

ASSEMBLY BILL

No. 2317

Introduced by Assembly Member Ducheny

February 24, 2000

An act to amend Section 42405 of the Health and Safety Code, to add Division 35 (commencing with Section 72500) to the Public Resources Code, and to amend Section 13441 of, and to add Section 13362 to, the Water Code, relating to environmental protection.

LEGISLATIVE COUNSEL'S DIGEST

AB 2317, as introduced, Ducheny. Environmental protection: California-Mexico border.

Existing law prescribes civil penalties for violations of various air pollution and water quality laws. Existing law provides that $\frac{1}{2}$ of a civil penalty imposed for a violation of a nonvehicular air pollution law shall be paid to the treasurer of the district on whose behalf the judgement was entered, and $\frac{1}{2}$ of the penalty shall be paid to the State Treasurer for deposit in the General Fund. Under existing law, the penalty collected for a violation of specified water quality laws is required to be deposited in the State Water Pollution Cleanup and Abatement Account, except as specified.

This bill, instead, would require a portion of those civil penalties to be annually transferred to the California Border Environmental Education Fund, which would be created by the bill. Under the bill, the money in that fund would be available, upon appropriation, to the Secretary for Environmental Protection for allocation for expenditure for

the purposes of the bill. The bill would require the money in the fund to be used, among other things, to assist and train governmental officials and employees in the California-Baja California border region, as defined, and faculty of postsecondary educational institutions in Baja California that are located within the California-Baja California border region, on issues related to environmental protection and resource conservation. The bill would require the secretary to notify each eligible governmental entity and postsecondary educational institution that the entity or institution may request funding for those purposes.

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. Section 42405 of the Health and Safety
 2 Code is amended to read:
 3 42405. (a) In an action brought pursuant to Section
 4 42403 by the Attorney General on behalf of a district,
 5 one-half of the penalty collected shall be paid to the
 6 treasurer of the district on whose behalf judgment was
 7 entered, and one-half of the penalty collected shall be
 8 paid to the State Treasurer for deposit in the General
 9 Fund.
 10 ¶
 11 (b) If the action is brought by the Attorney General on
 12 behalf of the state board, the entire penalty collected shall
 13 be paid to the State Treasurer for deposit in the General
 14 Fund.
 15 ¶
 16 (c) If the action is brought by a district attorney or by
 17 an attorney for a district, the entire amount of the penalty
 18 collected shall be paid to the treasurer of the district on
 19 whose behalf judgment was entered.
 20 (d) Of the total amount of money deposited each year
 21 in the General Fund pursuant to subdivisions (a) and (b),
 22 15 percent shall be transferred annually to the California
 23 Border Environmental Education Fund created
 24 pursuant to Section 72501 of the Public Resources Code.



1 SEC. 2. Division 35 (commencing with Section 72500)
2 is added to the Public Resources Code, to read:

3

4 DIVISION 35. ENVIRONMENTAL EDUCATION AT
5 THE CALIFORNIA-MEXICO BORDER

6

7 72500. The following definitions govern the
8 construction of this division:

9 (a) "Cal BECC" means the California Border
10 Environmental Cooperation Committee established on
11 July 22, 1994, by the Governors of California, Baja
12 California, and Baja California Sur.

13 (b) "California-Baja California border region" means
14 the region described in Chapter IV of the US-Mexico
15 Border XXI Program, Framework Document, published
16 October 1996.

17 (c) "Fund" means the California Border
18 Environmental Education Fund established pursuant to
19 Section 72501.

20 72501. (a) The California Border Environmental
21 Education Fund is hereby established in the State
22 Treasury. Moneys collected from civil penalties imposed
23 pursuant to Section 42403 of the Health and Safety Code
24 and Division 7 (commencing with Section 13000) of the
25 Water Code shall be deposited in the fund in accordance
26 with Section 42405 of the Health and Safety Code and
27 Section 13362 of the Water Code. The balance in the fund
28 shall not exceed three hundred thousand dollars
29 (\$300,000). Any money deposited in the fund that causes
30 the balance to exceed three hundred thousand dollars
31 (\$300,000) shall be returned to the source from which it
32 was transferred.

