

S279242

**IN THE
SUPREME COURT OF CALIFORNIA**

MAKE UC A GOOD NEIGHBOR et al.,
Petitioners and Appellants,

v.

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA et al.,
Defendants and Respondents,

RESOURCES FOR COMMUNITY DEVELOPMENT et al.,
Real Party in Interest.

AFTER A PUBLISHED OPINION OF THE COURT OF APPEAL
FIRST APPELLATE DISTRICT, DIVISION FIVE,
CASE NO. A165451

APPEAL FROM JULY 29, 2022, ORDER AND AUGUST 2, 2022 ORDER AND JUDGMENT OF
THE ALAMEDA SUPERIOR COURT; HON. FRANK ROESCH, DEPT. 17, CASE NO.
RG21110142 (CONSOLIDATED FOR PURPOSES OF TRIAL ONLY WITH CASE NOS.
RG21109910, RG21110157, 21CV000995 AND 21CV001919)

**MOTION FOR JUDICIAL NOTICE;
DECLARATION OF NICOLE H. GORDON;
EXHIBIT; [PROPOSED] ORDER
[FILED CONCURRENTLY WITH
RESPONDENTS' REPLY BRIEF ON THE MERITS]**

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MOTION FOR JUDICIAL NOTICE

INTRODUCTION

Pursuant to Evidence Code sections 452, 453, and 459, and California Rules of Court, rule 8.252(a), The Regents of the University of California request that this Court take judicial notice of the legislative history of the California Environmental Quality Act (CEQA) as enacted in 1970. The Court of Appeal’s opinion broke new ground in holding that CEQA requires agencies to study the offsite propensity for project residents to be noisy in social settings based on group stereotypes. The legislative history will be helpful to show the Court that this was not an environmental harm contemplated by the Legislature when it enacted CEQA.

LEGAL ARGUMENT

I. Reviewing courts have authority to take judicial notice of a statute’s legislative history when it is relevant to construing the statute.

This Court may take judicial notice of legislative acts, court records, and “[f]acts and propositions that are not reasonably subject to dispute.” (Evid. Code, §§ 452, subds. (c), (d), & (h), 459; see *Soukup v. Law Offices of Herbert Hafif* (2006) 39 Cal.4th 260, 279, fn. 9 (*Soukup*); *Hoechst Celanese Corp. v. Franchise Tax Bd.* (2001) 25 Cal.4th 508, 519, fn. 5; *Arroyo v. Plosay* (2014) 225 Cal.App.4th 279, 284, fn. 4.) Under these provisions, this Court may take judicial notice of a statute’s legislative history,

including “various versions of the legislation and committee reports.” (*Soukup*, at p. 279, fn. 9.)

II. This Court should take judicial notice of the legislative history of CEQA.

The thrust of the answer brief is that it is somehow self-evident and obvious that CEQA is designed to apply to the effects of project residents’ individual decisions to leave the housing project and socialize in other parts of the community where they might potentially be noisy. (See, e.g., ABOM 29, 31, 33, 44–45.) Given the parties’ fundamental disagreement over whether CEQA is meant to cover that sort of social noise, the Court would benefit from a more complete understanding of the legislative purpose in enacting CEQA.

Indeed, the legislative history can shed light on the proper interpretation of CEQA. (See *Soukup*, *supra*, 39 Cal.4th at p. 279, fn. 9 [taking notice of “various versions of the legislation and committee reports, all of which are indisputably proper subjects of judicial notice”]; *People v. Eubanks* (1996) 14 Cal.4th 580, 591, fn. 3 [the court will take judicial notice of the legislative history of a statute in order to ascertain the purpose of and meaning of an ambiguous statute]; *Hutnick v. U.S. Fidelity & Guaranty Co.* (1988) 47 Cal.3d 456, 465, fn. 7 [“it is well established that reports of legislative committees and commissions are part of a statute’s legislative history and may be considered when the meaning of a statute is uncertain”]; *Hale v. Southern California IPA Medical Group, Inc.* (2001) 86 Cal.App.4th 919, 927 [“In an effort to discern legislative intent,

an appellate court is entitled to take judicial notice of the various legislative materials, including committee reports, underlying the enactment of a statute”].)

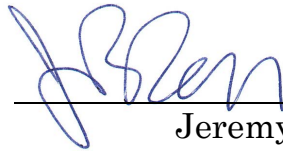
CONCLUSION

Because legislative history sheds light on the critical statute at issue in this case, this Court should take judicial notice of the legislative history of CEQA attached hereto.

August 22, 2023

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MITCHELL C. TILNER
H. THOMAS WATSON
JEREMY B. ROSEN

By: _____



Jeremy B. Rosen

Attorneys for Defendant and Appellant
**THE REGENTS OF THE
UNIVERSITY OF CALIFORNIA**

DECLARATION OF NICOLE H. GORDON

I, Nicole H. Gordon, declare as follows:

1. I am an attorney duly admitted to practice law in the State of California and an attorney with The Sohagi Law Group, PLC, counsel of record for attorneys for defendant and appellant The Regents of the University of California.

2. In May 2023, my firm retained Jenny S. Lillge of Legislative Intent Service, Inc. to provide the complete legislative history of Assembly Bill No. 2045 (1970 Reg. Sess.).

3. Legislative Intent Service provided us with the legislative history that accompanies this motion as exhibit 1 along with a declaration from Ms. Lillge further authenticating the materials. The only alteration we made to what we received from Legislative Intent Service was to add bates stamping.

I declare under penalty of perjury under the laws of the

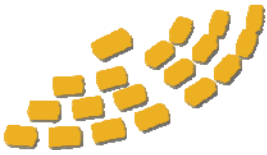
State of California that the foregoing is true and correct.

Executed August 23, 2023, at Los Angeles, California.



Nicole H. Gordon

Exhibit 1



LEGISLATIVE INTENT SERVICE, INC.

712 Main Street, Suite 200, Woodland, CA 95695
(530) 666-1917 • Fax (530) 668-5866 • www.legintent.com

LEGISLATIVE HISTORY REPORT AND ANALYSIS

Re: **Assembly Bill 2045 (Select Committee on Environmental Quality – 1970)**
Chapter 1433, Statutes of 1970

Our File No.: 39218

The legislative history of the above-referenced bill is documented by materials[♦] itemized in one declaration. We discuss **Public Resources Code sections 21000 and 21001** later in this report.

