

AMENDED IN SENATE JUNE 26, 2006

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 1693

Introduced by Assembly Member ~~Matthews Berg~~
(Coauthor: Senator Chesbro)

February 22, 2005

~~An act to amend Sections 44531 and 44534 of the Health and Safety Code, relating to air pollution. An act to amend Section 77985 of the Food and Agriculture Code, relating to the Cut Flower Commission, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1693, as amended, ~~Matthews Berg. California Pollution Control Financing Authority. Cut Flower Commission: assessments.~~

Existing law provides for the establishment of the Cut Flower Commission and gives the commission the power to collect moneys from cut flower producers, as defined, for marketing, research, and other activities.

This bill would cap the annual amount paid by any single producer at \$100,000 unless that producer has failed to comply with the collections procedures as established by the applicable statutes and regulations.

This bill would declare that it is to take effect immediately as an urgency statute.

~~The California Pollution Control Financing Authority Act establishes the California Pollution Control Finance Authority, to finance pollution control facilities, assist counties and cities to develop and implement growth policies and programs that reduce pollution~~

~~hazards and the degradation of the environment or promote infill development, and assist with the financing of the costs of assessment, remedial planning and reporting, technical assistance, and the cleanup, remediation, or development of brownfield sites, or other similar or related costs.~~

~~This bill would require a project financed by the authority to result in a quantifiable reduction of pollution. The bill would require the pollution reduction attributable to a project to be certified by an independent 3rd party. The bill would require the authority to prepare and submit to the Legislature an annual report on the amounts and types of pollution reduced through the actions of the authority pursuant to the act.~~

~~The bill would require a participating party, as defined, that seeks financing under the act to enter into an agreement that details the responsibility of the participating party to fully construct, operate, and maintain the project as represented in the application for financing. The bill would require the authority to implement a monitoring program for all financed projects and would require the executive director to provide the authority with updates at least annually. The bill would require the authority to implement a financial recovery process, including penalties to be imposed under specified circumstances.~~

Vote: ~~majority~~^{2/3}. 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 77985 of the Food and Agricultural
- 2 Code is amended to read:
- 3 77985. (a) The commission shall establish the assessment for
- 4 the following marketing year not later than January 1 of each
- 5 year, or as soon thereafter as is possible. The commission shall
- 6 adopt bylaws that indicate when payment is due.
- 7 (b) The assessment for the 1991 marketing year shall not be
- 8 less than one-half of 1 percent, nor more than 1 percent, of the
- 9 gross dollar value of flowers grown and shipped by a producer.
- 10 In any subsequent marketing year, the assessment shall not be
- 11 more than 1 percent of the gross dollar value of flowers grown
- 12 and shipped by a producer.

1 (c) A fee greater than the amount specified in subdivision (b)
2 may not be charged unless approved by the vote specified in
3 Section 77971.

4 (d) *No producer shall be assessed more than one hundred*
5 *thousand dollars (\$100,000) for any marketing year, except that*
6 *this limitation shall not be applicable for the entire marketing*
7 *year in which a producer does not comply with the assessment*
8 *collection requirements established in this article and as*
9 *prescribed by the commission.*

10 SEC. 2. *This act is an urgency statute necessary for the*
11 *immediate preservation of the public peace, health, or safety*
12 *within the meaning of Article IV of the Constitution and shall go*
13 *into immediate effect. The facts constituting the necessity are:*

14 *In order that an agreed upon settlement between the Cut*
15 *Flower Commission and the producers may be implemented, as*
16 *soon as possible, in furtherance of the welfare of the cut flower*
17 *industry in California, it is necessary for this act to take effect*
18 *immediately.*

19 SECTION 1. ~~Section 44531 of the Health and Safety Code is~~
20 ~~amended to read:~~

21 ~~44531. (a) All projects shall be constructed or completed~~
22 ~~subject to the rules and regulations of the authority.~~

23 ~~(b) The authority is authorized to acquire, by deed, purchase,~~
24 ~~lease, contract, gift, devise, or otherwise, any real or personal~~
25 ~~property, structures, rights, rights-of-way, franchises, easements,~~
26 ~~and other interests in lands located within this state necessary or~~
27 ~~convenient for the construction or operation of a project, upon~~
28 ~~such terms and conditions as it deems advisable, and to lease,~~
29 ~~sell, or dispose of the same in such manner as may be necessary~~
30 ~~or desirable to carry out the objects and purposes of this division.~~
31 ~~Nothing in this division shall authorize the authority to exercise~~
32 ~~the power of eminent domain.~~

33 ~~(c) A project financed by the authority shall result in a~~
34 ~~quantifiable reduction of pollution.~~

35 ~~(d) The pollution reduction attributable to a project shall be~~
36 ~~certified by an independent third party.~~

37 ~~(e) The authority shall prepare and submit to the Legislature~~
38 ~~an annual report on the amounts and types of pollution reduced~~
39 ~~through the actions of the authority pursuant to this division.~~

1 ~~SEC. 2. Section 44534 of the Health and Safety Code is~~
2 ~~amended to read:~~

3 ~~44534. (a) The authority shall take initial action on any~~
4 ~~completed application for financing submitted to it by a~~
5 ~~participating party at the next meeting of the authority that occurs~~
6 ~~more than 10 days following receipt of the application.~~

7 ~~(b) (1) The authority shall take final action with regard to the~~
8 ~~issuance of bonds or notes to lend financial assistance to a~~
9 ~~participating party within 60 days of receipt by the authority of a~~
10 ~~request from a participating party for the issuance of bonds or~~
11 ~~notes.~~

12 ~~(2) A request from a participating party for final approval of~~
13 ~~the issuance of bonds or notes shall be accompanied by evidence~~
14 ~~of fulfillment of all conditions to the issuance of those bonds or~~
15 ~~notes and by copies of forms of all principal legal documents to~~
16 ~~be approved by the authority, which must be satisfactory in form~~
17 ~~and substance to the Attorney General.~~

18 ~~(c) The authority may give final approval for the issuance of~~
19 ~~bonds or notes upon terms it determines to be necessary and~~
20 ~~desirable.~~

21 ~~SEC. 3. Section 44534.5 is added to the Health and Safety~~
22 ~~Code, to read:~~

23 ~~44534.5. (a) The authority shall require a participating party~~
24 ~~to enter into an agreement that details the responsibility of the~~
25 ~~participating party to fully construct, operate, and maintain the~~
26 ~~project as represented in the application for financing.~~

27 ~~(b) The authority shall implement a monitoring program for all~~
28 ~~financed projects and the executive director shall provide the~~
29 ~~authority with updates at least annually.~~

30 ~~(c) The authority shall implement a financial recovery process,~~
31 ~~including, but not limited to, penalties to be imposed if financial~~
32 ~~assistance provided under this division is not used for the~~
33 ~~purpose for which it was provided or if the project is not~~
34 ~~maintained according to an agreement pursuant to subdivision (a)~~
35 ~~or another legally binding document.~~