

AMENDED IN ASSEMBLY APRIL 9, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1330**

---

---

**Introduced by Assembly Member John A. Pérez**

February 22, 2013

---

---

An act to ~~add Section 71117~~ amend Section 54954.3 of the Government Code, and to add Sections 71117 and 71119 to the Public Resources Code, relating to environmental justice.

LEGISLATIVE COUNSEL'S DIGEST

AB 1330, as amended, John A. Pérez. Environmental justice.

*(1) The Ralph M. Brown Act requires a local legislative body to provide an opportunity for members of the public to directly address the body concerning any item described in a notice of meeting. The act authorizes the legislative body to adopt reasonable regulations limiting the total amount of time allocated for public testimony for each individual speaker.*

*This bill would, if a local legislative body limits the time for public comment, prohibit the body from counting the time used by a translator to translate comments from a non-English-speaking commenter in determining whether the speaker has exceeded his or her time limit unless simultaneous translation equipment is used to allow the body to hear the translated public testimony simultaneously.*

**Existing**

*(2) Existing law requires the Secretary for Environmental Protection to convene a Working Group on Environmental Justice to assist the secretary in developing, by July 1, 2002, an agencywide strategy for identifying and addressing gaps in existing programs, policies, or*

activities of the agency’s boards, departments, and offices that may impede the achievement of environmental justice.

This bill would require the secretary, with the assistance of the *Cal/EPA Interagency Working Group on Environmental Justice*, to periodically revise and update the agencywide strategy to identify and address any additional gaps. The bill would require the secretary to submit to the Governor and the Legislature, by July 1, 2014, a report on the revision and update of the strategy.

*(3) The bill would require each board, department, and office of the California Environmental Protection Agency to maintain a publicly available database on its Internet Web site of its ongoing enforcement cases and compliance histories of its regulated entities. The bill would require the California Environmental Protection Agency to provide links to the databases on its Internet Web site.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
 State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. (a) The Legislature finds and declares all of the
- 2 following:
- 3 (1) The Legislature, in 2001, enacted Senate Bill 828 of the
- 4 2001–02 Regular Session (Chapter 765 of the Statutes of 2001) to
- 5 require the California Environmental Protection Agency to convene
- 6 a Working Group on Environmental Justice to assist the agency
- 7 in developing an agencywide strategy for identifying and
- 8 addressing gaps in existing programs, policies, or activities that
- 9 may impede the achievement of environmental justice.
- 10 (2) After the development of the strategy, Senate Bill 828
- 11 requires each board, department, and office within the agency, in
- 12 coordination with the Secretary for Environmental Protection and
- 13 the Director of the Office of Planning and Research, to review its
- 14 programs, policies, or activities that may impede the achievement
- 15 of environmental justice.
- 16 (3) Senate Bill 828 also requires the secretary to submit, on a
- 17 triennial basis beginning on January 1, 2004, a report to the
- 18 Governor and the Legislature, on the implementation of *the* above
- 19 requirements.

1 (4) In September of 2004, the agency submitted to the Governor  
2 and the Legislature a report on actions taken to implement Senate  
3 Bill 828.

4 (5) In October of 2004, the agency issued the Environmental  
5 Justice Action Plan identifying opportunities for the agency and  
6 its boards, departments, and offices to take the initial steps toward  
7 addressing environmental justice issues.

8 (6) Since 2004, the agency has not submitted a report to the  
9 Governor or the Legislature on the implementation of the  
10 Environmental Justice Action Plan.

11 (7) ~~Additionally~~ *Additionally*, issues regarding environmental  
12 ~~justice~~, *justice* not addressed by the ~~agency~~, *agency* may have  
13 arisen since 2004.

14 (b) It is the intent of the Legislature that the agency should  
15 update the Environmental Justice Action Plan to address issues  
16 regarding environmental justice that may ~~be~~ *have* arisen since 2004  
17 that may have impeded the achievement of environmental justice.