ASSEMBLY BILL 2045 (SELECT COMMITTEE ON ENVIRONMENTAL QUALITY – 1970) CHAPTER 1433, STATUTES OF 1970

The California Environmental Quality Act [CEQA] was enacted in 1970 following legislative passage of Assembly Bill 2045. (See [Exhibit #1h](#)) Assembly Bill 2045 was introduced on April 2, 1970, by the Assembly Select Committee on Environmental Quality, chaired by Assemblymember George W. Milias. (See [Exhibits #1a and #11b, document PE-12](#)) Assemblymember Milias also chaired the Assembly Committee on Natural Resources and Conservation, the first policy committee to review the measure. (See [Exhibits #3, #4b, document AP-3b and #13](#)) Assemblymember John T. Knox was the principal author of Assembly Bill 2045, and as such, performed substantially all of the work necessary to see the legislation successfully through the Legislature. (See [Exhibits #1a and #8, document A-1](#))

Assembly Bill 2045 was assigned to the Assembly Committee on Natural Resources and Conservation and the Senate Committee on Governmental Organization where policy issues raised by the bill were considered. (See [Exhibits #2 and #3](#)) The Assembly Committee on Ways and Means and the Senate Committee on Finance considered the fiscal ramifications of the bill. (See [Exhibit #2](#)) Six amendments were made to Assembly Bill 2045. (See [Exhibits #1b through #1g and #2](#)) Subsequent to legislative approval, Governor Ronald Reagan signed

[♦] For information on document numbers, research policies, request for judicial notice and more, please visit www.legintent.com and click on “**Research Aids & Policies**” and “**Points and Authorities**” at the bottom of the page.

the bill on September 18, 1970, and it was recorded by the Secretary of State on that same day as Chapter 1433 of the Statutes of 1970. (See Exhibits #1h and #2)

An Enrolled Bill Report prepared by the Department of Water Resources described Assembly Bill 2045 as last amended on August 20, 1970:

The bill makes various legislative findings and declarations concerning environmental quality. It requires state and local governmental agencies to prepare environmental impact reports, containing specified information on projects which might have significant effect on the environment. It requires state agencies to request funds in their budgets to protect the environment from problems caused by their activities, to review their present authority and procedures, and to propose to the Governor by January, 1971, any changes which are necessary to comply with the act. The bill further requires the State Office of Planning and Resources, to be created by AB 2070, to coordinate in conjunction with appropriate state, regional, and local agencies, the development of policies and procedures for environmental impact reports.

(See Exhibit #1a, document PE-5)

If you are interested in research on Assembly Bill 2070 of 1970, please contact our office.

According to the Assembly Committee on Natural Resources and Conservation analysis, the purpose of Assembly Bill 2045 was to:

... establish a system for identifying the environmental impact of governmental programs prior to development rather than after the fact. This should assist in preventing environmental crisis and result in a more orderly process and prevent unnecessary delays and costs.

(See Exhibit #3)

A report entitled "Environmental Bill of Rights" prepared by the Assembly Select Committee on Environmental Quality seemed to explain the intent of the measure as follows:

... It is hereby declared to be the policy of the State of California and a matter of statewide concern to develop and maintain a high quality environment in order to assure for the people of the state, now and in the future, clean air, pure water, freedom from excessive noise, and enjoyment of scenic, historic, natural, and aesthetic values.

The Legislature shall enact legislation to implement the provisions of this article...

(See Exhibit #14, page 1)

The rationale for Assembly Bill 2045 was further discussed in this document, under the heading “Environmental Policy”, in part:

California’s environmental problems and the reasons for the state’s environmental decline demonstrate the need for action based on constitutional goals and legislative policies.

We must develop an orderly process that prevents environmental damage, better identifies the true costs and consequences of our public and private actions, and prevents over-commitment of our limited resources.

To develop this process we need constitutional goals and policies which establish legislative intent and the means to attain these goals. Implementation of these policies will require improving the planning process of all levels of government. In addition, organizational capability, evaluation and control must be improved. If legislative policies are implemented efficiently, all those whose activities influence California’s environment will know what is expected of them and we will learn if they fulfilled their responsibilities.

(See Exhibit #14, page 20)

To aid you in your understanding of the background of this enactment, we have enclosed several documents that discuss California’s environmental issues of the late 1960’s and 1970’s along with recommendations. (See Exhibits #13 and #14) The materials include a series of columns prepared by the chair of the Assembly Committee on Natural Resources and Conservation, which addressed the problems California faced regarding the control and preservation of its natural resources. (See Exhibit #13) The other document is a final copy of the “Environmental Bill of Rights” which contained some 34 major recommendations by the Assembly Select Committee on Environmental Quality for legislative action during the 1970 legislative session. (See Exhibit #14)

A law review article published in the *University of San Francisco Law Review* and a paper prepared by Lloyd W. Lowrey, Jr. provided discussion of environmental development and the 1970 Act itself. (See Exhibits #15 and #16) Mr. Lowrey corresponded with Assemblymember Knox to determine why certain sections were enacted and particular amendments proposed. (See Exhibit #8, documents A-5 through A-7)

Finally, several of the documents enclosed stated that the California Environmental Quality Act was closely patterned after the National Environmental Policy Act [NEPA] of 1969. (See, for example, Exhibits #3 and #16, page 4) As you might be aware, a section of the California Act, which is similar to a section of the Federal Act, could be argued to share the same intent. Thus, we have also enclosed a copy of NEPA for your review and comparison. (See Exhibit #17)

Support for Assembly Bill 2045 appears to have come from conservationists and government. (See Exhibit #3) The League of California Cities, however, expressed concern with the measure. (See Exhibit #5, document SP-2)

A careful review of each of the amended versions of the bill is very helpful in obtaining a full understanding of legislative intent. (See Exhibit #1) This can be especially true where one is focusing on particular language; contrasting that enacted with the unsuccessful proposals can afford insight as to the intended meaning. Your review of each version of the bill should provide you with insight as to the development of the language of interest to you as the bill proceeded through the Legislature. (Id.)

The committee files contain materials documenting the consideration given the proposal while in the Legislature and provide insight into amendments taken to the initial proposal and into the negotiations that resulted in the final version of Assembly Bill 2045. (See Exhibits #4, #5, and #6)

Public Resources Code sections 21000 and 21001:

The proposal to add Public Resources Code sections 21000 and 21001 first occurred in the introduced version of Assembly Bill 2045. (See Exhibit #1a, pages 1 through 3) On May 26, 1970, subdivision (c) of section 21001 was amended. (See Exhibit #1b, page 3)

The only amendment proposed for section 21000 occurred on August 14, 1970, in the fifth amended version of the bill, when the Senate amended subdivision (g) to delete “may” and replace it with “*are found to*”. (See Exhibit #1f, page 3) No further changes were made to either section, and the bill was enacted into law. (See Exhibit #1h)

Careful review of the documents enclosed may help you locate discussion related to the issue before you. If you are unable to find specific discussion regarding your research question, the materials enclosed herewith may provide you with an arguable assessment of the goals and purpose that could be applicable to your particular situation. This would permit you to draw some conclusions based upon the assumption that the language of interest to you was intended to be consistent with the overall goal of the legislation.

