

AMENDED IN ASSEMBLY MARCH 28, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 2216

Introduced by Assembly Member Gaines

February 20, 2008

An act to amend Section 41514.1 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 2216, as amended, Gaines. Diesel generators: health facilities.

(1) Existing law requires a health facility, as defined, to test its diesel-powered backup generator as prescribed, and requires a diesel backup generator to be started once per week when it is not being tested. Violation of these requirements constitutes a crime. These requirements will be repealed on January 1, 2009.

This bill would extend this repeal date to January 1, 2011, and would eliminate the requirement that a health facility's diesel backup generator be started once per week when it is not being tested.

By extending the operation of a crime, this bill would create a state-mandated local program.

(2) 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.
State-mandated local program: yes.

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

1 SECTION 1. Section 41514.1 of the Health and Safety Code
 2 is amended to read:
 3 41514.1. (a) A health facility shall use the most recent standard
 4 set by the Joint Commission ~~on the Accreditation of Healthcare~~
 5 ~~Organizations~~ for testing diesel backup generators.
 6 (b) A health facility shall submit all data collected under this
 7 section to the State Department of ~~Health Services~~ *Public Health*
 8 when requested by the department.
 9 (c) This section shall remain in effect only until January 1, 2011,
 10 and as of that date is repealed, unless a later enacted statute, that
 11 is enacted before January 1, 2011, deletes or extends that date.
 12 (d) For the purposes of this section, “health facility” has the
 13 same meaning as Section 1250, but includes only those facilities
 14 described in subdivision (a), (b), (c), (d), (f), (g), or (k) of that
 15 section.
 16 (e) Nothing in this section affects the authority of the state board
 17 or a district to regulate diesel backup generators owned by a health
 18 facility.
 19 SEC. 2. No reimbursement is required by this act pursuant to
 20 Section 6 of Article XIII B of the California Constitution because
 21 the only costs that may be incurred by a local agency or school
 22 district will be incurred because this act creates a new crime or
 23 infraction, eliminates a crime or infraction, or changes the penalty
 24 for a crime or infraction, within the meaning of Section 17556 of
 25 the Government Code, or changes the definition of a crime within
 26 the meaning of Section 6 of Article XIII B of the California
 27 Constitution.

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