33 (b) The money in the fund shall be available, upon
34 appropriation, to the Secretary of Environmental
35 Protection, for allocation for expenditure for the purposes
36 of this division.

37 72502. The money in the fund shall be used for the
38 following purposes:

39 (a) To assist and train governmental officials and
40 employees in the California-Baja California border



1 region, and faculty, including researchers, at
2 postsecondary educational institutions in Baja California
3 that are located within the California-Baja California
4 border region, on issues related to environmental
5 protection and resource conservation.

6 (b) To provide technical assistance to those persons
7 described in subdivision (a) with regard to
8 environmental protection, cleanup measures, and
9 resource conservation, and to provide minor capital
10 outlay for emergency projects necessary to prevent harm
11 to California's environment and its citizens.

12 75203. (a) The Secretary for Environmental
13 Protection shall notify each governmental entity in the
14 California-Baja California border region, and each
15 postsecondary educational institution in Baja California
16 that is located within the California-Baja California
17 border region, that the entity or institution may request
18 funding for the purposes described in Section 72502.

19 (b) The Secretary for Environmental Protection, in
20 consultation with Cal BECC, shall award grants to a
21 governmental entity or postsecondary educational
22 institution based on the severity of the environmental
23 concerns in the city or county in which the entity or
24 institution is located. First priority for funding shall be
25 given to an entity or institution located in a city or county
26 in which environmental concerns in that city or county
27 adversely affect air or water quality in a neighboring
28 California city or county.

29 (c) The Secretary for Environmental Protection, on
30 behalf of Cal BECC, shall accept donations of used
31 equipment, including computers, printers, and lab
32 equipment, for distribution to governmental entities in
33 the California-Baja California border region and
34 postsecondary educational institutions in Baja California
35 that are located within the California-Baja California
36 border region.

37 SEC. 3. Section 13362 is added to the Water Code, to
38 read:

39 13362. Notwithstanding any other law, 20 percent of
40 all civil penalties collected pursuant to this division each



1 year shall be transferred annually to the California
2 Border Environmental Education Fund created
3 pursuant to Section 72501 of the Public Resources Code.

4 SEC. 4. Section 13441 of the Water Code is amended
5 to read:

6 13441. (a) There is to be paid into the account all
7 moneys from the following sources:

8 ~~(a)~~

9 (1) All moneys appropriated by the Legislature for the
10 account.

11 ~~(b)~~

12 (2) All moneys contributed to the account by any
13 person and accepted by the state board.

14 ~~(c)~~

15 (3) One-half of all moneys collected by way of criminal
16 penalty and, *except as provided in Section 13362*, all
17 moneys collected civilly under any proceeding brought
18 pursuant to ~~any provision~~ of this division.

19 ~~(d)~~

20 (4) All moneys collected by the state board for the
21 account under Section 13304.

22 ~~The~~

23 (b) The first unencumbered five hundred thousand
24 dollars (\$500,000) paid into the account in any ~~given~~ fiscal
25 year is available, without regard to fiscal years, for
26 expenditure by the state board in accordance with ~~the~~
27 ~~provisions~~ of this article. The next unencumbered five
28 hundred thousand dollars (\$500,000), or any portion
29 thereof, deposited in any ~~given~~ fiscal year, is available for
30 expenditure by the state board for the purposes of this
31 article, subject to the provisions set forth in Section 28 of
32 the Budget Act of 1984 (Chapter 258 of the Statutes of
33 1984). The next unencumbered one million dollars
34 (\$1,000,000) deposited in the account in any ~~given~~ fiscal
35 year is available for expenditure by the state board for the
36 purposes of Section 13443. The remaining unencumbered
37 funds deposited in the account in any ~~given~~ fiscal year is
38 available, without regard to fiscal years, to the state board



1 for expenditure for the purposes set forth in Section
2 13442.

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