

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1827

Introduced by Assembly Member Patterson

February 18, 2014

An act to add Section 12812.7 to the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

AB 1827, as amended, Patterson. State bodies: *environmental agencies*: administrative and civil penalties.

Existing law authorizes certain state bodies to impose and enforce civil and administrative penalties upon businesses for regulatory violations. *Existing law establishes the California Environmental Protection Agency and the Natural Resources Agency and various boards, commissions, departments, divisions, and offices within those 2 agencies.*

~~This bill would state the intent of the Legislature to enact legislation to require all state bodies to allow specified businesses to cure minor violations that do not cause actual public harm or physical injury prior to the imposition of civil penalties, administrative penalties, or both. This bill would state legislative findings regarding enforcement programs.~~

This bill would require an agency, board, commission, department, division, or office within the California Environmental Protection Agency or the Natural Resources Agency, prior to the imposition of an administrative or civil penalty for a minor violation, to allow a business with 50 or fewer employees an opportunity to cure the violation.

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

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

1 SECTION 1. *The Legislature finds and declares that the*
2 *primary purpose of enforcement programs administered by*
3 *agencies, boards, commissions, departments, divisions, and offices*
4 *within the California Environmental Protection Agency or the*
5 *Natural Resources Agency is to seek to bring about compliance*
6 *with the law and that financial penalties shall only be imposed in*
7 *the absence of good faith compliance efforts or after repeated*
8 *violation of rules and regulations, and in a manner in which the*
9 *amount of the financial penalty accurately and justly reflects the*
10 *seriousness of the violation.*

11 SEC. 2. *Section 12812.7 is added to the Government Code, to*
12 *read:*

13 12812.7. (a) *Notwithstanding any other law, prior to the*
14 *imposition of an administrative or civil penalty, an agency, board,*
15 *commission, department, division, or office within the California*
16 *Environmental Protection Agency or the Natural Resources Agency*
17 *shall allow a business with 50 or fewer employees an opportunity*
18 *to cure a minor violation that did not cause an actual harm to the*
19 *public or physical injury to a person, or endanger the public health*
20 *and safety.*

21 (b) *For the purpose of this section, a minor violation does not*
22 *include any of the following:*

23 (1) *A knowing, willful, or intentional violation.*

24 (2) *A violation that enabled the violator to benefit economically*
25 *from noncompliance.*

26 (3) *A chronic violation by a recalcitrant violator.*

27 ~~SECTION 1. (a) It is the intent of the Legislature to enact~~
28 ~~legislation, notwithstanding any other law, to require all state~~
29 ~~bodies, as defined by Section 11121 of the Government Code, to~~
30 ~~allow businesses that have 50 or fewer full-time employees an~~
31 ~~opportunity to cure minor regulatory violations that did not cause~~
32 ~~actual public harm or physical injury to any person prior to the~~
33 ~~imposition of administrative penalties, civil penalties, or both.~~

34 ~~(b) The Legislature finds and declares that the primary purpose~~
35 ~~of enforcement programs administered by state bodies is to seek~~

1 ~~to bring about compliance with the law, and that financial penalties~~
2 ~~shall only be imposed in the absence of good faith compliance~~
3 ~~efforts or after repeated violation of rules and regulations, and in~~
4 ~~a manner in which the amount of the financial penalty accurately~~
5 ~~and justly reflects the seriousness of the offense.~~

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