembly Natural Resources Committee on 4/20/98; taken off Calendar at the request of the author.

Bill No: **AB 2424 (Ackerman)** ***Sponsor: Department of Toxic Substances Control***
Subject: **Hazardous Waste: Treatment**
Intro: 2/20/98
Amended: 4/23/98
Would allow the accumulation of up to a specified amount of hazardous waste if the waste is accumulated in a specified manner. The bill would exempt from waste facilities permit or authorization requirements the treatment of laboratory hazardous waste generated onsite, if specified requirements are met..
Status: Double referral to the Assembly Environmental Safety and Toxic Materials Committee and the Assembly Revenue and Taxation Committee; held in the Assembly Environmental Safety and Toxic Materials Committee on 4/14/98.

Bill No: **AB 2432 (Bowen)** ***Sponsor: Author***
Subject: **State Buildings and Publicly Funded Schools: Standards**
Intro: 2/20/98
Amended: 6/23/98
Would, after January 1, 2000, require all new State public buildings and publicly funded schools for which design and construction begins after that date to exceed the minimum building energy-efficiency standards mandated by the California Building Code. Additionally, the bill would require State public office buildings for which construction begins after January 1, 2000, that are used, in whole or in part for State offices to follow green building standards and utilize green building measures, materials, and devices, as specified. Further, AB 2432 would require that all existing State public buildings and publicly funded schools, when renovated or remodeled, be retrofitted to meet, at a minimum, the building efficiency standards required in the California Building Code.
Status: Passed the Senate Governmental Organization Committee (6-3) on 6/30/98; referred to the Senate Appropriations Committee.

Bill No: **AB 2480 (Prenter)** ***Sponsor: Author***
Subject: **Economic Development: Funding Source "Hotline"**
Intro: 2/20/98
Amended: 4/14/98

Would provide for the establishment and maintenance in State government of an information data base and telephone "hotline" within an unspecified State agency, for the purpose of informing businesses and local governments and agencies about grants, loans, and other sources of funding and assistance that may be available to them.

Status: Double-referral to the Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee and the Assembly Televising the Assembly and Information Technology Committee; failed passage before the Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee (6-1) on 4/21/98; author granted reconsideration.

Bill No: **AB 2503 (Goldsmith)** ***Sponsor: Author***
Subject: **State Agencies: Continuation**
Intro: 2/20/98

Would provide that every State agency, except for agencies directly administered by an elected State officer or an elected governing board or any agency established by the California Constitution, that existed in State government on or before January 1, 1998, is abolished on January 1, 2005, unless the Legislature, by statute, authorizes continuation of the agency prior to that date.

Status: Failed passage before the Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee (2-5) on 4/21/98; author granted reconsideration.

Bill No: **AB 2521 (Wayne)** ***Sponsor: California Association of Environmental Health Administrators***
Subject: **Solid Waste Facilities**
Intro: 2/20/98
Amended: 6/23/98

Would: 1) permit local enforcement agencies (LEA) to recover costs in defending themselves against appeals of denials of a solid waste facility's permit where they prevail, 2) eliminate the prohibition against a member of an independent hearing panel from serving for more than two consecutive two-year terms, and 3) provide that a cease and desist order issued by an LEA against a solid waste facility operator shall remain in force and effect while any appeal by the operator is pending.

Status: Passed the Senate Appropriations Committee (28.8 Calendar) on 6/29/98;referred to the Senate Floor for vote.

Bill No: **AB 2531 (Cardoza)** ***Sponsor: Stanislaus County***
Subject: **Solid Waste: Transformation Facilities**
Intro: 2/20/98

Would provide that up to 25 percent of the 50 percent diversion requirement may include transformation at the City of Commerce, City of Long Beach, or the County of Stanislaus transformation facilities, for cities, counties, or regional agencies that used these facilities on or before January 1, 1998.

Status: Failed passage before the Assembly Natural Resources Committee on (0-2) 4/13/98; author granted reconsideration.

Bill No: **AB 2555 (Aroner)** ***Sponsor: Author***
Subject: **Solid Waste: Plastic Packaging Utilization**
Intro: 2/23/98
Amended: 4/23/98
Would mandate, by the year 2003, that packagers of plastic packaging material ensure that no more than 50 percent of their plastic packaging material offered for sale in California becomes waste, no more than 35 percent by the year 2006 and no more than 20 percent by the year 2010. Additionally, the bill would require the CIWMB, on or before July 1, 2004, and every other year thereafter, to report, as specified, to the Legislature and the Governor on the status of compliance with the provisions of this bill. AB 2555 would further require the CIWMB to adopt regulations on or before January 1, 2000, to implement the bill. The bill would make any violation of this chapter a civil penalty, assessed by the CIWMB, punishable by a fine of up to $100,000 per violation. Further, the bill would require that funds derived from any such fine be deposited in the Integrated Waste Management Account and be available, upon appropriation by the Legislature, for specified purposes.
Status: Set to be heard before the Assembly Natural Resources Committee on 3/30/98; taken off Calendar; set to be heard before the Assembly Natural Resources Committee on 4/13/98; taken off Calendar at the request of the author.

Bill No: **AB 2605 (Bowen)** ***Sponsor: Author***
Subject: **Accountability and State Procurement Improvement Act**
Intro: 2/23/98
Amended: 6/23/98
Would enact the Accountability and State Procurement Improvement Act, to additionally set forth a scheme for the State's acquisition process with respect to goods and services.
Status: Failed passage before the Senate Governmental Organization Committee (1-0) on 6/30/98.

Bill No: **AB 2632 (Thomson)** ***Sponsor: Ford Motor Company***
Subject: **Motor Vehicle Fuel Dispensing Devices: Retrofit**
Intro: 2/23/98
Amended: 5/4/98
Would require the Department of Food and Agriculture to make grants to persons who sell motor vehicle fuel at retail in the Sacramento Metropolitan Air Quality Management District to retrofit motor vehicle fuel dispensing devices in order to dispense ethanol or blends of motor vehicle fuel and ethanol from funds appropriated to the Rice Straw Demonstration Project Fund.
Status: Referred to the Assembly Natural Resources Committee.

Bill No: **AB 2644 (Oller)** ***Sponsor: Browning Ferris Industries (BFI)***
Subject: **Solid Waste: Fees**
Intro: 2/23/98
Amended: 4/22/98
Would require each local enforcement agency, by February 1, 1999, and on or before February 1, annually thereafter, to report to the CIWMB the amount of all fees to pay the costs of preparing , adopting, and implementing a county wide integrated waste management plan, whether collected directly by the local agency or by a solid waste hauler providing collection for the city or county.
Status: Referred to the Assembly Natural Resources Committee.

Bill No: **AB 2673 (Machado)** ***Sponsor: Author***
Subject: **Recycling: Postfilled Glass**
Intro: 2/23/98
Amended: 3/31/98
Would require the DOC to reduce the minimum percentage requirement by crediting toward that requirement the tons of postfilled glass used in California for secondary end uses, as defined, or otherwise diverted, as defined, from the California waste stream.
Status: Set to be heard in the Assembly Natural Resources Committee on 4/20/98; taken off Calendar at the request of the author.

Bill No: **AB 2677 (Richter)** ***Sponsor: Browning--Ferris Industries (BFI)***
Subject: **Solid Waste Enterprise: Liability**
Intro: 2/23/98 — Would prohibit a local agency from requiring a solid waste enterprise to assume any of the local agency's liability for any action relating to handling solid waste, unless the local agency demonstrates that the local agency's liability was proximately caused by the solid waste enterprise.
Status: Referred to the Assembly Natural Resources Committee.

Bill No: **AB 2739 (Mazzoni)** ***Sponsor: State Council of Carpenters***
Subject: **Public Contracts: Responsible Bidder**
Intro: 2/23/98 Amended: 6/24/98 — Would define the term "responsible bidder" for public contract purposes, and would authorize a public entity to require each prospective bidder for a contract to complete and submit to the entity a standardized questionnaire and financial statement. Additionally, the bill would require any public entity requiring standard questionnaires and financial statements to adopt and apply a uniform system of rating bidders on the basis of standard questionnaires and financial statements.
Status: Passed the Senate Governmental Organization Committee (6-3) on 6/30/98; referred to the Senate Appropriations Committee.

Bill No: **AB 2805 (Assembly Committee on Televising the Assembly and Information Technology)** ***Sponsor: Assembly Committee on Televising the Assembly and Information Technology***
Subject: **State Procurement**
Intro: 3/16/98 — Would add provisions regarding disclosure of conflicts of interest and treatment of bid responses to the general scheme for the procurement of goods and services by a State agency and would make the bill operative only if an unspecified bill of the 1997-98 Regular Session is enacted.
Status: Set to be heard before the Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee on 4/21/98; taken off Calendar at the request of the author.

Bill No: **AB 2814 (Papan)** ***Sponsor: Agricultural Council of California***
Subject: **Political Reform Act of 1974: Conflict of Interest: Public Officials Appointed by the Governor.**
Intro: 4/2/98 — Would extend to public officials appointed by the Governor the prohibitions against the making or participating in the making of, or the use of an official position to influence, governmental decisions, as specified, where the public official knows or has reason to know that he or she has a financial interest.
Status: Referred to the Assembly Elections, Reapportionment and Constitutional Amendments Committee.

Bill No: **ACA 35 (Goldsmith)** ***Sponsor: Author***
Subject: **Legislature: Overturning Administrative Records**
Intro: 2/20/98 — Would authorize the Legislature, by concurrent resolution, to reject and thereby render void any regulation adopted or amend by a State administrative agency.
Status: Failed passage (5-5) before the Assembly Consumer Protection, Governmental Efficiency, and Economic Development Committee 4/21/98; author granted reconsideration.

Bill No:	**ACA 40 (Prenter)** ***Sponsor: Author***
Subject:	**State Officers: Salary Adjustment or Compensation**
Intro: 4/13/98 Amended: 6/24/98	Among other things, would provide that the part of the California Citizens Compensation Commission resolution to adjust the annual salary of a State officer by an amount that exceeds 5% of the officers current salary may not take effect until it is submitted to the voters.
Status:	Set to be heard before the Assembly Governmental Organization Committee on 6/22/98; taken off Calendar; failed passage before the Assembly Governmental Organization Committee (7-6) on 6/29/98.

Senate Bills

Bill No:	**SB 2 (Thompson)** ***Sponsor: Author***
Subject:	**Parks and Resources Improvement**
Intro: 12/2/97 Amended: 6/10/98	Would enact the Parks and Resources Improvement Bond Act of 1998, which would be submitted to voters at the General Election on November 3, 1998. The bill would authorize the issuance of bonds in the amount of $849,500,000 for the purpose of financing a program for acquisition, development, improvement and the rehabilitation and enhancement of park, recreation, cultural, historical, fish and wildlife, lake riparian, reservoir, delta, river, and coastal resources. The bill would express legislative intent that every State and local government agency who is a recipient of bond funds give full consideration to the use of recycled and reusable products whenever possible in carrying out the activities enumerated in the bill. Urgency Measure.
Status:	Passed the Assembly Natural Resources Committee (7-4) on 4/20/98; referred to the Assembly Appropriations Committee.

Bill No:	**SB 130 (Thompson)** ***Sponsor: Senate Budget Committee***
Subject:	**1997-98 Budget**
Intro: 1/9/97 Amended: 5/28/97	Would make an appropriation for support of State government for the 1997-98 fiscal year. Urgency Measure.
Status:	Referred to the Assembly Budget Committee.

Bill No:	**SB 143 (Kopp)** ***Sponsor: Author***
Subject:	**Records**
Intro: 1/13/97 Amended: 6/24/98	Among other things, would provide for public inspection of public records and copying of all forms, as specified. The bill would clarify that nothing shall limit the ability of elected members or officers of any State or local agency to access public records permitted by law in the administration of their duties.
Status:	Double referral to the Assembly Governmental Organization Committee and the Assembly Judiciary Committee; passed the Assembly Governmental Organization Committee (13-2) on 6/22/98; passed the Assembly Judiciary Committee (16-0) on 6/30/98; referred to the Assembly Appropriations Committee.

Bill No:	**SB 213 (Kopp)** ***Sponsor: Author***
Subject:	**Legal Services: State**
Intro: 1/28/97 Amended: 6/16/98	Among other things, would add, as an exception to the general prohibition of State agencies employing outside legal counsel, an instance where the Attorney General concurs that two or more State agencies are on opposing sides in a legal dispute in which the Attorney General is counsel to a State agency on one of the sides. Additionally, the bill would authorize the Attorney General to limit or condition the purpose and length of State agency use of legal counsel other than the Department of Justice attorneys in judicial proceedings, in addition to merely approving or denying such use.
Status:	Set to be heard before the Assembly Insurance Committee (14-1) on 7/1/98; referred to the Assembly Appropriations Committee.

Bill No: **SB 216 (Brulte)** ***Sponsor: Author***
Subject: **Public Utilities: Electrical Restructuring**
Intro: 1/29/97
Amended: 5/20/97
Would make technical changes in provisions relating to the restructuring of the electrical services industry.
Status: Referred to the Assembly Utilities and Commerce Committee.

Bill No: **SB 412 (Peace)** ***Sponsor: Author***
Subject: **State Contracts: Conflict of Interest**
Intro: 2/18/97
Amended: 1/22/98
Would apply existing conflict of interest provisions generally applicable to State procurement contracts to electronic data processing (EDP) and telecommunications procurements. Urgency Measure.
Status: Passed the Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee (8-4) on 6/30/98; referred to the Assembly Appropriations Committee.

Bill No. **SB 436 (Sher)** ***Sponsor: Author***
Subject: **Solid Waste: Beverage Containers: Programs**
Intro: 2/18/97
Would require the CIWMB, in consultation with the DOC, to prepare and submit to the Legislature a report, not later than July 1, 1998, identifying any duplication or overlap between CIWMB and DOC programs pertaining to public information and education, local government review and assistance, and recycled materials market development. Urgency Measure.
Status: Passed the Assembly Natural Resources Committee (7-5) on 6/29/98; referred to the Assembly Appropriations Committee.

Bill No: **SB 442 (Brulte) Sponsor: Author**
Subject: **Toxic Chemicals: Sensitive Populations Groups**
Intro: 2/19/98
Amended: 6/18/98
Would require the Director of Environmental Health Hazard Assessment, by December 31, 2000, to develop guidelines for use by the boards, departments and offices under the Cal/EPA, for evaluation of the effects of toxic chemicals upon sensitive subgroups that comprise a meaningful portion of the general population that are identifiable as being at greater risk of adverse health effects than the general population.
Status: Failed passage before the Assembly Environmental Safety and Toxic Materials Committee (3-1) on 6/23/98.

Bill No: **SB 489 (Alpert)** ***Sponsor: Los Angeles City Attorney***
Subject: **Public Records: Confidential Information**
Intro: 2/20/97
Amended: 4/20/98
Would provide that any public record that contains the home address or telephone number of domestic violence victims is confidential and shall not be open to public inspection unless the home address or home telephone number is obliterated or otherwise removed from the record.
Status: Passed the Assembly Elections, Reapportionment and Constitutional Amendments Committee (5-0) on 6/29/98; referred to the Assembly Appropriations Committee.

Bill No: **SB 598 (Sher)** ***Sponsor: Author***
Subject: **Environmental Audits**
Intro: 2/24/97
Amended: 4/9/97
Would define the term "environmental audit" and would make related legislative findings and declarations.
Status: Set to be heard before the Assembly Natural Resources Committee on 6/29/98; taken off Calendar at the request of the author.

Bill No: **SB 658 (Sher)** ***Sponsor: Author***
Subject: **Environmental Protection: Peer Review Processes: Report**
Intro: 2/25/97
Amended: 6/1/6/98
Would require Cal/EPA to annually prepare and submit to the appropriate policy and fiscal committees of the Legislature that review environmental protection bills a report on the status of the implementation of those scientific peer review processes that contain specified information relating to rules that were subject to peer review during the previous year.
Status: Passed the Assembly Appropriations Committee (21-0) on 7/1/98; referred to the Assembly Floor for vote.