18 (c) *It is further the intent of the Legislature to ensure increased  
19 public participation from individuals in the environmental justice  
20 community in the governmental decisionmaking process.*

21 *SEC. 2. Section 54954.3 of the Government Code is amended  
22 to read:*

23 54954.3. (a) Every agenda for regular meetings shall provide  
24 an opportunity for members of the public to directly address the  
25 legislative body on any item of interest to the public, before or  
26 during the legislative body's consideration of the item, that is  
27 within the subject matter jurisdiction of the legislative body,  
28 provided that no action shall be taken on any item not appearing  
29 on the agenda unless the action is otherwise authorized by  
30 subdivision (b) of Section 54954.2. However, the agenda need not  
31 provide an opportunity for members of the public to address the  
32 legislative body on any item that has already been considered by  
33 a committee, composed exclusively of members of the legislative  
34 body, at a public meeting wherein all interested members of the  
35 public were afforded the opportunity to address the committee on  
36 the item, before or during the committee's consideration of the  
37 item, unless the item has been substantially changed since the  
38 committee heard the item, as determined by the legislative body.  
39 Every notice for a special meeting shall provide an opportunity  
40 for members of the public to directly address the legislative body

1 concerning any item that has been described in the notice for the  
 2 meeting before or during consideration of that item.

3 (b) The legislative body of a local agency may adopt reasonable  
 4 regulations to ensure that the intent of subdivision (a) is carried  
 5 out, including, but not limited to, regulations limiting the total  
 6 amount of time allocated for public testimony on particular issues  
 7 and for each individual speaker.

8 (c) (1) *To ensure that a non-English speaker who uses a*  
 9 *translator receives the same opportunity to directly address the*  
 10 *legislative body of a local agency as a speaker who does not use*  
 11 *a translator, notwithstanding subdivision (b), if that body limits*  
 12 *time for public comment, the time used by a translator to translate*  
 13 *a non-English speaker's comments into English shall not count*  
 14 *toward the speaker's allotted time.*

15 (2) *Paragraph (1) shall not apply if the legislative body of a*  
 16 *local agency utilizes simultaneous translation equipment in a*  
 17 *manner that allows that body to hear the translated public*  
 18 *testimony simultaneously.*

19 (e)

20 (d) The legislative body of a local agency shall not prohibit  
 21 public criticism of the policies, procedures, programs, or services  
 22 of the agency, or of the acts or omissions of the legislative body.  
 23 Nothing in this subdivision shall confer any privilege or protection  
 24 for expression beyond that otherwise provided by law.

25 ~~SEC. 2.~~

26 *SEC. 3.* Section 71117 is added to the Public Resources Code,  
 27 to read:

28 71117. (a) The Secretary for Environmental ~~Justice~~ *Protection*  
 29 shall, with the assistance of the *Cal/EPA Interagency Working*  
 30 *Group on Environmental Justice*, periodically revise and update  
 31 the agencywide strategy developed pursuant to Section 71113 to  
 32 identify and address any additional gaps in existing programs,  
 33 policies, or activities that ~~impedes~~ *impede* the achievement of  
 34 environmental justice.

35 (b) (1) On or before July 1, 2014, the secretary shall submit to  
 36 the Governor and the Legislature a report on the implementation  
 37 of this section.

38 (2) The report required by paragraph (1) that is submitted to the  
 39 Legislature shall be submitted pursuant to Section 9795 of the  
 40 Government Code.

1 (3) Pursuant to Section 10231.5 of the Government Code, this  
2 subdivision is inoperative on July 1, 2018.

3 *SEC. 4. Section 71119 is added to the Public Resources Code,*  
4 *to read:*

5 *71119. (a) Each board, department, and office of the*  
6 *California Environmental Protection Agency shall maintain a*  
7 *public database on its Internet Web site of its ongoing enforcement*  
8 *cases, to the extent the information on the database would normally*  
9 *be available pursuant to the California Public Records Act*  
10 *(Chapter 3.5 (commencing with Section 6250) of Division 7 of*  
11 *Title 1 of the Government Code), and compliance histories of its*  
12 *regulated entities that have committed violations focusing on*  
13 *information related to how the entities rectified the violation.*

14 *(b) The California Environmental Protection Agency shall*  
15 *provide links to the databases on its Internet Web site.*