Any analysis provided in this report is based upon the nature and extent of your request to us, as well as a brief review of the enclosed documents. As such, it must be considered tentative in nature. A more conclusive statement of the impact of the legislative history in your case would be dependent upon a complete understanding of all of the factual issues involved and the applicable legal principles.

We appreciate the opportunity to provide this assistance and hope that these efforts will be of value to you.

Prepared by: Anna Maria Berezky-Anderson, Attorney at Law/jls; File no.: 39218
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LEGISLATIVE INTENT SERVICE, INC.

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DECLARATION OF JENNY S. LILLGE

I, Jenny S. Lillge, declare:

I am an attorney licensed to practice in California, State Bar No. 265046, and am employed by Legislative Intent Service, Inc., a company specializing in researching the history and intent of legislation.

Under my direction and the direction of other attorneys on staff, the research staff of Legislative Intent Service, Inc. undertook to locate and obtain all documents relevant to the enactment of Assembly Bill 2045 of 1970. Assembly Bill 2045 was approved by the Legislature and was enacted as Chapter 1433 of the Statutes of 1970.

The following list identifies all documents obtained by the staff of Legislative Intent Service, Inc. on Assembly Bill 2045 of 1970. All listed documents have been forwarded with this Declaration except as otherwise noted in this Declaration. All documents gathered by Legislative Intent Service, Inc. and all copies forwarded with this Declaration are true and correct copies of the originals located by Legislative Intent Service, Inc. In compiling this collection, the staff of Legislative Intent Service, Inc. operated under directions to locate and obtain all available material on the bill.

ASSEMBLY BILL 2045 OF 1970:

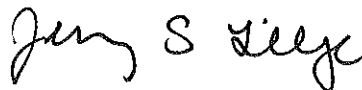
1. All versions of Assembly Bill 2045 (Select Committee on Environmental Quality-1970);
2. Procedural history of Assembly Bill 2045 from the 1970 *Assembly Final History*;
3. Analysis of Assembly Bill 2045 prepared for the Assembly Committee on Natural Resources and Conservation;

4. Material from the legislative bill file of the Assembly Committee on Natural Resources and Conservation on Assembly Bill 2045 as follows:
 - a. Previously Obtained Material;
 - b. Updated Collection of Material;
- + 5. Material from the legislative bill file of the Assembly Committee on Ways and Means on Assembly Bill 2045;
6. Material from the legislative bill file of the Senate Committee on Governmental Organization on Assembly Bill 2045 as follows:
 - a. Previously Obtained Material;
 - b. Updated Collection of Material;
- + 7. Six analyses of Assembly Bill 2045 prepared by the Legislative Analyst;
8. Material from the legislative bill file of Assemblymember John T. Knox on Assembly Bill 2045;
9. Excerpt regarding Assembly Bill 2045 from the *Journal of the Assembly*, 1970;
10. Excerpt regarding Assembly Bill 2045 from the *Journal of the Senate*, 1970;
11. Post-enrollment documents regarding Assembly Bill 2045 as follows:
 - a. Previously Obtained Material;
 - b. Updated Collection of Material;
- + 12. Press Release #477 issued by the Office of the Governor on September 19, 1970 to announce that Assembly Bill 2045 had been signed;
13. Collection of weekly columns prepared by Assemblymember George W. Miliias, Chair of the Assembly Committee on Natural Resources and Conservation, regarding the control and preservation of California's natural resources;
14. *Environmental Bill of Rights* prepared by the Assembly Select Committee on Environmental Quality, March 1970;
15. "Environmental Law - The Uncertain Trumpet," excerpted from the *University of San Francisco Law Review*, Volume V, October 1970;
16. *The California Environmental Quality Act of 1970*, prepared by Lloyd W. Lowrey, Jr., Spring 1971;
17. Excerpt of the National Environmental Policy Act of 1969 from the *United States Code Congressional and Administrative News*, January 20, 1970;

18. Excerpt regarding the Environmental Quality Act from the *Pacific Law Journal*, Volume 2, “Review of Selected 1970 California Legislation”;
19. Excerpt regarding Assembly Bill 2045 from the 1970 *Summary Digest of Statutes Enacted and Resolutions Adopted*, prepared by Legislative Counsel.

+ Because it is not unusual for more materials to become publicly available after our earlier research of legislation, we re-gathered these file materials, denoting them as “updated collection of material.”

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 26th day of May, 2023 at Woodland, California.



JENNY S. LILLGE

ASSEMBLY BILL

No. 2045

Introduced by Assembly Select Committee on Environmental Quality
(Assemblymen Knox, Milias, Wilson, Porter, Briggs, Duffy, Foran,
Monagan, and Schabarum)

April 2, 1970

REFERRED TO COMMITTEE ON NATURAL RESOURCES AND CONSERVATION

*An act to add Division 13 (commencing with Section 21000)
to the Public Resources Code, relating to environmental
quality.*

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

1 SECTION 1. Division 13 (commencing with Section 21000) is
2 added to the Public Resources Code, to read:

3
4 DIVISION 13. ENVIRONMENTAL QUALITY

5
6 CHAPTER 1. POLICY

7
8 21000. The Legislature finds and declares as follows:
9 (a) The maintenance of a quality environment for the
10 people of this state now and in the future is a matter of
11 statewide concern.

LEGISLATIVE COUNSEL'S DIGEST

AB 2045, as introduced, Assembly Select Committee on Environ-
mental Quality (Assemblymen Knox, Milias, Wilson, Porter, Briggs,
Duffy, Foran, Monagan, and Schabarum) (N.R. & Con.). Environ-
mental quality.

Adds Div. 13 (commencing with Sec. 21000), P.R.C.

Makes various legislative findings and declarations concerning en-
vironmental quality. Requires all state agencies, boards, and commis-
sions to include in any report on any proposed program which could
have a significant effect on the environment of the state, a detailed
statement setting forth specified information. Requires such informa-
tion in reports to federal government on proposed federal projects
which may have a significant effect on the environment and on which
the state officially comments. Requires such information to be included
in request by state agency, board, or commission for funds for any
project, other than a project involving only planning, which could
have a significant effect on the environment. Authorizes such agencies



1 (b) It is necessary to provide a high quality environment
2 that at all times is healthful and pleasing to the senses and
3 intellect of man.

4 (c) There is a need to understand the relationship between
5 the maintenance of high quality ecological systems and the
6 general welfare of the people of the state, including their
7 enjoyment of the natural resources of the state.

8 (d) The capacity of the environment is limited, and it is the
9 intent of the Legislature that the government of the state take
10 immediate steps to identify any critical thresholds for the
11 health and safety of the people of the state and take all
12 coordinated actions necessary to prevent such thresholds being
13 reached.

14 (e) Every citizen has a responsibility to contribute to the
15 preservation and enhancement of the environment.

16 (f) The interrelationship of policies and practices in the
17 management of natural resources and waste disposal requires
18 systematic and concerted efforts by public and private interests
19 to enhance environmental quality and to control environmental
20 pollution.