Bill No: **SB 681 (O'Connell)** ***Sponsor: Author***
Subject: **Beverage Containers: Reporting**
Intro: 2/25/97
Amended: 6/18/98
Among other things, SB 681 would add containers for carbonated and noncarbonated water, noncarbonated soft drinks and sport drinks, coffee and tea drinks and carbonated fruit drinks under the California Beverage Container Recycling and Litter Reduction Act, if those products are sold in glass, metal, or aluminum containers. The bill would change the reporting period for redemption and recycling rates from six months to one year. Additionally, the bill would change the definition of the glass beverage container recycling rate to include refillable glass beverage containers in both the numerator and denominator of the rate, which will slightly alter current DOC practices.
Status: Set to be heard before the Assembly Natural Resources Committee on 6/29/98; taken off Calendar at the request of the author.

Bill No: **SB 715 (Sher)** ***Sponsor: Author***
Subject: **Environmental Quality**
Intro: 2/25/97
Amended: 6/25/98
Would require the Office of Planning and Research, as part of its existing public assistance and information program to establish and maintain a central repository for the collection, storage, retrieval, and dissemination of notices of exemption, notices of preparation, notices of determination, and notices of completion and make the notices available through the Internet. Additionally, the bill would make policy changes to CEQA.
Status: Double referral to the Assembly Natural Resources Committee and the Assembly Televising the Assembly and Information Technology Committee; passed the Assembly Natural Resources Committee (8-4) on 6/22/98; passed the Assembly Televising the Assembly and Information Technology Committee (3-2) on 7/1/98; referred to the Assembly Appropriations Committee.

Bill No: **SB 913 (Calderon)** ***Sponsor: Author***
Subject: **Hazardous Substances: Site Remediation**
Intro: 2/27/98
Amended: 7/10/97
Would make technical corrections in the California Expedited Remedial Action Reform Act of 1994 pertaining to the selection of a site for remediation.
Status: Set to be heard before the Assembly Environmental Safety and Toxic Materials Committee on 6/23/98; taken off Calendar.

Bill No: **SB 937 (Polanco) Sponsor: Author**
Subject: **State Contracts**
Intro: Would enact the California Prompt Payment Act, which would require State agencies to pay properly submitted, undisputed invoices within 45 days of receipt or automatically pay late penalties. Bill would only become operative if AB 2605 (Bowen) is enacted.
Status: Passed the Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee (11-0) on 6/30/98; referred to the Assembly Appropriations Committee.

Bill No: **SB 988 (Sher)** ***Sponsor: Author***
Subject: **Solid Waste Management**
Intro: 2/27/97
Amended: 6/25/98
Would enact certain provisions of the Used Oil Recycling Act as part of the California Oil Recycling Enhancement Act, including provisions that would, among other things, require the CIWMB to: 1) coordinate activities and functions with all other State agencies in information gathering; 2) encourage the purchase of recycled oil products, and 3) encourage the procurement of rerefined automotive and industrial oils for all State and local uses.
Status: Passed the Assembly Natural Resources Committee (10-0) on 6/29/98; referred to the Assembly Appropriations Committee.

Bill No: **SB 1047 (Sher)** ***Sponsor: Author***
Subject: **Environmental Protection: Regulatory Implementation**
Intro: 2/27/97
Amended: 6/25/98
Would require any proposed changes to the CEQA guidelines, and guidelines proposed for adoption, the full text of the provisions of CEQA, and the full text of specified existing guidelines, be made available to interested persons through the Resources Agency's Internet website. Urgency Measure.
Status: Double referral to the Assembly Natural Resources Committee and the Assembly Televising the Assembly and Information Technology Committee; passed the Assembly Natural Resources Committee (12-0) on 6/22/98; passed the Assembly Televising the Assembly and Information Technology Committee (5-0) on 7/1/98; referred to the Assembly Appropriations Committee.

Bill No: **SB 1175 (Sher)** ***Sponsor: Author***
Subject: **Oil Recycling**
Intro: 2/28/97
Amended: 5/20/97
Would require the purchaser of lubricating oil that is exempt from the $.16 per gallon amount to give the seller of that oil an exemption certificate declaring that the oil is intended for use in a manner that makes the oil exempt from the fee.
Status: Referred to the Assembly Floor Inactive File on 9/4/97.

Bill No: **SB 1196 (Leslie)** ***Sponsor: Alpine County***
Subject: **Solid Waste Management: Plan: Countywide Siting Element**
Intro: 2/28/97
Amended: 7/21/97
Would exempt Alpine County from the requirement for a countywide siting element and a summary plan content requirements until January 1, 2001, so long as Alpine County meets specified requirements.
Status: Sent to the Assembly Floor Inactive File on 8/29/97; notice of intent to remove from the Inactive File on 7/2/98.

Bill No: **SB 1304 (O'Connell)** ***Sponsor: State Controller's Office***
Subject: **State Budget: Zero-Based Budgeting**
Intro: 2/28/97
Would establish a task force during the 1998-1999 and 1999-2000 fiscal years to develop a program of training and education to facilitate zero-based budgeting for the 2000-2001 fiscal year.
Status: Passed the Assembly Governmental Organization Committee (12-0) on 7/14/97; referred to the Assembly Budget Committee.

Bill No: **SB 1340 (Polanco)** ***Sponsor: BFI***
Subject: **Solid Waste Enterprise: Indemnity Obligation**
Intro: 2/28/97
Amended: 6/25/98
Would impose specified restrictions on the enforceability of an indemnity obligation contained in any provision, term, condition, or requirement in an ordinance, contract, franchise, license, permit, or other entitlement or right adopted, entered into, issued, or granted, as the case may be, by a local agency for solid waste collection and handling, including the recycling, processing, or composting of solid waste, or in any request for bids or proposals in connection with any such contract or franchise. Urgency Measure.
Status: Passed the Assembly Natural Resources Committee on (9-2) 6/29/98; referred to the Assembly Appropriations Committee.

Bill No: **SB 1386 (Leslie)** ***Sponsor: Author***
Subject: **State Computer Technology: Information Gathering**
Intro: 1/7/98
Amended: 6/16/98
Would require every State agency that maintains or operates an Internet website that utilizes any method, device, identifier or other data base application to collect personal information about, compile the usage patterns of, or track the movements of any user who accesses the website, to disclose plain English specified information on the home page for the website, including notice to the user accessing the website that he or she has the option of having his or her personal information discarded without reuse or distribution. Further, the bill would prohibit a State agency from distributing or selling any electronically collected information about users, without the user's permission, to any third party.
Status Double -referred to the Assembly Consumer Protection, Governmental Efficiency and Economic Committee and the Assembly Televising the Assembly and Informational Technology Committee; passed the Assembly Consumer Protection, Governmental Efficiency and Economic Committee (11-0) on 6/23/98; passed the Assembly Televising the Assembly and Information Technology Committee (5-0) on 7/1/98; referred to the Assembly Appropriations Committee.

Bill No: **SB 1391 (Thompson)** ***Sponsor: Author***
Subject: **1998-99 Budget**
Intro: 1/12/98
Amended: 5/26/98
Would make an appropriation for support of State government for the 1998-99 fiscal year. Urgency Measure.
Status: Passed the Senate Floor on 5/28/98; referred to the Assembly Floor for policy committee assignment.

Bill No: **SB 1426 (Johannessen)** ***Sponsor: Author***
Subject: **State Auditor**
Intro: 1/26/98
Would require the State Auditor to examine and prepare a report to the Legislature on all State governmental revenue sources to determine how funds that are raised are actually expended
Status: Referred to the Senate Governmental Organization Committee.

Bill No: **SB 1609 (Ayala)** ***Sponsor: Author***
Subject: **State Forms: Public Access Telephone Number**
Intro: 2/12/98
Would require each State form to include on the form a public access telephone number of the State agency charged with administering the form.
Status: Set to be heard before the Senate Governmental Organization Committee on 4/21/98; taken off Calendar at the request of the author.

Bill No: **SB 1649 (Senate Local Government Committee)** ***Sponsor: Senate Local Government Committee***
Subject: **Local Government Omnibus Bill of 1998**
Intro: 2/13/98
Amended: 6/15/98
Among other things, the bill would state that "fee-producing infrastructure project" or "fee-producing infrastructure facility" means that the operation of the infrastructure project or facility will be paid for by the persons or entities benefited by or utilizing the project or facility. Urgency Measure.
Status: Double referral to the Assembly Local Government Committee and the Assembly Consumer Protection and Economic Development Committee; passed the Assembly Local Government Committee (11-0) on 6/17/98; set to be heard before the Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee on 6/30/98; hearing postponed by the Committee.

Bill No: **SB 1812 (Hughes)** ***Sponsor: Glass Packing Institute***
Subject: **Postfilled Glass: Processing Fees**
Intro: 2/18/98
Amended: 3/23/98
Among other things, would require the DOC to reduce the minimum percentage requirement by crediting the number of the tons of postfilled glass used in California for secondary end uses or otherwise diverted from the State's solid waste stream as being included in the measurement of tons of postfilled glass used in the manufacturing of glass food, drink, and beverage containers.
Status: Set to be heard before the Senate Natural Resources and Wildlife Committee on 4/14/98; taken off Calendar at the request of the author.

Bill No: **SB 1824 (Calderon)** ***Sponsor: Author***
Subject: **Used Oil: Recycling**
Intro: 2/19/98
Amended: 6/29/98
Would allow the mixing of hazardous wastes with used oil if the recycling process that uses the mixture produces recycled oil that meets specified minimum standards of purity. Additionally, the bill would allow a generator or transporter to mix used oil with contaminated petroleum products under specified conditions. Additionally, the bill would define the term "contaminated petroleum product."
Status: Passed the Assembly Environmental Safety and Toxic Materials Committee (7-0) on 6/23/98; referred to the Assembly Appropriations Committee.

Bill No: **SB 1916 (Sher)** ***Sponsor: Sierra Club***
Subject: **Hazardous Waste Sources Reduction: Toxic Chemical Releases**
Intro: 2/19/98
Amended: 6/17/98
Among other things, the bill would allow the funds in the Toxic Substances Control Account to be appropriated for the unified hazardous waste and hazardous materials management program only until June 30, 1999.
Status: Passed the Assembly Environmental Safety and Toxic Materials Committee (7-0) on 6/23/98; referred to the Assembly Appropriations Committee.

Bill No: **SB 1924 (McPherson)** ***Sponsor: Author***
Subject: **Hazardous Waste: Dry Cell Batteries**
Intro: 2/19/98
Amended: 6/30/98
Would exclude spent dry cell batteries containing zinc electrodes as specified, from regulation and associated requirements as a hazardous waste, as defined. This exclusion would be predicated on spent dry cell batteries being disposed of in either a permitted municipal solid waste landfill, a permitted municipal solid waste transformation facility, or accumulated for recycling, as specified.
Status: Passed the Assembly Environmental Safety and Toxic Materials Committee (8-0) on 6/23/98; referred to the Assembly Appropriations Committee.

Bill No: **SB 2005 (Kopp)** ***Sponsor: California Building Industry Association***
Subject: **Permit Streamlining Act**
Intro: 2/20/98
Amended: 5/11/98
Would repeal the authority for a lead agency to waive specified time limits where a combined environmental impact report-environmental impact statement is being prepared on a development project.
Status: Double-referral to the Assembly Judiciary Committee and the Assembly Local Government Committee; set to be heard before the Assembly Judiciary Committee on 6/23/98 withdrawn from the Assembly Judiciary Committee on 6/18/98; passed the Assembly Local Government Committee (9-0) on 6/24/98; passed the Assembly Judiciary Committee (12-1) on 6/30/98.

Bill No: **SB 2052 (O'Connell)** ***Sponsor: Author***
Subject: **Beverage Containers: Processing and Handling Fees**
Intro: 2/20/98
Among other things, this bill would repeal the requirement for the DOC to pay curbside programs a specified per-container rate as of January 1, 2004.
Status: Set to be heard before the Senate Natural Resources and Wildlife Committee on 4/14/98; taken off Calendar at the request of the author.

Bill No: **SB 2103 (Haynes)** ***Sponsor: BKK Corporation***
Subject: **Recycled Water**
Intro: 2/20/98
Amended: 6/25/98
Would establish procedures for a customer to request recycled water service, for establishing the rate for that recycled water service, for resolving disputes between the customer and his or her retail water supplier, related to the supply of that recycled water service, and for enforcing those procedures.
Status: Double-referral to the Assembly Water, Parks and Wildlife Committee and the Assembly Judiciary Committee; passed the Assembly Water, Parks and Wildlife Committee on 6/23/98; referred to the Assembly Judiciary Committee; withdrawn from the Assembly Judiciary Committee on 6/29/98; referred to the Assembly Appropriations Committee.

Bill No: **SB 2119 (Hurtt)** ***Sponsor: Unknown***
Subject: **Reports to the Legislature: Internet Access**
Intro: 2/20/98
Amended: 6/24/98
Would authorize State and local agencies that are required or directed by the Legislature to prepare and submit a report to the Legislature, to make the report available on the State or local agency's Internet website. If the agency elects to file the report electronically, SB 2119 would also require that a summary of the report's contents be submitted through electronic mail to the Legislative Counsel, the Secretary of the Senate; and the Chief Clerk of the Assembly.
Status: Passed the Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee (12-0) on 6/30/98; referred to the Assembly Appropriations Committee.

Bill No: **SB 2172 (Sher)** ***Sponsor: Author***
Subject: **Hazardous Waste: Management Activities: Exemption**
Intro: 2/20/98
Amended: 6/29/98
Among other things, would require the DTSC to prepare an analysis of the hazardous waste management activity and make the analysis available to the public.
Status: Passed the Assembly Environmental Safety and Toxic Materials Committee (7-1) on 6/23/98; referred to the Assembly Appropriations Committee.

Bill No: **SB 2241 (Brulte)** ***Sponsor: BFI***
Subject: **Solid Waste: Handling Services**
Intro: 5/19/98
Amended: 6/23/98
Would provide that if a local agency has authorized, by franchise, contract, license, or permit, a solid waste enterprise to provide solid waste handling services and those services have been lawfully provided for more than three previous years, the solid waste enterprise may continue to provide those services for up to five years after mailed notification to the solid waste enterprise by the local agency having jurisdiction, that exclusive solid waste handling services are to be provided or authorized, unless the solid waste enterprise has an exclusive franchise or contract. Further, the bill would provide that if the local agency has established rates for solid waste handling services, that the local agency may require the solid waste enterprise to adhere to rates that are comparable to those established by the local agency. Finally, the bill would prohibit a solid waste enterprise from waiving the right to continue to provide solid waste handling services. Urgency Measure.
Status: Passed the Senate Appropriations Committee (28.8 Calendar) on 7/1/98; referred to the Senate Floor for vote.

Bill No:	**SCA 13 (O'Connell)** ***Sponsor: State Controller's Office***
Subject:	**State Budget: Zero-Based Budgeting**
Intro: 3/17/97 Amended: 6/15/98	Would amend the California Constitution to require that the budget submitted by the Governor to the Legislature for the 2001-2002 fiscal year, and each subsequent fiscal year, subject to a phase-in period of five consecutive fiscal years, be developed pursuant to zero-based budgeting for each State agency and set forth performance standards to be applied to those State agencies, together with a mechanism for evaluating whether those standards are satisfied in order to ascertain the effectiveness and efficiency of each of those agencies.
Status:	Failed passage before the Assembly Floor (52-12) on 6/18/98; author granted reconsideration.

