

AMENDED IN SENATE AUGUST 19, 2016

AMENDED IN SENATE JUNE 22, 2016

AMENDED IN ASSEMBLY MARCH 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1776

Introduced by Assembly Member Obernolte

February 3, 2016

An act to amend Section ~~25113~~ of, and to add Section 25150.88 to, the Health and Safety Code, relating to hazardous waste; 271 of the Code of Civil Procedure, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1776, as amended, Obernolte. ~~Hazardous waste: disposal: exemption.~~ *Court transcripts: electronic form.*

Existing law authorizes a court, party, or other person entitled to a transcript to request that it be delivered in computer-readable form, except as specified. Existing law requires that a copy of the original transcript be delivered in computer-readable form upon request if the proceedings were produced utilizing computer-aided transcription equipment, as specified.

This bill would authorize the electronic delivery of transcripts to an appellate court unless the court requests the transcript in paper form.

~~Existing law provides for the regulation of hazardous waste by the Department of Toxic Substances Control and makes a declaration of legislative intent regarding that regulation and maintaining authorization to administer a state program pursuant to the federal Resource Conservation and Recovery Act of 1976.~~

~~Existing law prohibits the management of hazardous waste except in accordance with the hazardous waste control laws and prohibits the disposal of hazardous waste except at a disposal site or at a facility of an owner or operator who holds a valid hazardous waste facilities permit or other grant of authorization from the department to use and operate the site or facility. Existing law defines the term “disposal” for purposes of the hazardous waste control laws as including the discharge, deposit, injection, dumping, spilling, leaking, or placing of a waste into or on any land. A violation of the state’s hazardous waste control laws is a crime.~~

~~This bill would authorize the department to adopt regulations to establish an alternate standard for the management of sport shooting range hazardous waste. Since a violation of the regulations adopted by the department would be a crime, the bill would impose a state-mandated local program. Until the department adopts those regulations, the bill, to the extent that it would not jeopardize state administration of the state hazardous waste program, would exclude from the definition of the term “disposal” under those laws the onsite movement of soil at an active outdoor sport shooting range, as defined, if this movement is done to facilitate the removal and recycling of spent ammunition materials existing on the site as a result of the normal use of the shooting range, the activities at the shooting range are consistent with a specified manual produced by the United States Environmental Protection Agency, and the residual soil is replaced within the area from which it was originally removed. The bill would require the department to contact the United States Environmental Protection Agency to ensure that this exclusion is consistent with the federal Resource Conservation and Recovery Act and does not jeopardize the ability of the state to administer the state hazardous waste program in lieu of the federal program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason:~~

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

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

1 SECTION 1. *Section 271 of the Code of Civil Procedure is*
2 *amended to read:*

3 271. (a) ~~Any~~A court, party, or other person entitled to a
4 transcript may request that it be delivered in computer-readable
5 form, except that an original transcript shall be on paper. A copy
6 of the original transcript ordered within 120 days of the filing or
7 delivery of the transcript by the official reporter or official reporter
8 pro tempore shall be delivered in computer-readable form upon
9 request if the proceedings were produced ~~utilizing~~ *using*
10 computer-aided transcription equipment.

11 (b) Except as modified by standards adopted by the Judicial
12 Council, the computer-readable transcript shall be on disks in
13 standard ASCII code, unless otherwise agreed by the reporter and
14 the court, party, or other person requesting the transcript. Each
15 disk shall be labeled with the case name and court number, the
16 dates of proceedings contained on the disk, and the page and
17 volume numbers of the data contained on the disk. ~~Except where~~
18 *when* modifications are necessary to reflect corrections of a
19 transcript, each disk as produced by the official reporter shall
20 contain the identical volume divisions, pagination, line numbering,
21 and text of the certified original paper transcript or any portion
22 thereof. Each disk shall be sequentially numbered within the series
23 of disks.

24 (c) *A transcript may be delivered electronically to an appellate*
25 *court unless the court requests the transcript in paper form.*

26 SECTION 1. ~~Section 25113 of the Health and Safety Code is~~
27 ~~amended to read:~~

28 ~~25113. (a) (1) "Disposal" means either of the following:~~

29 ~~(A) The discharge, deposit, injection, dumping, spilling, leaking,~~
30 ~~or placing of any waste so that the waste or any constituent of the~~
31 ~~waste is or may be emitted into the air or discharged into or on~~
32 ~~any land or waters, including groundwaters, or may otherwise~~
33 ~~enter the environment.~~

34 ~~(B) The abandonment of any waste.~~

35 ~~(2) (A) To the extent that it would not jeopardize the state's~~
36 ~~administration of the state hazardous waste program pursuant to~~
37 ~~the federal act, "disposal" does not include the onsite movement~~
38 ~~of soil at an active outdoor sport shooting range if this movement~~

1 is done to facilitate the removal and recycling of spent ammunition
2 materials existing on the site as a result of the normal use of the
3 shooting range, the activities at the shooting range are consistent
4 with the United States Environmental Protection Agency’s “Best
5 Management Practices for Lead at Outdoor Shooting Ranges”
6 manual, and the residual soil is replaced within the area from which
7 it was originally removed.

8 (B) By July 1, 2017, the department shall contact the United
9 States Environmental Protection Agency to ensure that the
10 exclusion described in paragraph (2) is consistent with the federal
11 act and does not jeopardize the ability of the state to administer
12 the state hazardous waste program in lieu of the federal program
13 pursuant to Section 3006 of the federal act (42 U.S.C. Sec. 6926).

14 (C) For purposes of this section, “sport shooting range” has the
15 same meaning as in paragraph (2) of subdivision (a) of Section
16 3482.1 of the Civil Code.

17 (D) This paragraph shall become inoperative when the
18 department adopts regulations pursuant to Section 25150.88.

19 (b) The amendment of this section by Section 2 of Chapter 1436
20 of the Statutes of 1989 does not constitute a change in, but is
21 declaratory of, the existing law.

22 SEC. 2. Section 25150.88 is added to the Health and Safety
23 Code, to read:

24 25150.88.—(a) The department may adopt regulations to
25 establish an alternate standard for the management of sport
26 shooting range hazardous waste to facilitate the removal and
27 recycling of spent ammunition materials existing on the site as a
28 result of the normal use of the shooting range.

29 (b) For purposes of this section, “sport shooting range” has the
30 same meaning as in paragraph (2) of subdivision (a) of Section
31 3482.1 of the Civil Code.

32 SEC. 3. No reimbursement is required by this act pursuant to
33 Section 6 of Article XIII B of the California Constitution because
34 the only costs that may be incurred by a local agency or school
35 district will be incurred because this act creates a new crime or
36 infraction, eliminates a crime or infraction, or changes the penalty
37 for a crime or infraction, within the meaning of Section 17556 of
38 the Government Code, or changes the definition of a crime within

1 ~~the meaning of Section 6 of Article XIII B of the California~~
2 ~~Constitution.~~

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