21 (g) It is the intent of the Legislature that all agencies of
22 the state government which regulate activities of private in-
23 dividuals, corporations, and public agencies which may affect
24 the quality of the environment, shall regulate such activities
25 so that major consideration is given to preventing environmen-
26 tal damage.

27 21001. The Legislature further finds and declares that it is
28 the policy of the state to:

29 (a) Develop and maintain a high quality environment now
30 and in the future, and take all action necessary to protect,
31 rehabilitate, and enhance the environmental quality of the
32 state.

33 (b) Take all action necessary to provide the people of this
34 state with clean air and water, enjoyment of aesthetic, natural,
35 scenic, and historic environmental qualities, and freedom from
36 excessive noise.

to expend, for purpose of taking any action necessary to protect the
environment in relation to problems caused by its activities, any money
appropriated to it for such purpose. Requires such agencies to review
present authority and procedures to determine any inconsistencies or
deficiencies which would hinder compliance with requirements of
act and to propose to Governor by January 1971, any measures neces-
sary to comply with intent, policies, and procedures of act.

Requires state agencies, boards, and commissions to require from
local agencies detailed statement setting forth such information prior
to allocation of funds for programs which may have a significant ef-
fect on environment, other than funds solely for planning purposes.
Requires local agencies to conduct needed environmental impact stud-
ies and to consider alternative methods for any program which may
have a significant effect on the quality of environment.

Vote—Majority; Appropriation—No; Fiscal Committee—Yes.

1 (c) Prevent the elimination of fish or wildlife species due
2 to man's activities, keep all fish and wildlife populations at a
3 self-perpetuating level, and preserve for future generations
4 representations of all plant and animal communities and exam-
5 ples of the major periods of California history.

6 (d) Ensure that the long-term protection of the environ-
7 ment shall be the guiding criterion in public decisions.

8 (e) Create and maintain conditions under which man and
9 nature can exist in productive harmony to fulfill the social and
10 economic requirements of present and future generations.

11 (f) Require governmental agencies at all levels to develop
12 standards and procedures necessary to protect environmental
13 quality.

14 (g) Require governmental agencies at all levels to consider
15 qualitative factors as well as economic and technical factors
16 and long-term benefits and costs, in addition to short-term
17 benefits and costs and to consider alternatives to proposed
18 actions affecting the environment.

19
20 CHAPTER 2. SHORT TITLE

21
22 21050. This division shall be known and may be cited as
23 the Environmental Quality Act of 1970.

24
25 CHAPTER 3. STATE AGENCIES, BOARDS AND COMMISSIONS

26
27 2100. All state agencies, boards, and commissions shall
28 include in any report on any program they propose to carry
29 out which could have a significant effect on the environment
30 of the state, a detailed statement by the responsible state
31 official setting forth the following:

32 (a) The environmental impact of the proposed action.

33 (b) Any adverse environmental effects which cannot be
34 avoided if the proposal is implemented.

35 (c) Mitigation measures proposed to minimize the impact.

36 (d) Alternatives to the proposed action.

37 (e) The relationship between local short-term uses of man's
38 environment and the maintenance and enhancement of long-
39 term productivity.

40 (f) Any irreversible environmental changes which would be
41 involved in the proposed action should it be implemented.

42 21101. In regard to any proposed federal project in this
43 state which may have a significant effect on the environment
44 and on which the state officially comments, the state officials
45 responsible for such comments shall include in their report a
46 detailed statement setting forth the matters specified in Sec-
47 tion 21100 prior to transmitting the comments of the state to
48 the federal government. No report shall be transmitted to the
49 federal government unless it includes such a detailed statement
50 as to the matters specified in Section 21100.

51 21102. No state agency, board, or commission shall request
52 funds for any project, other than a project involving only



1 planning, which could have a significant effect on the environ-
2 ment unless such request is accompanied by a detailed state-
3 ment setting forth the matters specified in Section 21100.

4 21103. Any state agency, board or commission may expend,
5 for the purpose of taking any action necessary to protect the
6 environment in relation to problems caused by its activities,
7 any money appropriated to it for such purpose.

8 21104. Every state agency, board and commission shall
9 review its present statutory authority, rules, regulations, poli-
10 cies and procedures to determine any inconsistencies or defi-
11 ciencies in such provisions which would hinder compliance with
12 the provisions of this division, and shall propose to the Gover-
13 nor and the Legislature no later than January 1971, any
14 measures necessary to comply with the intent, policies, and
15 procedures of this division.

16
17 CHAPTER 5. LOCAL AGENCIES
18

19 21150. State agencies, boards, and commissions responsible
20 for allocating state or federal funds to local governmental
21 agencies for any program which may have a significant effect
22 on the environment, shall require from the responsible local
23 governmental agency a detailed statement setting forth the
24 matters specified in Section 21100 prior to the allocation of any
25 funds, other than funds solely for planning purposes.

26 21151. All local governmental agencies shall conduct
27 needed environmental impact studies and shall consider alter-
28 native methods for any program carried out by them which
29 may have a significant effect on the quality of the environment.



AMENDED IN ASSEMBLY MAY 26, 1970

CALIFORNIA LEGISLATURE—1970 REGULAR SESSION

ASSEMBLY BILL

No. 2045

Introduced by Assembly Select Committee on Environmental Quality
(Assemblymen Knox, Miliias, Wilson, Porter, Briggs, Duffy, Foran,
Monagan, and Schabarum)

April 2, 1970

REFERRED TO COMMITTEE ON NATURAL RESOURCES AND CONSERVATION

*An act to add Division 13 (commencing with Section 21000)
to the Public Resources Code, relating to environmental
quality.*

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

1 SECTION 1. Division 13 (commencing with Section 21000) is
2 added to the Public Resources Code, to read:

3

4

DIVISION 13. ENVIRONMENTAL QUALITY

5

6

CHAPTER 1. POLICY

7

8

21000. The Legislature finds and declares as follows:

9

10

11

(a) The maintenance of a quality environment for the
people of this state now and in the future is a matter of
statewide concern.

LEGISLATIVE COUNSEL'S DIGEST

AB 2045, as amended, Assembly Select Committee on Environ-
mental Quality (Assemblymen Knox, Miliias, Wilson, Porter, Briggs,
Duffy, Foran, Monagan, and Schabarum) (N.R. & Con.). Environ-
mental quality.

Adds Div. 13 (commencing with Sec. 21000), P.R.C.