Bill No:	**SCR 15 (Peace)** ***Sponsor: Author***
Subject:	**Public Utilities: Electrical Restructuring: Public Utilities Commission Reform**
Intro: 2/5/97 Amended: 2/20/97	Would create the Joint Oversight Committee on Electricity Restructuring and Reform to oversee, until June 30, 1998, the implementation of AB 1890, SB 960, and SB 1322, relating to electrical restructuring and PUC reform.
Status:	Passed the Senate Floor (35-0) on 2/27/97; referred to Assembly Rules Committee for policy committee assignment.

Chaptered Bills

Bill No: **AB 107 (Ducheny)** ***Sponsor: Assembly Budget Committee***
Subject: **1997-98 Budget**
Intro: 1/9/97
Amended: 8/11/97
Makes appropriations for support of State government for the 1997-98 fiscal year. Urgency Measure.
Status: Chaptered by the Secretary of State on 8/18/97; *Chapter 282, Statutes of 1997.*

Bill No: **AB 170 (Papan)** ***Sponsor: Citicorp***
Subject: **Claims Against the State**
Intro: 1/28/97
Amended: 7/1/97
Enacts the California Prompt Payment Act, which specifies that certain provisions regarding claims against the State may not be waived, altered, or limited by the State agency with respect to a contract entered into on or after January 1, 1998, or the person or business contracting on or after that date with the State agency. This bill provides that these provisions are not to be construed to require a person or business contracting with a State agency to have to submit a claim or invoice for payment of an interest penalty fee.
Status: Chaptered by the Secretary of State on 8/26/97; *Chapter 360, Statutes of 1997.*

Bill No: **AB 178 (Gallegos)** ***Sponsor: Wynn Oil Company***
Subject: **Vehicles: Automotive Products.**
Intro: 1/29/97
Amended: 9/8/97
Allows the DFA to grant a variance from the ASTM chloride standard for recycled automotive engine coolants or antifreeze.
Status: Chaptered by the Secretary of State on 10/6/97; *Chapter 634, Statutes of 1997.*

Bill No: **AB 206 (Hertzberg)** ***Sponsor: Author***
Subject: **Citizen Complaint Act of 1997**
Intro: 2/4/97
Amended: 7/25/97
Enacts the Citizen Complaint Act of 1997, which requires State agencies, including the California State University, that maintain Internet web sites to make plain-language complaint forms available on their Internet web sites by July 1, 1998, or within 6 months of the establishment of a web site, so that residents of the State can register complaints or comment about the performance of a State agency or about individuals licensed by the State agency.
Status: Chaptered by the Secretary of State on 9/22/97; *Chapter 416, Statutes of 1997.*

Bill No: **AB 475 (Pringle)** ***Sponsor: California Chamber of Commerce***
Subject: **Office of Permit Assistance: Reports**
Intro: 2/24/97
Amended: 7/24/97
Requires the Cal/EPA, the Resources Agency, and BOE to submit to the OPA, in the TCA, an annual report of the total dollar amount of fees or charges collected or assessed by each agency and subdivision, starting with calendar year 1999, with all other State agencies to commence reporting in calendar year 2000. Cal/EPA, in consultation with OPA, other State agencies, and the Joint Legislative Audit Committee is required to develop a reporting form no later than July 31, 1998.
Status: Chaptered by the Secretary of State on 10/7/97; *Chapter 719, Statutes of 1997.*

Bill No:	**AB 847 (Wayne)** ***Sponsor: Appliance Recycling Centers of America***
Subject:	**Discarded Major Appliances: Materials Requiring Special Handling: Hazardous Waste**
Intro: 2/27/97 Amended: 8/25/97	Provides that a hazardous waste generator is any person who removes from a major appliance any material that requires special handling and is a hazardous waste. It requires the DTSC or its enforcement agency to incorporate the regulation of materials that require special handling and are hazardous wastes into existing inspection and enforcement activities. The bill requires the DTSC to transmit a copy of the *Appliance Recycling Guide*, published by the CIWMB, and any other materials determined to be necessary to ensure compliance with the management of hazardous wastes removed from discarded appliances, to specified persons and agencies.
Status:	Chaptered by the Secretary of State on 10/12/97; *Chapter 884, Statutes of 1997.*

Bill No:	**AB 968 (Knox)** ***Sponsor: Author***
Subject:	**Air Pollution: Fine Particles: Monitoring Program**
Intro: 2/27/97 Amended: 9/2/97	Requires the ARB to conduct an expanded and revised program of monitoring airborne fine particles smaller than 2.5 microns in diameter (PM 2.5), and report annually by January 1 to the Legislature on the status and results of the program.
Status:	Chaptered by the Secretary of State on 9/29/97; *Chapter 518, Statutes of 1997.*

Bill No:	**AB 1097 (Brown)** ***Sponsor: Assembly Governmental Organization Committee***
Subject:	**Open Meetings**
Intro: 2/27/97	Deletes the repeal date of the law that authorizes a State body to hold an open or closed meeting by teleconference.
Status:	Chaptered by the Secretary of State on 7/8/97; *Chapter 52, Statutes of 1997.*

Bill No:	**AB 1571 (Ducheny)** ***Sponsor: Author***
Subject:	**Budget Act of 1997: Augmentations**
Intro: 3/17/97 Amended: 9/12/97	Among other things, provides $2.5 million from the General Fund to the Rice Straw Demonstration Project Fund to fund apportionment by the ARB for research, development, or demonstration projects on alternative uses of rice straw. Urgency Measure.
Status:	Chaptered by the Secretary of State on 10/12/97; *Chapter 928, Statutes of 1997.*

Bill No:	**AB 1587 (Committee on Budget)** ***Sponsor: Author***
Subject:	**Education Finance**
Intro: 3/17/97 Amended: 8/28/97	Among other things, provides $1 million from the General Fund to the Superintendent of Public Instruction for allocation to school districts in the 1997-98 fiscal year to ensure children's safety on school playgrounds and reduce playground injuries by upgrading, refurbishing, or replacing school playgrounds and playground facilities. Grants are to be awarded in consultation with the DHS and CIWMB (use of recycled materials for equipment). Urgency Measure.
Status:	Chaptered by the Secretary of State on 10/12/97; *Chapter 889, Statutes of 1997.*
Line Item Veto by Governor:	Although the Governor signed this legislation, he line-item vetoed the section relating to the $1 million allocation to school districts for upgrading playground facilities. In his signature letter, the Governor stated that, "....Districts have received sufficient one-time revenues to fund this need from local resources."

Bill No: **AB 1799 (Migden)** ***Sponsor: City and County of San Francisco***
Subject: **Unlawful Dumping: Increased Fines**
Intro: 2/10/98
Amended: 5/11/98
Status:
Would increase fines and penalties in the State Penal Code for unlawful dumping of solid waste matter. The bill would provide that, except in unusual cases where the interests of justice would best served by waiving or reducing a fine, the minimum fines provided by these provisions should not be waived or reduced.
Chaptered by the Secretary of State on 5/29/98; *Chapter 50, Statutes of 1998.*

Bill No: **SB 90 (Sher)** ***Sponsor: Author***
Subject: **Energy Resources: Renewable Energy Resources: Funding**
Intro: 12/18/96
Amended: 9/11/97
Status:
Requires electrical corporations to forward revenues derived from the renewable resource technology fee to the CEC for deposit in the Renewable Resource Trust Fund and into accounts in the Fund. Portions of the Fund would be continuously appropriated to the CEC for production incentive payments to biomass, landfill gas, digester gas, whole-waste tires, and municipal waste-to-energy facilities.
Chaptered by the Secretary of State on 10/12/97; *Chapter 905, Statutes of 1997.*

Bill No: **SB 95 (Ayala)** ***Sponsor: Author***
Subject: **Open Meetings**
Intro: 12/19/96
Amended: 8/25/97
Status:
Conforms the Bagley-Keene Open Meeting Act, which applies to State bodies, with the Ralph M. Brown Act, which governs meetings of legislative bodies of local agencies.
Chaptered by the Secretary of State on 10/12/97; *Chapter 949, Statutes of 1997.*

Bill No: **SB 252 (Kelley)** ***Sponsor: Regional Council of Rural Counties***
Subject: **Public Utilities: Electrical Restructuring**
Intro: 2/4/97
Amended: 7/9/97
Status:
Requires the Energy Resources Conservation and Development Commission to submit a report to the Regional Council of Rural Counties, and to the Chairs of the Senate Energy, Utilities and Communications Committee and the Assembly Utilities and Commerce Committee, by July 1, 1998, on recommendations for legislation relating to aggregation of electrical purchases by small rural counties. Urgency Measure.
Chaptered by the Secretary of State on 9/25/97; *Chapter 479, Statutes of 1997.*

Bill No: **SB 318 (Thompson)** ***Sponsor: California Farm Bureau Federation, California Rice Industry Association and Rice Producers of California***
Subject: **Air Pollution: Rice Straw Burning**
Intro: 2/11/97
Amended: 9/8/97
Status:
Specifies the number of acres that may be burned in specified spring and fall months through the year 2000, and would revise the conditions and procedures that apply after the year 2000. The ARB is required to administer a demonstration program for the development of new rice straw technologies through the awarding of grants from the Rice Straw Demonstration Project Fund.
Chaptered by the Secretary of State on 10/7/97; *Chapter 745, Statutes of 1997.*

Bill No: **SB 320 (Senate Housing and Land Use Committee)** ***Sponsor: Committee***
Subject: **Housing and Land Use Omnibus Act of 1997**
Intro: 2/11/97
Amended: 9/4/97
Status:
Corrects technical and code cleanup problems discovered by builders, planners, and housing advocates with the State statutes that affect housing, land use, and redevelopment issues. The bill includes legislative intent regarding the authority of local agencies when rice straw-bales are used as an alternative construction method.
Chaptered by the Secretary of State on 9/29/97; *Chapter 580, Statutes of 1997.*

Bill No: **SB 458 (Peace)** ***Sponsor: Author***
Subject: **State Agencies: Mail: Disclosure of Personal Information**
Intro: 7/1/97
Amended: 9/5/97
Prohibits a State agency, including the California State University, from sending any outgoing United States mail to an individual that contains personal information about the individual unless the personal information is contained within sealed correspondence and cannot be viewed from the outside of that sealed correspondence.
Status: Chaptered by the Secretary of State on 10/6/97, *Chapter 685, Statutes of 1997.*

Bill No: **SB 492 (Rosenthal)** ***Sponsor: Author***
Subject: **State Agencies and Regulatory Boards: Internet.**
Intro: 2/20/97
Amended: 7/22/97
Requires specified boards, programs and departments within the Department of Consumer Affairs and the Department of Real Estate, on or before January 1, 1999, to provide public information on the Internet, including, but not limited to, information relative to suspensions and revocations of licenses issued by the State agency or regulatory board and other related enforcement actions taken against persons, businesses, or facilities subject to licensure or regulation by a State agency or regulatory board. The bill would not effect the CIWMB because it is not one of the specified agencies required by the bill to post information on its Internet site.
Status: Chaptered by the Secretary of State on 10/6/97; *Chapter 661, Statutes of 1997.*

Bill No: **SB 504 (Johnston)** ***Sponsor: Author***
Subject: **Administrative Law: Written Communication**
Intro: 2/20/97
Amended: 6/16/97
Requires, as part of the Administrative Procedure Act, that interested parties submitting written communications to a State agency in quasi-judicial proceedings indicate the name of the person who paid for the production of that communication. The bill authorizes a State agency to refuse or ignore a written communication submitted by attorneys in a quasi-judicial proceeding unless the written communication clearly indicates the client in the proceeding.
Status: Chaptered by the Secretary of State 8/4/97, *Chapter 192, Statutes of 1997.*

Bill No: **SB 660 (Sher)** ***Sponsor: Author***
Subject: **Hazardous Waste Management: Hazardous Waste Management: Hazardous Substance Response Actions: Fees**
Intro: 2/25/97
Amended: 9/10/97
Enacts the Environmental Cleanup and Fee Reform Act of 1997 that would, among other things, restructure and simplify the existing hazardous waste fee system.
Status: Chaptered by the Secretary of State on 10/12/97; *Chapter 870, Statutes of 1997.*

Bill No; **SB 675 (Costa)** ***Sponsor: Browning and Ferris Industries***
Subject: **Air Pollution: Odors**
Intro: 2/25/97
Amended: 9/2/97
Extends, until four years from the effective date of this bill, current provisions in law which delegate primary regulatory responsibility for compost facility odors to local enforcement agencies (LEAs). The bill requires an air district to report compost facility odor complaints to a LEA within 24 hours or by the next working day. SB 675 requires: 1) the CIWMB to convene a working group on or before April 1, 1998, to assist in the implementation of the exemption; 2) the CIWMB and the working group to take specified actions by April 1, 1999; and 3) the CIWMB to implement, by January 1, 2000, recommendations of the working group that the CIWMB determines to be appropriate. Urgency Measure.
Status: Chaptered by the Secretary of State on 10/8/97; *Chapter 788, Statutes of 1997.*

Bill No: **SB 698 (Rainey)** ***Sponsor: First Brands***
Subject: **Plastic Trash Bags**
Intro: 2/25/97
Amended: 3/26/98

Would, until January 1, 2001, require every manufacturer that manufactures plastic trash bags of 0.75 mil or greater thickness, sold in California during specified calendar years, to make prescribed calculations pertaining to the total weight of plastic trash bags sold in California, to determine the recycled postconsumer material factor for the manufacturer for the next calendar year and to certify to the CIWMB that it used the prescribed amount. The bill would require the CIWMB, for every pound of postconsumer material purchased from a source of postconsumer material for use in the manufacture of plastic trash bags, to credit the manufacturer so certifying with having used 1.2 pounds of postconsumer material toward compliance with the certification requirements. The bill would require the CIWMB to submit a report to the Legislature by April 1, 2000, on, among other things, recommendations regarding recycled plastic postconsumer material content requirements based on the availability of that material. Urgency Measure.

Status: Chaptered by the Secretary of State on 5/22/98; *Chapter 44, Statutes of 1998.*

Bill No: **SB 1034 (Maddy)** ***Sponsor: Bioclean Industries***
Subject: **Health Facilities and Services: Medical Waste: Trauma Scene Waste Management**
Intro: 2/27/97
Amended: 8/29/97

Enacts the Trauma Scene Waste Management Act to regulate businesses that clean up locations contaminated by blood or other specified bodily fluids. The bill requires the DHS to regulate the waste management activities of these businesses, requires these businesses to register with DHS and requires DHS to generate a list of registered companies, which would be available to all local health officers and administrators. Additionally, SB 1034 provides that the Office of Statewide Health Planning and Development have plan review responsibilities for the construction or alteration of surgical clinics and chronic dialysis clinics.

Status: Chaptered by the Secretary of State on 10/7/97; *Chapter 732, Statutes of 1997.*

Bill No: **SB 1066 (Sher)** ***Sponsors: City of San Jose, League of California Cities and Californians Against Waste***
Subject: **Solid Waste: Market Development**
Intro: 2/27/97
Amended: 9/8/97

Authorizes the CIWMB to grant single or multiyear extensions to achieve the goals of the Integrated Waste Management Act (Chapter 1095, Statutes of 1989). The bill requires the CIWMB to consider specified circumstances in deciding whether to grant an alternative source reduction, recycling, and composting requirement. It requires the Market Development Plan developed by the CIWMB to include efforts to encourage and promote cooperative, regional programs to expand markets for recycled materials, and include activities to address problems and opportunities that are unique to rural, urban, and suburban areas of the State. SB 1066 requires the CIWMB to develop a plan to provide assistance to local agencies in the implementation of cost-effective programs that provide a quality supply of recycled materials for markets. The bill authorizes the CIWMB to develop a program to increase the use of compost products in agricultural applications. It requires the CIWMB, the TCA, and the Treasurer to coordinate activities that will leverage financing for market development projects and encourage joint activities to strengthen markets for recycled materials. SB 1066 requires the CIWMB to assist market development efforts by local agencies and the private sector, to use data resources collected from recycling, composting and disposal activities, or from other sources, and to provide periodic information on the recovery and availability of recycled materials. Finally, the bill requires the CIWMB, by September 1, 1998, to submit a report to the Governor and the Legislature that details specified matters regarding regulations and procedures concerning recycling by State agencies.

Status: Chaptered by the Secretary of State on 10/6/97; *Chapter 672, Statutes of 1997.*

Bill No: **SB 1273 (Hurtt)** ***Sponsor: Author***
Subject: **State Agencies: Electronic Mail**
Intro: 2/28/97
Amended: 9/10/97
Authorizes State agencies, including the CIWMB, to send notices and other material by electronic mail, at the request of the recipient. The bill authorizes a State agency to require that direct costs incurred by the agency involving the electronic transmission of requested information shall be paid by the requester.
Status: Chaptered by the Secretary of State on 10/6/97; *Chapter 687, Statutes of 1997.*

Bill No: **SB 1305 (Sher)** ***Sponsor: Author***
Subject: **Public Utilities**
Intro: 2/28/97
Amended: 9/8/97
Establishes a program under which entities offering electric services disclose accurate, reliable, and simple to understand information on the generation attributes of the electricity that they propose to sell. The bill requires the Energy Resources Conservation and Development Commission, in conjunction with the ARB and affected air districts, to issue a report to the Legislature assessing air emission effects of electric utility restructuring by June 1, 1999,.
Status: Chaptered by the Secretary of State on 10/9/97; *Chapter 796, Statutes of 1997.*

Bill No: **SB 1320 (Sher)** ***Sponsor: Author***
Subject: **Environmental Protection**
Intro: 2/28/97
Amended: 8/11/97
Requires Cal/EPA or Cal/EPA boards, offices, and departments to enter into agreements with external scientific entities for review of the scientific basis for proposed regulations that are designed to protect public health or the environment. The bill requires boards, offices, and departments to amend proposed regulations in accordance with the comments of the scientific entity or explain the scientific foundation for agency actions that are contrary to the comments of the scientific entity. Budget trailer bill.
Status: Chaptered by the Secretary of State on 8/18/97; *Chapter 295, Statutes of 1997.*

Bill No: **SB 1330 (Lockyer)** ***Sponsor: Cattlemen's Association***
Subject: **Solid Waste: Farm and Ranch Cleanup and Abatement: Grant Program**
Intro: 2/28/97
Amended: 9/12/97
Requires the CIWMB to create a program of grants to cities and counties to cover the costs of cleaning up solid waste illegally disposed on farm or ranch property.
Status: Chaptered by the Secretary of State on 10/12/97; *Chapter 875, Statutes of 1997.*

Vetoed Bills

Bill No: **AB 84 (Woods)** ***Sponsor: California Rice Industry Association & Rice Producers Association***

Subject: **State Contracts: Recycled Products Preferences**

Intro: 12/23/96
Amended: 6/24/97

Would have required State agencies to give a price preference, not to exceed 10 percent, to products manufactured with rice straw. Additionally, the bill would have required the CIWMB to implement this price preference program by July 1, 1998. The CIWMB could not expend more than $110,000 from the Integrated Waste Management Fund to implement this program, of which no more than $10,000 is allowed for administrative costs for the program. This program would have become inoperative on the date that the CIWMB has expended $100,000 for funding claims. Additionally, AB 84 would have required the DGS to require the persons with whom they contract to use, to the maximum extent economically feasible in the performance of the contract work, these products.

Status: Vetoed by the Governor on 10/10/97.

Veto Message: In his veto message, the Governor stated that, "...While the intent of the bill may have merit, I am concerned that the bill may be premature. Last year, I signed AB 3345 (Chapter 991, 1996) which requires the Waste Board to complete a study on uses of agricultural wastes, including rice straw, by January 1, 2000. I believe that any new program involving the use of agricultural wastes should await completion of that study, In addition, there appears to be no basis to elevate rice straw products to a higher status for price preferences, as past price preferences claims programs have not been successful. Further, the bill would result in a significant unfunded cost to the Waste Board which would adversely impact existing high-priority programs such a permitting, enforcement and education."

Bill No: **AB 179 (Bowen)** ***Sponsor: Author***

Subject: **Public Records**

Intro: 1/30/97
Amended: 9/9/97

Would have provided for public inspection of public records and copying in all forms, and would have specified that electronic access to identifiable public records shall not be construed to permit public access to records held by the DMV or the CHP. The bill would have expressly stated that an elected member or officer of any State or local agency is entitled to access to public records of that agency on the same basis as any other person. The bill would have limited the authorization to apply for judicial relief under the California Public Records Act to persons who submitted a written request for a public record and that request was denied or the agency to which the request was directed has failed to respond in a timely manner.

Status: Vetoed by the Governor on 10/12/97.

Veto Message: In his veto message, the Governor stated that, "...This bill creates a new inflexible mandate by requiring the agency to provide the electronic data in the form requested, unless it is "unreasonable" to do so, without ever defining the breadth of that exemption, thereby leaving it open to litigation. A request that an electronic record is provided in a particular form may require additional expense, burden, and time to segregate the public data from the exempt data, but the bill provides no guidance whether or to what extent that additional burden makes it "unreasonable."

Additionally the Governor stated, "...Agencies should make available to the public all documents to which public access is granted. But we need not add costs and rigidity to these obligations by specifying the form in which it will be done."

Bill No: **AB 705 (Strom-Martin)** ***Sponsor: Californians Against Waste***
Subject: **State Recycling**
Intro: 2/26/97
Amended: 9/5/97

Would have required, upon the request of a local agency, that any State agency declare to what extent it intends to utilize programs or facilities established by the local agency for the handling, diversion, and disposal of solid waste. If the State agency did not intend to utilize those established programs or facilities the bill would have required the State agency to identify sufficient disposal capacity for waste that is not source reduced, recycled, or composted. Additionally, AB 705 would have reenacted provisions of law that required all State agencies to purchase certain recycled products if they meet quality and cost considerations. The bill would have included building and construction materials, outdoor furniture, and landscaping materials within the definition of recycled products for purposes of procurement requirements for State agencies.

Status: Vetoed by the Governor on 10/4/97.

Veto Message: In his veto message, the Governor stated that, "...this bill states that upon the request of the local agency, any State agency shall declare to what extent it intends to utilize programs or facilities established by the local agency for the disposal of solid waste. If the State agency declines to utilize the locally established program or facility, it is required to identify sufficient disposal capacity for its resulting waste. Although this immediately follows the intent language about State and local agencies working together, this section provides nearly unlimited authority for local agencies to require a State agency to respond to this burdensome request. As written, the provision is broad, undefined in critical areas, and displays a lack of respect for the overall sovereignty of State agencies and a lack of understanding of State agency operations and of relevant codes and regulations."

Bill No: **AB 1055 (Villaraigosa)** ***Sponsor: Author***
Subject: **Playground Equipment and Facilities: Grant Program: Safety: Recycled Materials**
Intro: 2/27/97
Amended: 9/9/97

Would have enacted the Playground Safety and Recycling Act of 1997. The Act would have established, until July 1, 2001, the playground safety and recycling grant program administered by SDE, in consultation with DHS. The purpose of AB 1055 was to provide grants to local agencies to upgrade and improve local playgrounds. Additionally, the bill would have provided as a condition for a local agency to be eligible for grant funds, that funds would be used for the improvement or replacement of playground equipment or facilities through the use of recycled materials. Urgency Measure.

Status: Vetoed by the Governor on 10/12/97.

Veto Message: In his veto message, the Governor stated that, "...A State-funded grant program is unnecessary. Playground facilities are an integral plan of the school infrastructure. Any installation, upgrades, repairs, or replacements may be done in the course of regular operations, based upon the individual school's priorities, and utilizing funding already provided through a variety of sources."

Bill No: **AB 1157 (Wayne)** ***Sponsor: Author***
Subject: **Hazardous Waste: Variance**
Intro: 2/28/97
Amended: 7/18/97

Would have required the DTSC to issue a public notice not less than 30 days immediately preceding the date of the proposed granting of the hazardous waste variance, unless the issuance of the variance was immediately required to protect human health or the environment.

Status: Vetoed by the Governor on 9/21/97.

Veto Message: In his veto message, the Governor stated that, "...enactment of AB 1157 would increase costs for businesses by unnecessarily impeding business operations for an additional 30 days, without providing any demonstrated level of health and safety benefits beyond the existing requirements."

Bill No:	**AB 1293 (Bowen)** ***Sponsor: Author***
Subject:	**Geographic Information Systems**
Intro: 2/28/97 Amended: 9/5/97	Would have enacted the Strategic Geographic Information Investment Act of 1997. It would have required the Resources Agency to establish a Geographic Information Systems Panel (GISP) responsible for implementing a grant program and the Geographic Information Grant Fund (GIGF) to serve as an alternative source of funds for public agencies to create and maintain geographic information data bases.
Status:	Vetoed by the Governor on 10/10/97.
Veto Message:	In his veto message, the Governor stated that, "...Among other concerns, it is counter-intuitive to create an advisory panel with seven or more members, pay their travel and per diem and call the action government efficiency. This is particularly true when most of the goals of this program are achievable under existing law. In short, this bill is unnecessary and creates an infrastructure to accomplish what can be done in its absence."

Bill No:	**SB 74 (Kopp)** ***Sponsor: California Newspaper Publishers Association***
Subject:	**Records**
Intro: 12/12/96 Amended: 8/11/97	Would have provided for public inspection of public records and copying of all forms, as specified. The bill would have clarified that nothing shall limit the ability of elected members or officers of any State or local agency to access public records permitted by law in the administration of their duties.
Status:	Vetoed by the Governor on 9/12/97.
Veto Message:	In his veto message, the Governor stated that, "...This bill creates a new inflexible mandate by requiring the agency to provide the electronic data in the form requested, unless it is "unreasonable" to do so, without ever defining the breadth of that exemption, thereby leaving it open to litigation. A request that an electronic record is provided in a particular form may require additional expense, burden, and time to segregate the public data from the exempt data, but the bill provides no guidance whether or to what extent that additional burden makes it 'unreasonable.' Agencies should make available to the public all documents to which public access is granted. But we need not add costs and rigidity to these obligations by specifying the form in which it will be done."

Bill No:	**SB 451 (Watson)** ***Sponsor: California State Bar***
Subject:	**Land Use: General Plans: Environmental Equity**
Intro: 2/19/97 Amended: 8/27/97	Would have required the local governments' general plans to provide for the general location of commercial and industrial land uses that are regulated because of handling of hazardous materials to avoid concentrating these uses in close proximity to schools or residential communities and to provide for the fair treatment of people, regardless of race, culture or income level.
Status:	Vetoed by the Governor on 9/28/97.
Veto Message:	In his veto message, the Governor stated that, "...The process to site and develop a solid and/or hazardous waste facility is an intensive exercise in environmental documentation, geographical consideration, public hearings, and State and local permitting procedures. The law presently contains an abundance of planning requirements, including provision of extensive public hearings to address environmental and other land use planning concerns that include and exceed those contained in this bill. Specifically, regular periodic amendment of local community general plans is required by law to be made in compliance with the extensive projects of CEQA. This bill will add nothing of practical value to the present extensive and rigorous protections and planning requirements demanded by existing law."

Bill No: **SB 1113 (Solis)** ***Sponsor: Author***
Subject: **Environmental Quality: Minority and Low-Income Populations**
Intro: 2/28/97
Amended: 7/11/97

Would have required the Office of Planning and Research, by January 1, 2000, to recommend changes to the CEQA guidelines to provide for the identification and mitigation by public agencies of disproportionately high and adverse environmental effects of projects on minority populations and low-income populations. The bill would have required the Secretary of Resources Agency to certify and adopt those recommended changes by January 1, 2000.

Status: Vetoed by the Governor on 10/4/97.

Veto Message: In his veto message, the Governor stated that, "...The State environmental laws do not provide separate, less stringent requirements, or lower standards in minority and low-income communities. Environmental laws are, and should remain, color-blind. The California Environmental Quality Act was not designed to be used as a tool for a social movement. The California Environmental Quality Act is a cumbersome process and any changes made to it should be to streamline the current process, not add new requirements that will only negatively affect the economy and the people of this State."

Bill No: **SB 1179 (Polanco)** ***Sponsor: Browning and Ferris Industries***
Subject: **Solid Waste Enterprise: Indemnity Obligation: Diversion Penalty**
Intro: 2/28/97
Amended: 8/28/97

Would have restricted the ability of local government to impose monetary penalties on solid waste enterprises for the enterprises' failure to meet solid waste diversion mandates specified in the Integrated Waste Management Act.

Status: Vetoed by the Governor on 10/13/97.

Veto Message: In his veto message, the Governor stated that, "...To assert that solid waste management enterprises cannot indemnify losses based upon their own breach without the State's intervention to negotiate the terms of the agreement is ludicrous on its face. Thousands of contracts incorporate performance provisions that offer incentives or impose specific damages. These contracts are routinely drafted and enforced without government intervention.

When government ventures into the arena of contractual negotiations it is generally to protect an obviously disadvantaged party. In this instance it appears that the State is being asked to protect the industry from itself. Indeed there is significant evidence that the industry is responsible for the proliferation of waste diversion indemnification agreements. Various solid waste management providers have offered to indemnify prospective clients to gain an advantage in a competitive marketplace.

The problem contemplated in SB 1179 is prospective in that no solid waste enterprise has ever been asked to indemnify a local governmental agency for waste diversion penalties because no such penalties have ever been imposed. In addition, my recent signing of SB 1066 (Sher), which authorizes waste diversion variances and time extensions, makes it significantly less likely that diversion penalties will be imposed precipitously.

Nonetheless, it's arguable that local government agencies should be precluded from shifting responsibility for their own failure to comply with State law even to a willing solid waste enterprise.

I would accordingly be willing to consider legislation which clearly, concisely and prospectively provides that a solid waste enterprise may not indemnify a governmental agency by obligating itself to pay waste diversion penalties unrelated to its own performance.

Other Bills

*Bills that originally dealt with CIWMB programs and policies but have amended to now deal with other subject matters.

Bill No:	**AB 376 (Baca)** ***Sponsor: Author***
Subject:	**Public Contracts: Department of Transportation**
Intro: 2/19/97 Amended: 5/30/97	Would require contracts awarded by any State agency of $50,000 or over, and contract amendments that exceed $50,000, annually adjusted to reflect the consumer price index, be awarded through a publicized competitive bidding process involving sealed bids, with each contract being awarded to the lowest qualified bidder. *Bill was amended on May 30, 1998 to deal only with Department of Transportation contracts.*
Status:	Set to be heard before the Senate Transportation Committee on 3/3/98; taken off calendar.

Bill No:	**AB 1195 (Torlakson)** ***Sponsor: Author***
Subject:	**Hazardous Substances: Liability**
Intro: 2/28/97 Amended: *4/20/98*	Under the Hazardous Substance Account Act, would require a statement of the reasons for allocating responsibility to each respective potentially responsible party, and an analysis of that allocation, including, but not limited to, specified factors pertaining to the amount of hazardous substance for which the potentially responsible party may be responsible, the degree of the toxicity of the hazardous substance, the degree of involvement of the potential responsible party, and the potentially responsible party's degree of care and cooperation with government officials. *Bill was amended on April 20, 1998 to deal with real estate disclosures.*
Status:	Chaptered by the Secretary of State on 6/9/98; *Chapter 65, Statutes of 1998.*

Dead Bills

- Joint Rule 56: Bills introduced during the first year of the Session, which fail to get out of their House where they were introduced by January 31st of the second year of the Session, are considered dead.

- Joint Rule 62(a): Bills introduced during the second year of the Session, which fail to get out of their House where they were introduced by May 29, are considered dead.