Makes various legislative findings and declarations concern-
ing environmental quality. Requires all state agencies, boards, and commis-
sions to include in any report on any proposed program which could
have a significant effect on the environment of the state, a detailed
statement setting forth specified information. Requires such report, to-
gether with any comments received from other governmental agencies,
to be a part of the regular project report used in the existing review



- 1 (b) It is necessary to provide a high quality environment
- 2 that at all times is healthful and pleasing to the senses and
- 3 intellect of man.
- 4 (c) There is a need to understand the relationship between
- 5 the maintenance of high quality ecological systems and the
- 6 general welfare of the people of the state, including their
- 7 enjoyment of the natural resources of the state.
- 8 (d) The capacity of the environment is limited, and it is the
- 9 intent of the Legislature that the government of the state take
- 10 immediate steps to identify any critical thresholds for the
- 11 health and safety of the people of the state and take all
- 12 coordinated actions necessary to prevent such thresholds being
- 13 reached.
- 14 (e) Every citizen has a responsibility to contribute to the
- 15 preservation and enhancement of the environment.
- 16 (f) The interrelationship of policies and practices in the
- 17 management of natural resources and waste disposal requires
- 18 systematic and concerted efforts by public and private interests
- 19 to enhance environmental quality and to control environmental
- 20 pollution.
- 21 (g) It is the intent of the Legislature that all agencies of
- 22 the state government which regulate activities of private in-
- 23 dividuals, corporations, and public agencies which may affect
- 24 the quality of the environment, shall regulate such activities
- 25 so that major consideration is given to preventing environmen-
- 26 tal damage.

and budgetary process, and specified that it shall be available to the Legislature and general public. Requires such information in reports to federal government on proposed federal projects which may have a significant effect on the environment and on which the state officially comments. Requires such information to be included in request for, or authorization for expenditure of, funds by state agency, board, or commission for funds for any project, other than a project involving only planning, which could have a significant effect on the environment. Authorizes such agencies to expend, for purpose of taking any action necessary to protect the environment in relation to problems caused by its activities, any money appropriated to it for such purpose. Requires such agencies to review present authority and procedures to determine any inconsistencies or deficiencies which would hinder compliance with requirements of act and to propose to Governor by January 1971, any measures necessary to comply with intent, policies, and procedures of act.

Requires state agencies, boards, and commissions to require from local agencies detailed statement setting forth such information prior to allocation of funds for programs which may have a significant effect on environment, other than funds solely for planning purposes. Requires local governmental units or agencies to conduct needed environmental impact studies and to consider alternative methods for any program which may have a significant effect on the quality of environment make environmental impact findings or reports, as specified.

Vote—Majority; Appropriation—No; Fiscal Committee—Yes.

- 1 21001. The Legislature further finds and declares that it is
- 2 the policy of the state to:
- 3 (a) Develop and maintain a high quality environment now
- 4 and in the future, and take all action necessary to protect,
- 5 rehabilitate, and enhance the environmental quality of the
- 6 state.
- 7 (b) Take all action necessary to provide the people of this
- 8 state with clean air and water, enjoyment of aesthetic, natural,
- 9 scenic, and historic environmental qualities, and freedom from
- 10 excessive noise.
- 11 (c) Prevent the elimination of fish or wildlife species due
- 12 to man's activities, keep all fish and wildlife populations at a
- 13 self-perpetuating level insure that fish and wildlife popula-
- 14 tions do not drop below self-perpetuating levels, and preserve
- 15 for future generations representations of all plant and animal
- 16 communities and examples of the major periods of California
- 17 history.
- 18 (d) Ensure that the long-term protection of the environ-
- 19 ment shall be the guiding criterion in public decisions.
- 20 (e) Create and maintain conditions under which man and
- 21 nature can exist in productive harmony to fulfill the social and
- 22 economic requirements of present and future generations.
- 23 (f) Require governmental agencies at all levels to develop
- 24 standards and procedures necessary to protect environmental
- 25 quality.
- 26 (g) Require governmental agencies at all levels to consider
- 27 qualitative factors as well as economic and technical factors
- 28 and long-term benefits and costs, in addition to short-term
- 29 benefits and costs and to consider alternatives to proposed
- 30 actions affecting the environment.

CHAPTER 2. SHORT TITLE

21050. This division shall be known and may be cited as the Environmental Quality Act of 1970.

CHAPTER 3. STATE AGENCIES, BOARDS AND COMMISSIONS

2100

21100. All state agencies, boards, and commissions shall include in any report on any program they propose to carry out which could have a significant effect on the environment of the state, a detailed statement by the responsible state official setting forth the following:

- 45 (a) The environmental impact of the proposed action.
- 46 (b) Any adverse environmental effects which cannot be
- 47 avoided if the proposal is implemented.
- 48 (c) Mitigation measures proposed to minimize the impact.
- 49 (d) Alternatives to the proposed action.
- 50 (e) The relationship between local short-term uses of man's
- 51 environment and the maintenance and enhancement of long-
- 52 term productivity.



1 (f) Any irreversible environmental changes which would be
 2 involved in the proposed action should it be implemented.
 3 21101. In regard to any proposed federal project in this
 4 state which may have a significant effect on the environment
 5 and on which the state officials, the state officials
 6 responsible for such comments shall include in their report a
 7 detailed statement setting forth the matters specified in Sec-
 8 tion 21100 prior to transmitting the comments of the state to
 9 the federal government. No report shall be transmitted to the
 10 federal government unless it includes such a detailed statement
 11 as to the matters specified in Section 21100.

12 21102. No state agency, board, or commission shall request,
 13 or authorize for expenditure, funds for any project, other
 14 than a project involving only planning, which could have a
 15 significant effect on the environment unless such request or
 16 authorization is accompanied by a detailed statement setting
 17 forth the matters specified in Section 21100.

18 21103. Prior to the making of a detailed statement, the re-
 19 sponsible state official shall consult with, and obtain comments
 20 from, any governmental agency which has jurisdiction by
 21 law or special expertise with respect to any environmental
 22 impact involved.

23 21104. The responsible state official shall include the en-
 24 vironmental impact report, together with any comments re-
 25 ceived from other governmental agencies pursuant to Section
 26 21103, as a part of the regular project report used in the
 27 existing review and budgetary process. It shall be available
 28 to the Legislature and to the general public.

29 21105. Any state agency, board or commission may expend,
 30 for the purpose of taking any action necessary to protect the
 31 environment in relation to problems caused by its activities,
 32 any money appropriated to it for such purpose.

33 ~~21104.~~

34 21106. Every state agency, board and commission shall
 35 review its present statutory authority, rules, regulations, poli-
 36 cies and procedures to determine any inconsistencies or defi-
 37 ciencies in such provisions which would hinder compliance with
 38 the provisions of this division, and shall propose to the Gover-
 39 nor and the Legislature no later than January 1971, any
 40 measures necessary to comply with the intent, policies, and
 41 procedures of this division.