Bill No:	**AB 306 (Kaloogian)** ***Sponsor: Intelligen, Inc.***
Subject:	**Public Utilities: Electrical Restructuring**
Intro: 2/14/97	Would include microcogeneration as one of the described changes in usage for the uneconomic costs applied to each customer based on the amount of electricity purchased by the customer from an electrical corporation or alternate supplier of electricity, subject to changes in usage occurring in the normal course of business.
Status:	Referred to Assembly Utilities and Commerce Committee; *Joint Rule 56 invoked.

Bill No.	**AB 362 (Bowen)** ***Sponsor: Author***
Subject:	**Environmental Advertising**
Intro: 2/19/97 Amended: 5/22/97	Would make it unlawful to represent a manufactured or distributed consumer good as "ozone friendly," biodegradable or photodegradable unless that product meets certain definitions. In addition, this bill would specify that if the Federal Trade Commission adopts trade rules defining environmental marketing terms, these rules could be used in lieu of the definitions in this bill. Finally, it would require a product labeled as "recycled" to list the amount of postconsumer waste the product contains without specified percentages.
Status:	Failed passage before the Assembly Appropriations Committee on 5/7/97; reconsideration granted; failed passage before the Assembly Appropriations Committee on 5/21/97; reconsideration granted; failed passage before the Assembly Appropriations Committee (6-8) on 5/28/97; *Joint Rule 56 invoked.

Bill No:	**AB 375 (Firestone)** ***Sponsor: Author***
Subject:	**Solid Waste: Tires: Tire Wholesalers: Tire Recovery Programs**
Intro: 2/19/97 Amended: 5/27/97	Would require an amount equal to 50 cents to be paid by each motor vehicle manufacturer and each tire wholesaler for every new tire that is sold, used, or transferred in California; and would establish a tire recycling reimbursement program until June 30, 2002. The bill would require all State agencies to give a purchase preference to asphalt pavement containing recycled rubber, and would prescribe minimum combined State agency utilization requirements for asphalt pavement containing recycled rubber. AB 375 would require the CIWMB, as part of its annual budget request, to allocate funds requested for grants, loans, and contracts under the tire recycling program. Finally, the bill would require a two-thirds vote of the Legislature because the charge levied against tire wholesalers and motor vehicle manufacturers would be classified as a State tax.
Status:	Failed passage on the Assembly Floor (20-41) on 6/2/97; author granted reconsideration; sent to the Assembly Floor Inactive File; *Joint 56 Rule invoked.

Bill No: **AB 529 (Baldwin)** ***Sponsor: Author***
Subject: **State Funds**
Intro: 2/24/97
Amended: 5/5/97
Status:

Would provide that specified Budget Act revenues shall be deposited in the General Fund and not be expended unless the Legislature authorizes that expenditure in the Budget Act or in other legislation for the performance of special audits and investigations by the State Auditor.

Failed passage before the Senate Governmental Organization Committee (4-5) on 6/17/97; reconsideration granted; failed passage before the Senate Governmental Organization Committee (2-3) on 7/1/97.

Bill No: **AB 733 (Washington)** ***Sponsor: California State Bar***
Subject: **Hazardous Materials: Hazardous and Solid Waste: Public Education**
Intro: 2/26/97
Amended: 1/5/98
Status:

Would require the Director of DTSC to develop for grades K-12 a public education program, providing curricula on hazardous materials and hazardous and solid waste facilities, and a statewide public education campaign to meet those objectives.

Set to be heard before the Assembly Environmental Safety and Toxic Materials Committee on 1/13/98; taken off Calendar at the request of the author.

Bill No: **AB 775 (Martinez)** ***Sponsor: Author***
Subject: **Public Agencies: State Funds**
Intro: 2/26/97
Amended: 4/16/97
Status:

Would require a public agency, upon a court determination that it knowingly violated a State law or local ordinance relating to sexual discrimination, to return any State or local funds that it has received but not yet expended and would provide that the public agency is ineligible to receive additional State or local funds until it is in compliance with the State law or ordinance.

Failed passage before the Assembly Consumer Protection, Governmental Efficiency, and Economic Development Committee (3-0) on 4/22/97: author granted reconsideration; *Joint Rule 56 invoked.

Bill No: **AB 1111 (Martinez)** ***Sponsor: Author***
Subject: **Bid Announcements: Criteria and Specifications**
Intro: 2/27/97
Status:

Would require a public entity, in awarding a contract pursuant to a public bidding process, to accept the lowest responsible bid that most closely follows the criteria or specifications, or both, contained within the announcement for bids, or reject all bids and initiate a new announcement, containing new criteria or specifications, or both, and a new bidding process.

Referred to the Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee.

Bill No: **AB 1170 (Kaloogian)** ***Sponsor: Author***
Subject: **State Regulatory Agencies Created by Statutes: Review**
Intro: 2/28/97
Amended: 5/1/97
Status:

Would require the Bureau of State Audits, by January 1, 2004, to conduct a performance audit of each State regulatory agency, with specified exceptions. After the audit is complete, the bill would require the Bureau to hold a public hearing to review the report and require a copy of the report to be made available to the Legislature and the Governor.

Sent to the Assembly Appropriations Committee Suspense File on 5/21/97; held in the Assembly Appropriations Committee.

Bill No: **AB 1179 (Woods)** ***Sponsor: California Biomass Energy Alliance***
Subject: **Watershed Rehabilitation and Restoration: Statewide Plan**
Intro: 2/28/97
Amended: 5/5/97
Among other things, would require CDF, in consultation with relevant Federal, State, and local agencies, including, but not limited to, the DFG, the SWRCB and the biomass power industry, to develop a strategic statewide plan to promote the rehabilitation and restoration of significant State watersheds.
Status: Sent to the Assembly Appropriations Committee Suspense File on 5/21/97; held in the Assembly Appropriations Committee on 5/30/97.

Bill No: **AB 1273 (Woods)** ***Sponsor: CIWMB***
Subject: **Solid Waste Management**
Intro: 2/28/97
Would make a number of technical, definitional, and code clean-up provisions regarding solid waste management.
Status: Referred to the Assembly Natural Resources Committee.

Bill No: **AB 1383 (Aroner)** ***Sponsor: Author***
Subject: **Private Activity Bonds**
Intro: 2/28/97
Amended: 4/21/97
Would require the California Debt Limit Allocation Committee to allocate at least 85 percent of the State's ceiling on private activity bonds to housing bonds and not more than 10 percent of the State's ceiling to exempt facility bonds. The bill would authorize the Committee to reallocate unused portions of the housing bond allocation to other bonds, including exempt facility bonds.
Status: Set to be heard before the Assembly Banking and Finance Committee on 5/12/97; taken off Calendar. The author has made this a 2-year bill; *Joint Rule 56 invoked.

Bill No: **AB 1393 (Alquist)** ***Sponsor: State Controller's Office***
Subject: **State and Local Government: Performance Audits**
Intro: 2/28/97
Amended: 5/1/97
Would require each State agency and authorize any county, city, city and county, or community college district, to conduct a performance audit of its activities and operations in order to identify opportunities to reduce costs or duplicative of another agency within four years of the effective date of the bill.
Status: Sent to the Assembly Appropriations Committee Suspense File on 5/21/97; held in the Assembly Appropriations Committee on 5/30/97.

Bill No: **AB 1409 (Baugh)** ***Sponsor: Caltrans***
Subject: **Governmental Tort Liability**
Intro: 2/28/97
Would revise the definition of dangerous condition for the purposes of governmental tort liability to apply to a condition of property that creates substantial risk of injury when that property or adjacent property is used with due care by all persons necessary for that risk of injury to occur and in a manner in which it is reasonably foreseeable that it will be used.
Status: Set to be heard before the Assembly Judiciary Committee on 1/13/98; taken off Calendar; *Joint Rule 56 invoked.

Bill No: **AB 1512 (Shelley)** ***Sponsor: Californians Against Waste***
Subject: **Beverage Containers: Recycling: Beverages**
Intro: 2/28/97
Amended: 5/5/97
Would expand the types of containers that qualify under the California Beverage Container Recycling and Litter Reduction Act. The bill would require the DOC on or after March 1, 1998, to deposit specified revenue received as the result of the inclusion of newly-defined beverage containers into the continuously appropriated California Beverage Container Recycling Fund.
Status: Passed the Assembly Natural Resources Committee (7-4) on 4/21/97; referred to the Assembly Appropriations Committee; *Joint Rule 56 invoked.

Bill No: **AB 1637 (Aguiar)** ***Sponsor: Author***
Subject: **Administrative Costs: State Government**
Intro: 1/5/98
Amended: 4/13/98
Would require the DOF to certify annually to the Controller that no State entity or State agency withholds more than 5% of any Federal funds, as administrative costs when administering or allocating Federal funds.
Status: Held in the Assembly Appropriations Committee on 5/21/98; held in Committee.

Bill No: **AB 1743 (Runner)** ***Sponsor: Author***
Subject: **Rim of the Valley Trail Corridor: Boundary Revisions**
Intro: 2/3/98
Amended: 4/13/98
Among other things, would authorize an owner of property located in Elsmere Canyon, and its adjacent watershed, at any time, to request of the Santa Monica Mountains Conservancy, in writing, that his or her property be included within the boundaries of the Rim of the Valley Trail Corridor. The bill would authorize the Conservancy, upon receipt of such a request, in accordance with specified procedures, to revise the map showing the boundaries of the Rim of the Valley Corridor to include within the corridor the property in Elsmere Canyon or its adjacent watersheds that is the subject of the request.
Status: Failed passage before the Assembly Natural Resources on 4/20/98; *Joint Rule 62(a) invoked.

Bill No: **AB 1912 (Ashburn)** ***Sponsor: Coalition for Preservation of Private Property Rights***
Subject: **Attorneys' Fees: Prevailing Public Entities**
Intro: 2/17/98
Would permit the court to award attorneys' fees to a public entity if the public entity is the prevailing party in an action and if the court finds that an award is appropriate in the interest of justice.
Status: Failed passage before the Assembly Judiciary Committee (6-10) on 4/21/98; *Joint Rule 62 (a) invoked.

Bill No: **AB 2165 (Bowen)** ***Sponsor: Author***
Subject: **Taxation: Environmental Remediation: Expenses**
Intro: 2/19/98
Amended: 4/21/98
Would authorize a taxpayer to elect to treat any qualified environmental remediation expenditure, as allowed pursuant to the Taxpayer Relief Act of 1997, that is paid or incurred by the taxpayer, as an expense which is not chargeable to capital account and would provide that any expenditure that is so treated shall be allowed as a deduction for the taxable or income year in which it is paid or incurred.
Status: Held in the Assembly Appropriations Committee on 5/21/98.

Bill No: **AB 2625 (Richter)** ***Sponsor: Author***
Subject: **Training in Government**
Intro: 2/23/98 Would establish the California Representative Government Institute in State government to develop and carry out a program of continuing education and training for incoming and currently serving Members of the Legislature, administrative appointees, and business and academic leaders.
Status: Failed passage before the Assembly Rules Committee (0-8) on 4/23/98.

Bill No: **SB 58 (Ayala)** ***Sponsor: Author***
Subject: **State Agencies Legislation**
Intro: 12/5/96 Would require every State agency that may be significantly affected by a bill to prepare an analysis of the bill and deliver that analysis to the bill's author and each policy committee set to hear that bill no later than seven calendar days prior to the first hearing in that committee.
Status: Set to be heard before the Senate Governmental Organization Committee on 7/7/97; taken off Calendar; *Joint Rule 56 invoked.

Bill No: **SB 179 (Hughes)** ***Sponsor: Glass Packaging Institute***
Subject: **Processing Fees**
Intro: 1/22/97 Amended: 5/14/97 Would make nonsubstantive technical changes in California Beverage Container Recycling and Litter Reduction Act provisions relating to imposition of the processing fee that is effective until January 1, 1999.
Status: Referred to the Senate Natural Resources and Wildlife Committee; *Joint Rule 56 invoked.

Bill No: **SB 209 (Kopp)** ***Sponsor: California Law Revision Commission***
Subject: **Judicial Review: Governmental Agency Actions**
Intro: 1/28/97 Amended: 1/5/98 Would repeal and add provisions relating to governing judicial review of decisions of State agencies, local agencies, public corporations, and specified nongovernmental entities (hospital boards, etc.).
Status: Failed passage before the Senate Judiciary Committee on 1/13/98.

Bill No: **SB 261 (Kopp) Sponsor: California Law Revision Commission**
Subject: **Judicial Review: Government Agency Actions**
Intro: 2/5/97 Amended: 1/5/98 Would make judicial review of specified State agency and local agency actions subject to the provisions being added by SB 209 (becomes operative only if SB 209, above, is enacted into law).
Status: Failed passage before the Senate Judiciary Committee on 1/13/98.

Bill No: **SB 423 (Hurtt)** ***Sponsor: Author***
Subject: **Environmental Audit Reports: Privilege: Voluntary Noncompliance Disclosure: Immunity**
Intro: 2/18/97 Would enact the Environmental Audit Privilege and Voluntary Noncompliance Disclosure Act of 1997.
Status: Failed passage before the Senate Environmental Quality Committee (3-6) on 4/21/97; author granted reconsideration.

Bill No: **SB 424 (Hurtt)** ***Sponsor: Author***
Subject: **Environmental Quality**
Intro: 2/18/97 — Would require an environmental impact report only on projects that are likely to have a significant effect on the environment.
Status: Set to be heard before the Senate Environmental Quality Committee on 4/21/97; taken off Calendar; *Joint Rule 56 invoked.

Bill No: **SB 647 (Brulte)** ***Sponsor: California Manufacturers Association***
Subject: **Environmental Requirements**
Intro: 2/25/97 — Would prohibit the assessment of any civil or administrative sanction against any person who fully discloses a minor violation of an environmental requirement to the regulatory agency having jurisdiction over the matter.
Status: Set to be heard before the Senate Environmental Quality Committee on 4/21/97; hearing put over. The author has made this a 2-year bill; *Joint Rule 56 invoked.

Bill No: **SB 774 (Johannessen)** ***Sponsor: Author***
Subject: **Restoration of Land: Disasters: CEQA Exemption**
Intro: 2/26/97 — Would provide that land and any appurtenant structures, as defined, in need of repairs due to any natural or manmade disaster or an emergency are exempt from CEQA and any other environmental review for purposes of restoring the land and any appurtenant structures to the State in which they existed immediately prior to the natural or manmade disaster or emergency if an application for an exemption is made within a specified period of time.
Status: Referred to the Senate Environmental Quality Committee; *Joint Rule 56 invoked.

Bill No: **SB 878 (Karnette)** ***Sponsor: City of Lakewood***
Subject: **Solid Waste: Diversion Requirements: Waste to Energy Credit**
Intro: 2/26/97
Amended: 1/12/98 — Would authorize a city, county, or regional agency to submit to the CIWMB a revised source reduction and recycling element that includes diversion waste credit through waste to energy to be applied toward the 50% diversion requirement if specified conditions are met, including that the waste to energy credit results from utilization of only the facilities in the cities of Commerce and Long Beach and Stanislaus County, as permitted by the CIWMB and as operational on or before January 1, 1990. Urgency Measure.
Status: Set to be heard before the Senate Environmental Quality Committee on 1/12/98; held in Committee; *Joint Rule 56 invoked.

Bill No: **SB 906 (Lee)** ***Sponsor: Black Lawyers of the State Bar***
Subject: **Hazardous Waste Management Plans**
Intro: 2/27/97
Amended: 4/3/97 — Among other things, would require the county plan to include an analysis of the expected rates of hazardous waste production until 1999, and would additionally require the county plan to include specified information regarding the demographics of the community within a 10-mile radius of each hazardous waste stream and facility, and the consideration of specified environmental equity goals.
Status: Set to be heard before the Senate Environmental Quality Committee on 1/12/98; taken off Calendar at the request of the author; *Joint Rule 56 invoked.

Bill No: **SB 1000 (Rosenthal)** ***Sponsor: Author***
Subject: **Future California Act of 1998**
Intro: 2/27/97
Amended: 4/23/97
Would, among other things, establish the Future California Act of 1998, a venue to examine the State's future in its many dimensions, including demography, industry, environment, policy, international relations and development.
Status: Sent to the Senate Appropriations Committee Suspense File on 5/19/97; held in the Senate Appropriations Committee on 5/29/97.

Bill No: **SB 1018 (Leslie)** ***Sponsor: California Cattlemen's Association***
Subject: **Private Property: Illegal Dumping**
Intro: 2/27/97
Would provide that in any case involving illegal dumping or littering of waste material on private property located adjacent to a public road, highway or right-of-way without the consent of the private property owner, the private property owner shall neither be liable for the cost of the cleanup of illegally dumped or littered waste material, nor have the duty to provide for such cleanup.
Status: Referred to the Senate Judiciary Committee; *Joint Rule 56 invoked.

Bill No: **SB 1093 (Rainey)** ***Sponsor: Governance Consensus Project***
Subject: **State Budget: Performance Measures**
Intro: 2/28/97
Would declare that the State budget shall focus on the results of government services at the State and local levels, that State and local government officials are required to respect existing program evaluation requirements and program performance measures, and that outcome measures are to be realistic and commensurate with the revenue levels for each program. Urgency Measure.
Status: Referred to the Senate Budget and Fiscal Review Committee; *Joint Rule 56 invoked.

Bill No: **SB 1114 (Solis)** ***Sponsor: Author***
Subject: **Land Use: Development Permits**
Intro: 2/28/97
Amended: 4/2/97
Would require the OPA, in the TCA, to provide information to State and local agencies, as well as to applicants for development projects, to assist them in meeting the requirements of CEQA.
Status: Sent to the Senate Floor Inactive File on 5/22/97; Joint Rule 56 invoked.

Bill No: **SB 1117 (Hayden)** ***Sponsor: Author***
Subject: **Environmental Quality: Judicial Review: Public Utilities**
Intro: 2/28/97
Would express the intent of the Legislature that judicial reviews of decisions by State agencies, including the PUC, relating to CEQA, conform to the provisions of that act.
Status: Referred to the Senate Rules Committee; *Joint Rule 56 invoked.

Bill No: **SB 1157 (Maddy)** ***Sponsor: Department of Conservation***
Subject: **Beverage Containers: Nonprofit Dropoff Programs: Market-Based Recycling**
Intro: 2/28/97
Amended: 4/17/97
Would repeal the California Beverage Container Recycling and Litter Reduction Act as of January 1, 1999. The bill would enact the California Market-Based Beverage Container Recycling and Litter Reduction Act and declare the intent of the Legislature in regards to this new act.
Status: Set to be heard before the Senate Natural Resources and Wildlife on 4/22/97; hearing put over; *Joint Rule 56 invoked.

Bill No: **SB 1216 (Costa)** ***Sponsor: California Biomass Energy Alliance***
Subject: **Biomass Energy**
Intro: 2/28/97
Amended: 5/28/97
Would make a statement of legislative intent relating to financial assistance to the biomass power industry. Urgency Measure.
Status: Passed the Senate Revenue and Taxation Committee (6-0) on 5/21/97; referred to the Senate Appropriations Committee; *Joint Rule 56 invoked.

Bill No: **SB 1341 (Costa)** ***Sponsor: Author.***
Subject: **Solid Waste: Local Enforcement Agencies: Appeals**
Intro: 2/28/97
Would authorize the CIWMB, on appeal, to overturn an enforcement action by a LEA if the CIWMB finds, based on substantial evidence, that "inaction" on the part of the LEA was inconsistent with the Integrated Waste Management Act.
Status: Referred to the Senate Environmental Quality Committee; *Joint Rule 56 invoked.

Bill No: **SB 1364 (Ayala)** ***Sponsor: Author***
Subject: **Open Meetings: State Bodies**
Intro: 1/5/98
Amended: 4/20/98
Would make it a misdemeanor for a member of a State body to attend a meeting of that body in violation of the Bagley-Keene Open Meeting Act with knowledge of the fact that the meeting is in violation of the act.
Status: Set to be heard before the Senate Governmental Organization Committee on 3/24/98; taken off Calendar; set to be heard in the Senate Governmental Organization Committee on 4/14/98; held in Committee; author granted reconsideration; failed passage (4-2) before the Senate Governmental Organization Committee on 4/21/98.

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Fiscal (Budgets, Fees and Revenues)

AB 107 (Ducheny)	1997-98 Budget
AB 529 (Baldwin)	State Funds
AB 775 (Martinez)	Public Agencies: State Funds
AB 1383 (Aroner)	Private Activity Bonds
AB 1571 (Ducheny)	Budget Act of 1997: Augmentations
AB 1587 (Committee on Budget)	Education Finance (Playground Equipment)
AB 1637 (Aguiar)	Administrative Costs: State Government
AB 1656 (Ducheny)	1998-99 Budget
SB 130 (Thompson)	1997-98 Budget
SB 1093 (Rainey)	State Budget: Performance Measures
SB 1304 (O'Connell)	State Budget: Zero-Based Budgeting
SB 1320 (Sher)	Environmental Protection (Budget Trailer Bill)
SB 1391 (Thompson)	1998-99 Budget
SCA 13 (O'Connell)	State Budget: Zero-Based Budgeting

Government Procurement/Waste Management

AB 84 (Woods)	State Contracts: Recycled Products Preferences
AB 705 (Strom-Martin)	State Recycling
AB 2067 (Cunneen)	Hazardous Waste: State Agency Procurement.
AB 2605 (Bowen)	Accountability and State Procurement Improvement Act
AB 2805 (Assembly Committee on Televising the Assembly and Information Technology)	State Procurement

Hazardous Waste

AB 733 (Washington)	Hazardous Materials: Hazardous and Solid Waste: Public Education
AB 1157 (Wayne)	Hazardous Waste: Variance
AB 1195 (Torlakson)	Hazardous Substances: Liability
AB 2067 (Cunneen)	Hazardous Waste: State Agency Procurement.
AB 2424 (Ackerman)	Hazardous Waste: Treatment
SB 660 (Sher)	Hazardous Waste Management: Hazardous Substance Response Actions: Fees
SB 913 (Calderon)	Hazardous Substances: Site Remediation
SB 1916 (Sher)	Hazardous Waste Sources Reduction: Toxic Chemical Releases
SB 2172 (Sher)	Hazardous Waste: Management Activities: Exemption.

IWM Planning

AB 2531 (Cardoza)	Solid Waste: Transformation Facilities
SB 878 (Karnette)	Solid Waste: Diversion Requirements: Waste to Energy Credit
SB 1066 (Sher)	Solid Waste: Market Development
SB 1196 (Leslie)	Solid Waste Management: Plan: Countywide Siting Element

Legal Issues

AB 170 (Papan)	Claims Against the State
AB 1409 (Baugh)	Governmental Tort Liability
AB 1912 (Ashburn)	Attorneys' Fees: Prevailing Public Entities
SB 209 (Kopp)	Judicial Review: Governmental Agency Actions
SB 213 (Kopp)	Legal Services: State
SB 261 (Kopp)	Judicial Review: Governmental Agency Actions
SB 504 (Johnston)	Administrative Law: Written Communication

Market Development

SB 1066 (Sher)	Solid Waste: Market Development
AB 2237 (Escutia)	Environmental Protection: Loans and Grants: Environmental Risks Versus Benefits: Selection Criterion

Medical Waste

SB 1034 (Maddy)	Health Facilities and Services: Medical Waste: Trauma Scene Waste Management

Miscellaneous

AB 1671 (Keeley)	State Environmental Goals and Policy Report
AB 2165 (Bowen)	Taxation: Environmental Remediation: Expenses
SB 2 (Thompson)	Parks and Resources Improvement
ACA 40 (Prenter)	State Officers: Salary Adjustment or Compensation
SB 658 (Sher)	Environmental Protection: Peer Review Processes: Report
SB 1000 (Rosenthal)	Future California Act of 1998
SB 2005 (Kopp)	Permit Streamlining Act

Open Meetings

AB 1097 (Brown)	Open Meetings
SB 95 (Ayala)	Open Meetings
SB 1364 (Ayala)	Open Meetings: State Bodies.

Plastic

AB 2555 (Aroner)	Solid Waste: Plastic Packaging Utilization
SB 698 (Rainey)	Plastic Trash Bags

Public Records

AB 179 (Bowen)	Public Records
AB 972 (Torlakson)	Government Records
AB 1293 (Bowen)	Geographic Information Systems
SB 74 (Kopp)	Records
SB 143 (Kopp)	Records
SB 489 (Alpert)	Public Records: Confidential Information
SB 492 (Rosenthal)	State Agencies and Regulatory Boards: Internet
SB 2119 (Hurtt)	Reports to the Legislature: Internet Access

Regulations

ACA 35 (Goldsmith)	Legislature: Overturning Administrative Records
SB 1047 (Sher)	Environmental Protection: Regulatory Implementation

Solid Waste Facilities

AB 1743 (Runner).	Rim of the Valley Trail Corridor: Boundary Revisions
AB 2119 (Murray)	Solid Waste: Definitions
AB 2521 (Wayne)	Solid Waste Facilities
AB 2644 (Oller)	Solid Waste: Fees
AB 2677 (Richter)	Solid Waste Enterprise: Liability
SB 1340 (Polanco)	Solid Waste Enterprise: Indemnity Obligation
SB 2241 (Brulte)	Solid Waste: Handling Services

Special Wastes

AB 117 (Escutia)	Solid Waste: Demolition or Construction Debris
AB 178 (Gallegos)	Vehicles: Automotive Products
AB 847 (Wayne)	Discarded Major Appliances: Materials Requiring Special Handling: Hazardous Waste:
AB 1055 (Villaraigosa)	Playground Equipment and Facilities: Grant Program: Safety: Recycled Materials
AB 1799 (Migden)	Unlawful Dumping: Increased Fines
SB 320 (Senate Housing and Land Use Committee)	Housing and Land Use Omnibus Act of 1997
SB 442 (Brulte)	Toxic Chemicals: Sensitive Populations Groups

State Agencies, Generally

AB 206 (Hertzberg)	Citizen Complaint Act of 1997
AB 376 (Baca)	Public Contracts
AB 475 (Pringle)	Office of Permit Assistance: Reports
AB 1111 (Martinez)	Bid Announcements: Criteria and Specifications
AB 1170 (Kaloogian)	State Regulatory Agencies Created by Statutes: Review
AB 1497 (Brown)	State Agencies: Leasing Real Property
AB 1664 (Murray)	State Contracts: Participation Goals
AB 1666 (Alquist)	Child Support: State Agencies
AB 1682 (Ortiz)	Child Support: Debt Collectors, State Remuneration, and Employee Registry
AB 2179 (Assembly Legislative Ethics Committee)	State Agencies: Ethics Orientation
AB 2234 (Escutia)	**State Contracts**
AB 2432 (Bowen)	State Buildings and Publicly Funded Schools: Standards
AB 2480 (Prenter)	Economic Development: Funding Source "Hotline"
AB 2503 (Goldsmith)	State Agencies: Continuation
AB 2625 (Richter)	Training in Government
AB 2739 (Mazzoni)	Public Contracts: Responsible Bidder
AB 2814 (Papan)	Political Reform Act of 1974: Conflict of Interest: Public Officials Appointed by the Governor
SB 412 (Peace)	State Contracts: Conflict of Interest
SB 458 (Peace)	State Agencies: Mail: Disclosure of Personal Information
SB 937 (Polanco)	State Contracts
SB 1273 (Hurtt)	State Agencies: Electronic Mail
SB 1426 (Johannessen)	State Auditor
SB 1386 (Leslie)	State Computer Technology: Information Gathering
SB 1609 (Ayala)	State Forms: Public Access Telephone Number

Tires

AB 228 (Midgen)	Solid Waste: Tires
AB 375 (Firestone)	Solid Waste: Tires: Tire Wholesalers: Tire Recovery Programs
AB 964 (Bowen)	Solid Waste: Tires
AB 2181 (Firestone)	Solid Waste: Tires

Used Oil

SB 988 (Sher)	Solid Waste Management
SB 1175 (Sher)	Oil Recycling
SB 1824 (Calderon)	Used Oil: Recycling

Water

SB 2103 (Haynes)	Recycled Water

Federal Legislation

House of Representatives

HR 277 (Schumer, D-NY)
Environmental Crimes and Enforcement Act of 1997
Would increase penalties and strengthen enforcement of environmental crimes.
Status: Introduced January 7, 1997; joint referral to the House Committees on Judiciary, Commerce, Agriculture, Resources, and Transportation and Infrastructure.

HR 316 (Solomon, R-NY)
Hazardous Waste Recycling Tax Credit Act of 1997
Would amend the Internal Revenue Code of 1986 to provide a refundable income tax credit for the recycling of hazardous waste.
Status: Introduced January 7, 1997; referred to the House Committee on Ways and Means.

HR 360 (Towns, D-NY)
Waste Export and Import Prohibition Act
Would amend the Solid Waste Disposal Act to prohibit the international export and import of certain solid waste.
Status: Introduced on January 7, 1997; referred to the House Committee on Commerce.

HR 674 (Delay,)
ISTEA Integrity Restoration Act
Would reauthorize the Intermodal Surface Transportation Efficiency Act (ISTEA) law to authorize funds for construction of highways, and for other purposes.
Status: Introduced on February 11, 1997; referred to House Committee on Transportation and Infrastructure.

HR 688 (Schaefer, Dan, R-CO)
Leaking Underground Storage Tank Trust Fund Amendments Act of 1997
Would amend the Solid Waste Disposal Act to require at least 85 percent of funds appropriated to the Environmental Protection Agency from the leaking underground storage tank trust fund to be distributed to States for cooperative agreements for undertaking corrective action and for enforcement of subtitle I of such act.
Status: Introduced on February 11, 1997; joint referral to the House Committees on Commerce; and Ways and Means; cleared for full committee by Finance and Hazardous Materials Subcommittee (by voice vote) on 3/20/97; passed the Floor of the House by voice vote on 4/23/97; referred to the Senate Committee on Environment and Public Works.

HR 712 (Delauro, D-CT)
National Infrastructure Development Act of 1997
Would facilitate efficient investments and financing of infrastructure projects, including solid waste facilities, and new job creation through the establishment of a National Infrastructure Development Corporation.
Status: Introduced on February 12, 1997; joint referral to the House Committee on Transportation and Infrastructure; the House Committee on Banking and Financial Services, and the House Committee on Ways and Means.

HR 843 (Ford, D-TN)
Location of Hazardous Waste Near Certain Properties, Prohibition
Would prohibit the location of solid and hazardous waste facilities near residential, day care, church, and school properties.
Status: Introduced on February 26, 1997; referred to the House Committee on Commerce.

HR 860 (Morella, R-MD)
Surface Transportation Research and Development Act of 1997
Would authorize appropriations to the Department of Transportation for surface transportation research and development and for other purposes. The bill would include research on the use of recycled materials such a paper and plastic fiber in reinforcement systems and research and development on the implementation of new and innovative fuel technologies, including biodiesel fuel, that enable recycled and renewable resources to be used as transportation fuels.
Status: Introduced on February 27, 1997; referred to House Committee on Science; parts of this measure incorporated into HR 2400 (Shuster, R-PA) on April 4, 1998; reported by House Committee, April 29, 1998 (House Report No. 105-503);referred to House Committee on Transportation and Infrastructure and House Committee on Commerce on June 2, 1998; discharged from House Committee on Commerce and House Committee on Transportation and Infrastructure on June 3, 1998.