42
 43 CHAPTER 5. LOCAL AGENCIES
 44

45 21150. State agencies, boards, and commissions, responsible
 46 for allocating state or federal funds to local governmental
 47 agencies for any program on a project by project basis to local
 48 governmental agencies for land acquisition or construction
 49 projects which may have a significant effect on the environ-
 50 ment, shall require from the responsible local governmental

1 agency a detailed statement setting forth the matters specified
 2 in Section 21100 prior to the allocation of any funds, other
 3 than funds solely for planning purposes.
 4 21151. All local governmental agencies shall conduct
 5 needed environmental impact studies and shall consider alter-
 6 native methods for any program carried out by them which
 7 The Legislative body of all cities and counties which have an
 8 officially adopted conservation element of a general plan shall
 9 make a finding that any program they intend to carry out,
 10 which may have a significant effect on the environment, is in
 11 accord with the conservation element of the general plan. Local
 12 governmental units without an officially adopted conservation
 13 element shall make environmental impact reports on any pro-
 14 gram they intend to carry out which may have a significant
 15 effect on the quality of the environment. All other local govern-
 16 mental agencies shall make an environmental impact report on
 17 any program they intend to carry out which may have a sig-
 18 nificant effect on the environment and shall submit it to the
 19 appropriate local planning agency as part of the report re-
 20 quired by Section 65402 of the Government Code.

0



ASSEMBLY BILL

No. 2045

Introduced by Assembly Select Committee on Environmental Quality
(Assemblymen Knox, Milias, Wilson, Porter, Briggs, Duffy, Foran,
Monagan, and Schabarum)

April 2, 1970

REFERRED TO COMMITTEE ON NATURAL RESOURCES AND CONSERVATION

*An act to add Division 13 (commencing with Section 21000)
to the Public Resources Code, relating to environmental
quality.*

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

1 SECTION 1. Division 13 (commencing with Section 21000) is
2 added to the Public Resources Code, to read:

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4 DIVISION 13. ENVIRONMENTAL QUALITY

5

6 CHAPTER 1. POLICY

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8 21000. The Legislature finds and declares as follows:

9 (a) The maintenance of a quality environment for the
10 people of this state now and in the future is a matter of
11 statewide concern.

LEGISLATIVE COUNSEL'S DIGEST

AB 2045, as amended, Assembly Select Committee on Environ-
mental Quality (Assemblymen Knox, Milias, Wilson, Porter, Briggs,
Duffy, Foran, Monagan, and Schabarum) (N.R. & Con.). Environ-
mental quality.

Adds Div. 13 (commencing with Sec. 21000), P.R.C.

Makes various legislative findings and declarations concerning en-
vironmental quality. Requires all state agencies, boards, and commis-
sions to include in any report on any proposed program which could
have a significant effect on the environment of the state, a detailed
statement setting forth specified information. Requires such report, to-
gether with any comments received from other governmental agencies,
to be a part of the regular project report used in the existing review



1 (b) It is necessary to provide a high quality environment
2 that at all times is healthful and pleasing to the senses and
3 intellect of man.

4 (c) There is a need to understand the relationship between
5 the maintenance of high quality ecological systems and the
6 general welfare of the people of the state, including their
7 enjoyment of the natural resources of the state.

8 (d) The capacity of the environment is limited, and it is the
9 intent of the Legislature that the government of the state take
10 immediate steps to identify any critical thresholds for the
11 health and safety of the people of the state and take all
12 coordinated actions necessary to prevent such thresholds being
13 reached.

14 (e) Every citizen has a responsibility to contribute to the
15 preservation and enhancement of the environment.

16 (f) The interrelationship of policies and practices in the
17 management of natural resources and waste disposal requires
18 systematic and concerted efforts by public and private interests
19 to enhance environmental quality and to control environmental
20 pollution.

21 (g) It is the intent of the Legislature that all agencies of
22 the state government which regulate activities of private in-
23 dividuals, corporations, and public agencies which may affect
24 the quality of the environment, shall regulate such activities

and budgetary process, and specified that it shall be available to the Legislature and general public. Requires such information in reports to federal government on proposed federal projects which may have a significant effect on the environment and on which the state officially comments. Requires, *as specified*, such information to be included in request for, or authorization for expenditure of, funds by state agency, board, or commission for any project, other than a project involving only planning, which could have a significant effect on the environment. ~~Authorizes~~ Requires such agencies to ~~expend, for purpose of taking any action request in their budget funds~~ necessary to protect the environment in relation to problems caused by its activities; ~~any money appropriated to it for such purpose~~. Requires such agencies to review present authority and procedures to determine any inconsistencies or deficiencies which would hinder compliance with requirements of act and to propose to Governor by January 1971, any measures necessary to comply with intent, policies, and procedures of act.

Requires state agencies, boards, and commissions to require from local agencies detailed statement setting forth such information prior to allocation of funds for programs which may have a significant effect on environment, other than funds solely for planning purposes. Requires local governmental units or agencies to make environmental impact findings or reports, as specified.

Permits any person to bring action for injunction or mandatory relief against any state or local governmental agency for failure to make required findings and reports, and provides that these remedies are the only legal remedies provided by the act.

Vote—Majority; Appropriation—No; Fiscal Committee—Yes.

1 so that major consideration is given to preventing environmen-
2 tal damage.

3 21001. The Legislature further finds and declares that it is
4 the policy of the state to:

5 (a) Develop and maintain a high quality environment now
6 and in the future, and take all action necessary to protect,
7 rehabilitate, and enhance the environmental quality of the
8 state.

9 (b) Take all action necessary to provide the people of this
10 state with clean air and water, enjoyment of aesthetic, natural,
11 scenic, and historic environmental qualities, and freedom from
12 excessive noise.

13 (c) Prevent the elimination of fish or wildlife species due
14 to man's activities, insure that fish and wildlife populations
15 do not drop below self-perpetuating levels, and preserve for
16 future generations representations of all plant and animal
17 communities and examples of the major periods of California
18 history.

19 (d) Ensure that the long-term protection of the environ-
20 ment shall be the guiding criterion in public decisions.

21 (e) Create and maintain conditions under which man and
22 nature can exist in productive harmony to fulfill the social and
23 economic requirements of present and future generations.

24 (f) Require governmental agencies at all levels to develop
25 standards and procedures necessary to protect environmental
26 quality.

27 (g) Require governmental agencies at all levels to consider
28 qualitative factors as well as economic and technical factors
29 and long-term benefits and costs, in addition to short-term
30 benefits and costs and to consider alternatives to proposed
31 actions affecting the environment.

32 CHAPTER 2. SHORT TITLE

33
34
35 21050. This division shall be known and may be cited as
36 the Environmental Quality Act of 1970.

37 CHAPTER 3. STATE AGENCIES, BOARDS AND COMMISSIONS

38
39
40 21100. All state agencies, boards, and commissions shall
41 include in any report on any program they propose to carry
42 out which could have a significant effect on the environment
43 of the state, a detailed statement by the responsible state
44 official setting forth the following:

45 (a) The environmental impact of the proposed action.

46 (b) Any adverse environmental effects which cannot be
47 avoided if the proposal is implemented.

48 (c) Mitigation measures proposed to minimize the impact.