HR 873 (Greenwood, R-PA)
Land Recycling Act of 1997
Would amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to limit Federal authority for response action for release subject to State voluntary response program, to provide protection for prospective purchasers of land, and for innocent landowners.
Status: Introduced on February 27, 1997; joint referral to the House Committee on Commerce and the House Committee on Transportation and Infrastructure.

HR 942 (Franks, Bob, R-NJ)
Interstate Transportation of Municipal Solid Waste Act of 1997; Municipal Solid Waste Flow Control Act of 1997
Would amend the Solid Waste Disposal Act to provide authority for States to limit the interstate transportation of municipal solid waste.
Status: Introduced on March 5, 1997; referred to the House Committee on Commerce.

HR 943 (Franks, Bob, R-NJ)
Municipal Solid Waste Flow Control Act of 1997
Would amend the Solid Waste Disposal Act to provide authority for States to control the movement of municipal solid waste to waste management facilities within the boundaries of the State or within the boundaries of political subdivisions of the State.
Status: Introduced on March 5, 1997; referred to the House Committee on Commerce.

HR 979 (Kennelly, D-CT)
Internal Revenue Code of 1986, Amendment
Would amend the Internal Revenue Code of 1986 to increase the amount of private activity that may be issued in each State, and to index such amount for inflation.
Status: Referred to the House Committee on Ways and Means.

HR 996 (Weller, R-IL)
Internal Revenue Code of 1986, Amendment
Would amend the Internal Revenue Code of 1986 to permit the issuance of tax-exempt bonds to finance environmental remediation of contaminated sites.
Status: Introduced on March 6, 1997; referred to the House Committee on Ways and Means.

HR 997 (Weller, R-IL)
Internal Revenue Code of 1986, Amendment
Would amend the Internal Revenue Code of 1986 to allow expensing and rapid amortization of certain environmental remediation expenditures.
Status: Introduced on March 6, 1997; referred to the House Committee on Ways and Means.

HR 1041 (Kennedy, Patrick, D-RI)
Solid Waste Disposal Act, Amendment (Tires)
Would amend the Solid Waste Disposal Act to provide grants to States to stabilize and remove large tire piles that are near drinking water sources and sensitive populations.
Status: Introduced on March 12, 1997; referred to the House Committee on Commerce.

HR 1120 (Dingell, D-MI)
Community Revitalization and Brownfield Cleanup Act of 1997
Would assist local governments in assessing and remediating brownfield sites, to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to encourage State voluntary response programs for remediating such sites, and for other purposes.
Status: Introduced on March 19, 1997; joint referral to the House Committee on Commerce and the House Committee on Transportation and Infrastructure.

HR 1158 (Frelinghuysen, R-NJ)
Superfund Liability Exemption for Local Educational Agencies Act
Would amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to restrict the liability under that act of local educational agencies for the amount and toxicity of solid waste generated by those agencies.
Status: Introduced on March 20, 1997; joint referral to the House Committee on Commerce and the House Committee on Transportation and Infrastructure.

HR 1199 (Souder, R-IN)
Common Sense Hazardous Waste Facilities Siting and Permitting Act of 1997
Would protect residents and localities from irresponsibly sited hazardous waste facilities.
Status: Introduced on March 20, 1997; referred to the House Committee on Commerce.

HR 1206 (Visclosky, D-IN)
Program of Voluntary Environmental Cleanups by States, Requirement
Would require the Administrator of the Environmental Protection Agency to establish a program under which States may be certified to carry out voluntary environmental cleanup programs for low and medium priority sites to protect human health and the environment and promote economic development.
Status: Introduced on March 20, 1997; joint referral to the House Committee on Commerce and the House Committee on Transportation and Infrastructure.

HR 1270 (Upton, R-MI)
Nuclear Waste Policy Act of 1997
Would amend the Nuclear Waste Policy Act of 1982 to provide for the building of an interim high level nuclear waste storage facility at Yucca Mountain, Nevada.
Status: Introduced on April 10, 1997; joint referral to the House Committee on Commerce, the House committee on Resources, and the House Committee on Transportation and Infrastructure; public mark-up held by the House Energy and Power Subcommittee on July 31, 1997; public mark-up held by the House Committee on Commerce on September 18, 1997; report filed by the House Committee on Commerce on October 1, 1997; ordered reported unfavorably by the House Committee on Resources on October 8, 1997; report filed House Committee on Resources on October 21, 1997; received in the Senate, after passage in the House of Representatives and placed on Senate Legislative Calendar on February 23, 1998; unanimous consent agreement for consideration of the measure on June 2,1998; motion for cloture failed vote on June 2, 1998.

HR 1346 (Gilchrest, R-MD)
State and Local Government Interstate Waste Control Act of 1997
Would amend the Solid Waste Disposal Act to provide congressional authorization for restrictions on receipt of out-of-state municipal solid waste, and for other purposes.
Status: Introduced on April 16, 1997; referred to the House Committee on Commerce.

HR 1358 (Buyer, R-IN)
Interstate Transportation of Municipal Solid Waste Act of 1997
Would amend the Solid Waste Disposal Act to permit a Governor to limit the disposal of out-of-state solid waste in the Governor's State, and for other purposes.
Status: Introduced on April 17, 1997; referred to the House Committee on Commerce.

HR 1359 (Defazio, D-OR)
Public Utility Regulatory Policies Act of 1978, Amendment
Would amend the Public Utilities Regulatory Policies Act of 1978 to establish a means to support programs for electric energy conservation and energy efficiency, renewable energy, and universal and affordable service for electric consumers. Would define "renewable energy" as electricity generated from nontoxic organic waste, biomass, dedicated energy crops, landfill gas, geothermal, solar, tidal and wind resources, except that such term does not include electricity generated from the incineration of municipal solid waste.
Status: Introduced on April 17, 1997; referred to the House Committee on Commerce.

HR 1392 (Regula, R-OH)
Brownfields Reuse and Real Estate Development Act
Would require the administrator of the Environmental Protection Agency to establish a program under which States may be certified to carry out voluntary environmental cleanup programs and to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 regarding the liability of landowners and prospective purchasers.
Status: Introduced on April 17, 1997; joint referral to the House Committee on Commerce and the House Committee on Transportation and Infrastructure.

HR 1393 (Rivers, D-MI)
Toxic Substances Control Act, Amendment
Would amend the Toxic Substances Control Act to establish certain requirements regarding the approval of facilities for the disposal of polychlorinated biphenyls, and for other purposes.
Status: Introduced on April 17, 1997; referred to the House Committee on Commerce.

HR 1395 (Rothman, D-NJ)
Brownfields and Environmental Cleanup Act of 1997
Would assist the States and local governments in assessing and remediating brownfield sites and encouraging environmental cleanup programs, and for other purposes.
Status: Introduced on April 17, 1997; joint referral to the House Committee on Commerce and the House Committee on Transportation and Infrastructure.

HR 1462 (Visclosky, D-IN)
Pilot Program for Revolving Loans for Cleanup of Brownfield Sites, Establishment
Would authorize the Administrator of the Environmental Protection Agency to establish a pilot project providing loans to States to establish revolving loans for the environmental cleanup of brownfield sites in distressed areas that have the potential to attract private investment and create local employment.
Status: Introduced on April 24, 1997; referred to the House Committee on Commerce.

HR 1506 (Velazquez, D-NY)
Community Environmental Equity Act
Would amend the Public Health Service Act to prohibit discrimination regarding exposure to hazardous substances.
Status: Introduced on April 30, 1997; referred to the House Committee on Commerce.

HR 1576 (Stark, D-CA)
Continuation of Operations of the California Urban Environmental Research and Education Center, Provision
Would provide for the continuation of the operations of the California Urban Environmental Research and Education Center.
Status: Introduced on May 8, 1997; joint referral to the House Committee on Education and the Workforce and the House Committee on Science.

HR 1586 (Rivers, D-MI)
National Beverage Container Reuse and Recycling Act of 1997
Would amend the Solid Waste Disposal Act to require a refund value for certain beverage containers, to provide resources for State pollution prevention and recycling programs, and for other purposes.
Status: Introduced on May 13, 1997; referred to House Committee on Commerce.

HR 1609 (Molinari, R-NY)
ISTEA Reauthorization Act of 1997;Federal Transit Act of 1997
Would reauthorize the Intermodal Surface Transportation Efficiency Act of 1991, and for other purposes.
Status: Introduced on May 14, 1997; joint referral to House Committee on Transportation and Infrastructure and House Committee on Ways and Means.

HR 1697 (Rivers, D-MI)
Impact of NAFTA on Job Loss and the Environment, Assessment
Would assess the impact of the North American Free-Trade Agreement on domestic job loss and the environment, and for other purposes.
Status: Introduced on May 21, 1997; referred to the House Committee on Ways and Means.

HR 1839 (White, R-WA)
National Requirements for Titling of Salvage, Nonrepairable, and Rebuilt Vehicles, Establishment
Would establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles. Describes responsibilities of professional automotive recyclers or professional scrap processors.
Status: Introduced on June 10, 1997; joint-referral to the House Committee on Commerce and the House Committee on the Judiciary; public hearing held by Telecommunications, Trade and Consumer Protection Subcommittee on June 26, 1997; cleared for full committee, as amended, by the Telecommunications, Trade and Consumer Protection Subcommittee; report filed by the House Committee on Commerce, discharged from the House Committee on the Judiciary and placed on the House Union Calendar on September 30, 1997; received in the Senate , after passage in the House; referred to the Senate Committee on Commerce, Science, and Transportation.

HR 1960 (Markey, D-MA)
Electric Power Competition and Consumer Choice Act of 1977
Would modernize the Public Utility Holding Company Act of 1935, the Federal Power Act, the Fair Packaging and Labeling Act, and the Public Utility Regulatory Policies Act of 1978 to promote competition in the electric power industry. Would provide for electric industry restructuring; would establish pollution standards and a renewable energy credit trading system, and create a safety net for low-income consumers.
Status: Introduced on June 19, 1997; referred to the House Committee on Commerce; public hearing held by House Energy and Power Subcommittee on October 21 and 22, 1997.

HR 2102 (Talent, R-MO)
Hazardous and Solid Waste Amendments of 1984, Amendment
Would amend the Hazardous and Solid Waste Amendments of 1984 to repeal the sunset of the Environmental Protection Agency Office of Ombudsman, and for other purposes.
Status: Introduced on June 26, 1997; referred to the House Committee on Commerce.

HR 2400 (Shuster, R-PA)
Transportation Equity Act for the 21st Century; Sportfishing and Boating Safety Act of 1998; Surface Transportation Revenue Act of 1998; Transportation Infrastructure Finance and Innovation Act of 1998; Federal Transit Act of 1998; Intelligent Transportation System Act of 1998; National Highway Traffic Safety Administration Reauthorization Act of 1998; Veterans Benefits Act of 1998.
Would authorize fund for Federal-aid highways, highway safety programs, and transit programs, and for other purposes. Among other things, would provide funding for a University of New Hampshire recycled materials research program that would study asphalt pavement containing tire-derived carbonous asphalt modifiers.
Status: Signed by the President and became law on June 9, 1998--**Public Law No. 105-178.**

HR 2451 (Moran, Jim, D-VA)
Protection of Children from Certain Environmental Pollutants, Provision
Would protect children and other vulnerable subpopulations from exposure to certain environmental pollutants, and for other purposes.
Status: Introduced on September 10, 1997; referred to the House Committee on Commerce.

HR 2485 (Stupak, D-MI)
Common Sense Superfund Liability Relief Act of 1997
Would amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide liability relief for small parties, innocent landowners, and prospective purchasers.
Status: Introduced on September 16, 1997; joint-referral to the House Committee on Commerce and the House Committee on Transportation and Infrastructure.

HR 2516 (Bond, Kit, R-MO)
Intermodal Surface Transportation Efficiency Act of 1991, Extension
Would extend the Intermodal Surface Transportation Efficiency Act of 1991 through March 31, 1998. The bill would "advance" states highway and transit money only until a six-year ISTEA reauthorization bill is cleared.
Status: Introduced on September 23, 1997; referred to House Committee on Transportation and Infrastructure; report filed by House Committee on Transportation and Infrastructure (H. Rept. 105-270) on September 25, 1997; Passed the House and referred to the U.S, Senate on October 1, 1997.

HR 2654 (Greenwood, R-PA)
Solid Waste Disposal Act, Amendment
Would amend the Solid Waste Disposal Act to permit States and political subdivisions to control the disposal of out-of-state municipal solid waste within their boundaries.
Status: Introduced on October 9, 1997; referred to the House Committee on Commerce.

HR 2727 (Boehlert, R-NY)
Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Amendment
Would amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to reauthorize and reform the Superfund program, and for other purposes. Under the bill, generators and transporters of municipal solid waste would be exempted from Superfund's liability scheme. Further, municipal owners and operators of codisposal sites would receive a liability cap of 10 percent for municipalities with populations under 10,000 and 20 percent for those with over 100,000 people.
Status: Introduced on October 23, 1997; joint referral to House Committees on Commerce, Transportation and Infrastructure, and Ways and Means; public mark-up held, and cleared for full committee by the Water Resources and Environment Subcommittee on March 11, 1998.

HR 2733 (Tauzin, R-LA)
Superfund Recycling Equity Act
Would amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify liability under that Act for certain recycling transactions.
Status: Introduced on October 24, 1997; joint referral to House Committees on Commerce and Transportation and Infrastructure.

HR 2750 (Barcia, D-MI)
Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Amendment
Would amend the Comprehensive Environmental Response, Compensation and Liability Act of 1980.
Status: Introduced on October 28, 1997; joint referral to House Committees on Commerce and Transportation and Infrastructure.

HR 2910 (Pallone, D-NJ)
Reduction of Risk of Mercury Pollution, Provision
Would reduce the risk of mercury pollution through use reduction, increased recycling, and reduction of emissions into the environment, and for other purposes.
Status: Introduced on November 7, 1997; joint referral to House Committees on Commerce and Agriculture.

HR 2980 (Allen, D-ME)
National Beverage Container Recycling Initiative Act
Would amend the Solid Waste Disposal Act to require a refund value for certain beverage containers, to provide resources for State pollution prevention and recycling programs, and for other purposes.
Status: Introduced on November 9, 1997; referred to House Committee on Commerce.

HR 3000 (Oxley, R-OH)
Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Amendment
Would exempt any generator or transporter who contributed only municipal solid waste to one of Superfund's National Priority List (NPL) sites; any generators or transporters who contributed small amounts of waste, to an NPL site; and any generator or transporter of waste whose wastes did not contribute significantly--which would be determined by the mobility, toxicity and amount of waste--to the cleanup costs at the site. The bill also would provide exemptions or liability limitations to any person or party that inherited contaminated land, tax-exempt organizations, certain railroad spur owners and certain construction contractors.
Status: Introduced on November 10, 1997; joint referral to House Committees on Commerce, Transportation and Infrastructure, and Ways and Means; public hearing held by the Finance and Hazardous Materials Subcommittee on March 5,1998 and March 26, 1998

HR 3042 (Kolbe, R-AZ)
Environmental Policy and Conflict Resolution Act of 1997
Would amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to establish the United States Institute for Environmental Conflict Resolution to conduct environmental conflict resolution and training, and for other purposes.
Status: Signed by the President and became law on February 11, 1998--**Public Law No. 105-156.**

HR 3044 (Minge, D-MN)
Distorting Subsidies Limitation Act of 1997
Would amend the Internal Revenue Code of 1986 to provide that economic subsidies provided by a State or local government for a particular business to locate or remain within the government's jurisdiction shall be taxable to such business and for other purposes. Solid waste disposal facilities would be included under this Act.
Status: Introduced on November 13,1997; referred to House Committee on Ways and Means.

HR 3065 (Lofgren, D-CA)
New Environmental Monitoring Technologies, Provisions
Would direct the Administrator of the Environmental Protection Agency to design and implement a performance-based measurement system to encourage the development of new environmental monitoring technologies.
Status: Introduced on November 13, 1997; joint referral to House Committees on Science, Commerce, and Transportation and Infrastructure.

HR 3180 (Dooley, D-CA)
Innovate Strategies for Achieving Superior Environmental Performance, Provision
Would provide for innovative strategies for achieving superior environmental performance, and for other purposes.
Status: Introduced on February 11, 1998; joint referral to the House Committee on Commerce and the House Committee on Transportation and Infrastructure.

HR 3262 (Pallone, D-NJ)
Children's Protection and Community Cleanup Act of 1998.
Would reauthorize the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.
Status: Introduced on February 25, 1998; Joint referral to the House Committee on Transportation and Infrastructure, the House Committee on Ways and Means, and the House Committee on Commerce.

HR 3548 (Andrews, D-NJ)
Environmental Priorities Fund, Establishment
Would establish a Fund for Environmental Priorities to be funded by a portion of the consumer savings resulting from retail electricity choice, and for other purposes.
Status: Introduced on March 25, 1998; joint referral to House Committee on Commerce and House Committee on Transportation and Infrastructure.

HR 3595 (Manton, D-NY)
Comprehensive Environmental Response
Would reauthorize the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.
Status: Introduced on March 30, 1998; joint referral to the House Committee on Commerce; the House Committee on Ways and Means; and the House Committee on Transportation and Infrastructure.

HR 3791 (Allen, D-ME)
Omnibus Mercury Emissions Reduction Act of 1998
Would amend the Clean Air Act to establish requirements concerning the operation of fossil fuel-fired electric utility steam generating units, commercial and industrial boiler units, solid waste incineration units, medical waste incinerators, hazardous waste combustors, chlor-alkali plants, and Portland cement plants to reduce emissions of mercury to the environment, and for other purposes.
Status: Introduced on May 5,1998; referred to House Committee on Commerce.

HR 3627 (Rush, D-IL)
Brownfield Community Empowerment Act
Would assist local governments and local citizens' organizations in the assessment and remediation of brownfield sites, and for other purposes.
Status: Introduced on April 1, 1998; joint referral to the House Committee on Commerce; the House Committee on Transportation and Infrastructure; the House Committee on Ways and Means; and the House Committee on Banking and Financial Services.

HR 4094 (Franks, Bob,, R-NJ)
Brownfields, Redevelopment, Provision
Would provide for comprehensive brownfields, assessment, cleanup, and redevelopment.
Status: Joint referral to House Committee on Commerce, House Committee on Ways and Means and House Committee on Small Business.

HCR 284 (Kasich, R-OH)
Resolution establishing the Congressional Budget for Fiscal Years 1999 through 2003.
Would revise the Congressional budget for the United States Government for fiscal year 1998, establishing the Congressional Budget for the United States Government for fiscal year 1999, and setting forth appropriate budgetary levels for fiscal yeas 2000, 2001, 2002, and 2003. SCR 86 was inserted into this bill.
Status: Introduced on May 27, 1998; referred to the House Committee on Rules; public hearing held by House Committee on Rules on June 3, 1998; passed the House of Representatives (216-204) on June 5, 1998; SCR 86 incorporated into this measure on June 15, 1998; passed the Senate by unanimous consent on June 15, 1998; returned to the House of Representatives from the Senate with Senate amendments on June 16, 1998.

H. Resolution 119 (Farr, D-CA)
Resolution Requiring Implementation of the Office Waste Recycling Program in the House of Representatives
Would provide for the mandatory implementation of the Office Waste Recycling Program in the House of Representatives.
Status: Introduce on April 16, 1997; referred to the House Committee on House Oversight.

H. Resolution 251 (Farr, D-CA)
Resolution Expressing Support for America Recycles Day
Would express support for the goals of America Recycles Day.
Status: Introduced on September 29, 1997; referred to the House Committee on Commerce.

U.S. Senate

S 8 (Smith, Robert C., R-NH)
Superfund Cleanup Acceleration Act of 1997
Would reauthorize and amend the Comprehensive Environmental Response Liability, and Compensation Act of 1980. The bill would streamline cleanups, delegate authority to states and exempt all generators and transporters at co-disposal landfills, or those that mainly receive municipal solid waste and sewage sludge, for conduct prior to January 1, 1997.
Status: Introduced on January 21, 1997; public hearing held by the Senate Committee on Environment and Public Works on March 4 and 5, 1997; public-mark-up recessed by the Senate Committee on Environment and Public Works on March 24, 25, and 26, 1998; report filed by the Senate Committee on Environment and Public Works on May 19, 1998.

S 18 (Lautenberg, D-NJ)
Brownfields and Environmental Cleanup Act of 1997
Would assist the States and local governments in assessing and remediating brownfield sites and encouraging environmental cleanup programs. The bill would authorize $10 million in grants for states and local governments to inventory and assess brownfield sites. Additionally, it would authorize $15 million in grants for states to establish and capitalize low interest loan programs to clean up the sites and would limit the potential liability of innocent buyers of brownfields.
Status: Introduced on January 21, 1997; referred to the Senate Committee on Environment and Public Works.

S 104 (Murkowski, R-AK)
Nuclear Waste
Among other things, would establish Yucca Mountain as the site for an interim storage facility and would require EPA to issue standards to protect the public from radioactive leaks from a permanent nuclear waste repository.
Status: Introduced on January 21, 1997; public hearing held in Senate Committee on Energy and Natural Resources on February 5, 1997; reported out of the Senate Committee on Energy and Natural Resources on March 14, 1997; unanimous consent agreement for consideration of the measure on the Senate Floor on April 9, 1997; passed the Senate Floor with of vote of 65-34 and referred to the House Of Representatives on April 15, 1997; resolution (H. Res. 379) passed related to this measure on March 5, 1998

S 215 (Jeffords, R-VT)
National Beverage Container Reuse and Recycling Act of 1997
Would amend the Solid Waste Disposal Act to require a refund value for certain beverage containers to provide resources for State pollution prevention and recycling programs.
Status: Introduced on January 28, 1997; referred to the Senate Committee on Commerce, Science, and Transportation.

S 237 (Bumpers, D-AR)
Electric Consumers Protection Act of 1997
Would provide for retail competition by December 15, 2000, among electric energy suppliers for the benefit and protection of consumers. Would define "renewable energy" as electricity generated from solar, wind, waste, except municipal waste, biomass, hydroelectric or geothermal resources.
Status: Introduced on January 30, 1997; referred to the Senate Committee on Energy and Natural Resources.

S 297 (Bryan (D-NV)
Nuclear Waste Independent Review Act
Would establish a presidential commission on nuclear waste.
Status: Introduced on February 11, 1997; referred to the Senate Committee on Energy and Natural Resources.

S 384 (Conrad, D-ND)
Solid Waste Disposal Act, Amendment
Would amend the Solid Waste Disposal Act to allow States to regulate the disposal of municipal solid waste generated outside the State.
Status: Introduced on February 28, 1997; referred to the Senate Committee on Environment and Public Works.

S 399 (McCain, R-AZ)
Environmental Policy and Conflict Resolution Act of 1997
Would amend the Morris K. Udall Scholarship and Excellence in the National Environmental and Native American Public Act of 1992 to establish the United States Institute for Environmental Conflict Resolution to conduct environmental conflict resolution and training, and for other purposes.
Status: Introduced on March 5, 1997; referred to the Senate Committee on Environment and Public Works; report filed by the Senate Committee on Environment and Public Works on July 31, 1997; passed as amended on the Senate Floor (unanimous consent); received in the House, after passage in the Senate on October 21, 1997.

S 443 (Baucus, D-MT)
State and Local Government Interstate Waste Control Act of 1997
Would amend the Solid Waste Disposal Act to provide congressional authorization for restrictions on receipt of out-of-state municipal solid waste and for State control over transportation of municipal solid waste.
Status: Introduced on March 14, 1997; referred to the Senate Committee on Environment and Public Works.

S 444 (Chafee, R-RI)
Internal Revenue Code of 1986, Amendment (Tires)
Would amend the Internal Revenue Code to impose a tax on the manufacture and importation of tires. Would create the Waste Tire Recycling, Abatement, and Disposal Trust Fund to be made available for recycling, abatement and cleanup of waste tire piles.
Status: Introduced on March 14, 1997; referred to the Senate Committee on Finance.

S 445 (Chafee, R-RI)
Waste Tire Recycling, Abatement, and Disposal Act of 1997
Would amend the Solid Waste Disposal Act to encourage recycling of waste tires and to ablate tire dumps and tire stockpiles.
Status: Introduced on March 14, 1997; referred to the Senate Committee on Environment and Public Works.

S 448 (Robb, D-VA)
Local Government Interstate Waste Control Act
Would amend the Solid Waste Disposal Act to authorize local governments and Governors to restrict receipt of out-of-state municipal solid waste.
Status: Introduced on March 17, 1997; referred to the Senate Committee on Environment and Public Works.

S 463 (Coats, R-IN)
Interstate Transportation of Municipal Solid Waste Act of 1997
Would amend the Solid Waste Disposal Act to permit a Governor to limit the disposal of out-of-state solid waste in the Governor's State.
Status: Introduced on March 18, 1997; referred to the Senate Committee on Environment and Public Works.

S 599 (Boxer, D-CA)
Children's Environmental Protection Act
Would protect children and other vulnerable subpopulations from exposure to certain environmental pollutants, and for other purposes.
Status: Introduced on April 16, 1997; referred to the Senate Committee on Environment and Public Works.

S 687 (Jeffords, R-VT)
Electric System Public Benefits Protection Act of 1997
Would enhance the benefits of the national electric system by encouraging and supporting State programs for renewable energy sources, universal electric service, affordable electric service, energy conservation and efficiency, and for other purposes. "Renewable energy" means electricity generated from wind, organic waste (excluding incinerated municipal solid waste), or biomass or geothermal, solar thermal, or photovoltaic source.
Status: Introduced on May 1, 1997; referred to the Senate Committee on Energy and Natural Resources.

S 899 (Dodd, D-CT)
Municipal Solid Waste Disposal Act of 1997
Would amend the Solid Waste Disposal Act to provide for flow control of municipal solid waste.
Status: Introduced on June 12, 1997; referred to the Senate Committee on Environmental and Public Works.

S 951 (Torricelli, D-NJ)
Quiet Communities Act of 1997
Would reestablish the Office of Noise Abatement and Control in the Environmental Protection Agency.
Status: Introduced on June 24, 1997; referred to the Senate Committee on Environment and Public Works.

S 964 (Murkowski, R-AK)
Property Conveyance in the State of California
Would transfer land in Ward Valley, California, to the State of California, to build a low level nuclear waste dump.
Status: Introduced on June 26, 1997; referred to the Senate Committee on Energy and Natural Resources; public hearing held by the Senate Committee on Energy and Natural Resources on July 22, 1997.

S 1173 (Warner, R-VA))
Intermodal Transportation Act of 1997; Surface Transportation Act of 1997; Transportation Infrastructure Finance and Innovation Act of 1997; Intelligent Transportation Systems Act of 1997
Would authorize funds for surface transportation, construction of highway safety programs and for mass transit programs for six years.
Status: Introduced on September 12, 1997; referred to Senate Committee on Transportation and Infrastructure; Senate Committee on Environment and Public Works; Senate Committee on Commerce, Science, and Transportation; considered on the Senate Floor on October 28, 1997; failed passage because it did not reach the necessary 3/5 majority vote (52-48); placed on Senate Legislative Calendar on October 29, 1997; DEBATED ON THE Senate Floor March 2 through March 12, 1998; full text of measure printed in "Congressional Record" (CR Page S-2002); incorporated into HR 2400.

S 1176 (Thomas, R-WY)
State and Local Government Participation Act of 1997
Would guarantee that Federal agencies identify State agencies and counties as cooperating agencies when fulfilling their environmental planning responsibilities under the National Environmental Policy Act.
Status: Introduced on September 15, 1997; referred to the Senate Committee on Environment and Public Works.

S 1317 (Lautenberg, D-NJ)
Environmental Health Protection Act of 1997
Would amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to expand the opportunity for health protection for citizens affected by hazardous waste sites.
Status: Introduced on October 24, 1997; referred to Senate Committee on Environment and Public Works.

S 1332 (Enzi, R-WY)
State Environmental Audit Protection Act
Would amend Title 28, United States Code, to recognize and protect State efforts to improve environmental mitigation and compliance through the promotion of voluntary environmental audits, including limited protection from discovery and limited protection from penalties.
Status: Introduced on October 29, 1997; referred to Senate Committee on Environmental and Public Works; hearings adjourned by Senate Committee on Environmental and Public Works on October 30, 1997.

S 1348 (Lieberman, D-CT)
Innovated Environmental Strategies Act of 1997
Would provide for innovative strategies for achieving superior environmental performance.
Status: Introduced on October 30, 1997; referred to Senate Committee on Environment and Public Works.

S 1401 (Bumpers, D-AR)
Transition to Electric Competition Act of 1997
Would provide for the transition to competition among electric energy suppliers for the benefit and protection of consumers, and for other purposes.
Status: Introduced on November 7, 1997; referred to Senate Committee on Energy and Natural Resources.

S 1497 (Lautenberg, D-NJ)
Equity and Public Involvement in Superfund Act of 1997
Would release contributors of ordinary trash in minor amounts of hazardous substances from litigation under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and for other purposes.
Status: Introduced on November 9, 1997; referred to Senate Committee on Environment and Public Works.

S 1915 (Leahy, D-VT)
Omnibus Mercury Emissions Reduction Act of 1998
Would amend the Clean Air Act to establish requirements concerning the operation of fossil fuel-fired electric utility steam generating units, commercial and industrial boiler units, solid waste incineration units, medical waste incinerators, hazardous waste combustors, chlor-alkali plants, and Portland cement plants to reduce emissions of mercury to the environment, and for other purposes.
Status: Introduced on April 2, 1998; referred to the Senate Committee on Environment and Public Works.

S 2062 (Warner, R-VA)
Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Amendment
Would amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify liability under that Act for certain recycling transactions.
Status: Introduced on May 12, 1998; referred to the Senate Committee on Environment and Public Works.

S 2180 (Lott, E-MS)
Superfund Recycling Equity Act of 1998
Would amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify liability under that Act for certain recycling transactions.
Status: Introduced on June 16, 1998; referred to the Senate Committee on Environmental and Public Works;

S RES. 116 (Levin, Carl, D-MI)
Resolution Designating "America Recycles Day"
Would designate November 15, 1997, and November 15, 1998, as "America Recycles Day."
Status: Introduced on July 31, 1997; referred to the Senate Committee on Judiciary.

SCR 49 (Levin, Carl, D-MI)
Resolution Authorizing Use of the Capitol Grounds for "America Recycles Day"
Resolution Authorizing Use of the Capitol Grounds for "America Recycles Day"
Would authorize use of the Capitol Grounds for America Recycles Day national kick-off campaign.
Status: Introduced on July 31, 1997; joint referral to the Senate Committee on Governmental Affairs and the Senate Committee on Rules and Administration.

SCR 86 (Domenici, R, NM)
Resolution Setting Forth the Congressional Budget for Fiscal Years 1999-2003
Would set forth the Congressional budget for the U. S. Government for the fiscal years 1999, 2000, 2001, 2002, and 2003 and would revise the concurrent resolution on the budget for fiscal year 1998. The resolution has a separate environmental allocation increase allocations only for legislation that reauthorizes and reforms the Superfund program to facilitate the cleanup of hazardous waste sites if such legislation will not increase the deficit or reduce the surplus for other programs.
Status: Introduced on March 20, 1998; public markup held by Senate Committee on the Budget on March 17, 1998; report filed by Senate Committee on the Budget and placed on the Senate Legislative Calendar on March 20, 1998; measure incorporated into HCR 284.

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