49 (d) Alternatives to the proposed action.

50 (e) The relationship between local short-term uses of man's
51 environment and the maintenance and enhancement of long-
52 term productivity.



1 (f) Any irreversible environmental changes which would be
 2 involved in the proposed action should it be implemented.
 3 21101. In regard to any proposed federal project in this
 4 state which may have a significant effect on the environment
 5 and on which the state officially comments, the state officials
 6 responsible for such comments shall include in their report a
 7 detailed statement setting forth the matters specified in Sec-
 8 tion 21100 prior to transmitting the comments of the state to
 9 the federal government. No report shall be transmitted to the
 10 federal government unless it includes such a detailed statement
 11 as to the matters specified in Section 21100.

12 21102. No state agency, board, or commission shall request,
 13 ~~or authorize for expenditure, funds funds, nor shall any state~~
 14 ~~agency, board, or commission which authorizes expenditures of~~
 15 ~~funds, other than funds appropriated in the Budget Act, au-~~
 16 ~~thorize funds for expenditure~~ for any project, other than a
 17 project involving only planning, which could have a significant
 18 effect on the environment unless such request or authorization
 19 is accompanied by a detailed statement setting forth the mat-
 20 ters specified in Section 21100.

21 21103. Prior to the making of a detailed statement, the re-
 22 sponsible state official shall consult with, and obtain comments
 23 from, any governmental agency which has jurisdiction by law
 24 or special expertise with respect to any environmental impact
 25 involved.

26 21104. The responsible state official shall include the en-
 27 vironmental impact report, together with any comments re-
 28 ceived from other governmental agencies pursuant to Section
 29 21103, as a part of the regular project report used in the
 30 existing review and budgetary process. It shall be available
 31 to the Legislature and to the general public.

32 ~~21105. Any state agency, board or commission may expend,~~
 33 ~~for the purpose of taking any action necessary to protect the~~
 34 ~~environment in relation to problems caused by its activities,~~
 35 ~~any money appropriated to it for such purpose.~~

36 21105. All state agencies, boards, and commissions shall re-
 37 quest in their budgets the funds necessary to protect the en-
 38 vironment in relation to problems caused by their activities.

39 21106. Every state agency, board and commission shall
 40 review its present statutory authority, rules, regulations, poli-
 41 cies and procedures to determine any inconsistencies or defi-
 42 ciencies in such provisions which would hinder compliance with
 43 the provisions of this division, and shall propose to the Gover-
 44 nor and the Legislature no later than January 1971, any
 45 measures necessary to comply with the intent, policies, and
 46 procedures of this division.

47
 48 CHAPTER 5. LOCAL AGENCIES
 49

50 21150. State agencies, boards, and commissions, responsible
 51 for allocating state or federal funds on a project by project
 52 basis to local governmental agencies for land acquisition or

1 construction projects which may have a significant effect on
 2 the environment, shall require from the responsible local gov-
 3 ernmental agency a detailed statement setting forth the mat-
 4 ters specified in Section 21100 prior to the allocation of any
 5 funds, other than funds solely for planning purposes.

6 21151. The legislative body of all cities and counties which
 7 have an officially adopted conservation element of a general
 8 plan shall make a finding that any program they intend to
 9 carry out, which may have a significant effect on the environ-
 10 ment, is in accord with the conservation element of the general
 11 plan. Local governmental units without an officially adopted
 12 conservation element shall make environmental impact reports
 13 on any program they intend to carry out which may have a
 14 significant effect on the quality of the environment. All other
 15 local governmental agencies shall make an environmental im-
 16 pact report on any program they intend to carry out which may
 17 have a significant effect on the environment and shall submit
 18 it to the appropriate local planning agency as part of the re-
 19 port required by Section 65402 of the Government Code.

20
 21 CHAPTER 6. ENFORCEMENT
 22

23 21170. Any person may bring an action for injunction or
 24 mandatory relief against any state or local governmental
 25 agency for failure to make the findings and reports required
 26 under Sections 21100, 21101, 21102, 21104, 21150, and 21151.

27 The remedies prescribed by this section are the only legal
 28 remedies provided by this act.

0



AMENDED IN ASSEMBLY JULY 9, 1970
AMENDED IN ASSEMBLY JUNE 23, 1970
AMENDED IN ASSEMBLY MAY 26, 1970

CALIFORNIA LEGISLATURE—1970 REGULAR SESSION

ASSEMBLY BILL

No. 2045

Introduced by Assembly Select Committee on Environmental Quality
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Adds Div. 13 (commencing with Sec. 21000), P.R.C.

Makes various legislative findings and declarations concerning en-
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sions to include in any report on any proposed program which could
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7 enjoyment of the natural resources of the state.

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12 coordinated actions necessary to prevent such thresholds being
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15 preservation and enhancement of the environment.

16 (f) The interrelationship of policies and practices in the
17 management of natural resources and waste disposal requires
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22 the state government which regulate activities of private in-
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Vote—Majority; Appropriation—No; Fiscal Committee—Yes.

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2 so that major consideration is given to preventing environmen-
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9 state.

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11 state with clean air and water, enjoyment of aesthetic, natural,
12 scenic, and historic environmental qualities, and freedom from
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47 (b) Any adverse environmental effects which cannot be
48 avoided if the proposal is implemented.

49 (c) Mitigation measures proposed to minimize the impact.

50 (d) Alternatives to the proposed action.



1 (e) The relationship between local short-term uses of man's
2 environment and the maintenance and enhancement of long-
3 term productivity.

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5 involved in the proposed action should it be implemented.
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10 detailed statement setting forth the matters specified in Section
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12 the federal government. No report shall be transmitted to the
13 federal government unless it includes such a detailed statement
14 as to the matters specified in Section 21100.

15 21102. No state agency, board, or commission shall request
16 funds, nor shall any state agency, board, or commission which
17 authorizes expenditures of funds, other than funds appropriated
18 in the Budget Act, authorize funds for expenditure for
19 any project, other than a project involving only planning,
20 which could have a significant effect on the environment unless
21 such request or authorization is accompanied by a detailed
22 statement setting forth the matters specified in Section 21100.

23 21103. Prior to the making of a detailed statement, the re-
24 sponsible state official shall consult with, and obtain comments
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17 have a significant effect on the environment and shall submit
18 it to the appropriate local planning agency as part of the re-
19 port required by Section 65402 of the Government Code.

20 21 CHAPTER 6. ENFORCEMENT

22
23 21170. Any person may bring an action for injunction or
24 mandatory relief against any state or local governmental
25 agency for failure to make the findings and reports required
26 under Sections 21100, 21101, 21102, 21104, 21150, and 21151.
27 The remedies prescribed by this section are the only legal
28 remedies provided by this act.



AMENDED IN SENATE AUGUST 4, 1970
AMENDED IN ASSEMBLY JULY 9, 1970
AMENDED IN ASSEMBLY JUNE 23, 1970
AMENDED IN ASSEMBLY MAY 26, 1970

CALIFORNIA LEGISLATURE—1970 REGULAR SESSION

ASSEMBLY BILL

No. 2045

Introduced by Assembly Select Committee on Environmental Quality
(Assemblymen Knox, Milias, Wilson, Porter, Briggs, Duffy, Foran,
Monagan, and Schabarum)

April 2, 1970

REFERRED TO COMMITTEE ON NATURAL RESOURCES AND CONSERVATION

*An act to add Division 13 (commencing with Section 21000)
to the Public Resources Code, relating to environmental
quality.*

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

1 SECTION 1. Division 13 (commencing with Section 21000) is
2 added to the Public Resources Code, to read:

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DIVISION 13. ENVIRONMENTAL QUALITY

CHAPTER 1. POLICY

21000. The Legislature finds and declares as follows:

(a) The maintenance of a quality environment for the
people of this state now and in the future is a matter of
statewide concern.

LEGISLATIVE COUNSEL'S DIGEST

AB 2045, as amended, Assembly Select Committee on Environ-
mental Quality (Assemblymen Knox, Milias, Wilson, Porter, Briggs,
Duffy, Foran, Monagan, and Schabarum) (N.R. & Con.). Environ-
mental quality.

Adds Div. 13 (commencing with Sec. 21000), P.R.C.

Makes various legislative findings and declarations concerning en-
vironmental quality. Requires all state agencies, boards, and commis-
sions to include in any report on any proposed program project which



1 (b) It is necessary to provide a high quality environment
2 that at all times is healthful and pleasing to the senses and
3 intellect of man.

4 (c) There is a need to understand the relationship between
5 the maintenance of high quality ecological systems and the
6 general welfare of the people of the state, including their
7 enjoyment of the natural resources of the state.

8 (d) The capacity of the environment is limited, and it is the
9 intent of the Legislature that the government of the state take
10 immediate steps to identify any critical thresholds for the
11 health and safety of the people of the state and take all
12 coordinated actions necessary to prevent such thresholds being
13 reached.

14 (e) Every citizen has a responsibility to contribute to the
15 preservation and enhancement of the environment.

16 (f) The interrelationship of policies and practices in the
17 management of natural resources and waste disposal requires

could have a significant effect on the environment of the state, a detailed statement setting forth specified information. Requires such report, together with any comments received from other governmental agencies, to be a part of the regular project report used in the existing review and budgetary process, and specified that it shall be available to the Legislature and general public. Requires such information in reports to federal government on proposed federal projects which may have a significant effect on the environment and on which the state officially comments. Requires, as specified, such information to be included in request for, or authorization for expenditure of, funds by state agency, board, or commission for any project, other than a project involving only planning, which could have a significant effect on the environment. Requires such agencies to request in their budget funds necessary to protect the environment in relation to problems caused by its activities. Requires such agencies to review present authority and procedures to determine any inconsistencies or deficiencies which would hinder compliance with requirements of act and to propose to Governor by January 1971, any measures necessary to comply with intent, policies, and procedures of act.

Requires state agencies, boards, and commissions to require from local agencies detailed statement setting forth such information prior to allocation of funds for ~~programs~~ projects which may have a significant effect on environment, other than funds solely for planning purposes. Requires local governmental units or agencies to make environmental impact findings or reports, as specified.

Requires Office of Planning and Resources, to be created by AB 2070, to coordinate development of objectives, criteria, and procedures to assure orderly preparation and evaluation of environmental impact reports.

Permits any person to bring action for injunction or mandatory relief against any state or local governmental agency for failure to make required findings and reports, and provides that these remedies are the only legal remedies provided by the act.

Vote—Majority; Appropriation—No; Fiscal Committee—Yes.

1 systematic and concerted efforts by public and private interests
2 to enhance environmental quality and to control environmental
3 pollution.

4 (g) It is the intent of the Legislature that all agencies of
5 the state government which regulate activities of private in-
6 dividuals, corporations, and public agencies which may affect
7 the quality of the environment, shall regulate such activities
8 so that major consideration is given to preventing environmen-
9 tal damage.

10 21001. The Legislature further finds and declares that it is
11 the policy of the state to:

12 (a) Develop and maintain a high quality environment now
13 and in the future, and take all action necessary to protect,
14 rehabilitate, and enhance the environmental quality of the
15 state.

16 (b) Take all action necessary to provide the people of this
17 state with clean air and water, enjoyment of aesthetic, natural,
18 scenic, and historic environmental qualities, and freedom from
19 excessive noise.

20 (c) Prevent the elimination of fish or wildlife species due
21 to man's activities, insure that fish and wildlife populations
22 do not drop below self-perpetuating levels, and preserve for
23 future generations representations of all plant and animal
24 communities and examples of the major periods of California
25 history.

26 (d) Ensure that the long-term protection of the environ-
27 ment shall be the guiding criterion in public decisions.

28 (e) Create and maintain conditions under which man and
29 nature can exist in productive harmony to fulfill the social and
30 economic requirements of present and future generations.

31 (f) Require governmental agencies at all levels to develop
32 standards and procedures necessary to protect environmental
33 quality.

34 (g) Require governmental agencies at all levels to consider
35 qualitative factors as well as economic and technical factors
36 and long-term benefits and costs, in addition to short-term
37 benefits and costs and to consider alternatives to proposed
38 actions affecting the environment.

39 CHAPTER 2. SHORT TITLE

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42 21050. This division shall be known and may be cited as
43 the Environmental Quality Act of 1970.

44 CHAPTER 3. STATE AGENCIES, BOARDS AND COMMISSIONS

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47 21100. All state agencies, boards, and commissions shall
48 include in any report on any ~~program~~ project they propose to
49 carry out which could have a significant effect on the environ-
50 ment of the state, a detailed statement by the responsible state
51 official setting forth the following:

52 (a) The environmental impact of the proposed action.



1 (b) Any adverse environmental effects which cannot be
2 avoided if the proposal is implemented.

3 (c) Mitigation measures proposed to minimize the impact.

4 (d) Alternatives to the proposed action.

5 (e) The relationship between local short-term uses of man's
6 environment and the maintenance and enhancement of long-
7 term productivity.

8 (f) Any irreversible environmental changes which would be
9 involved in the proposed action should it be implemented.

10 21101. In regard to any proposed federal project in this
11 state which may have a significant effect on the environment
12 and on which the state officially comments, the state officials
13 responsible for such comments shall include in their report a
14 detailed statement setting forth the matters specified in Sec-
15 tion 21100 prior to transmitting the comments of the state to
16 the federal government. No report shall be transmitted to the
17 federal government unless it includes such a detailed statement
18 as to the matters specified in Section 21100.

19 21102. No state agency, board, or commission shall request
20 funds, nor shall any state agency, board, or commission which
21 authorizes expenditures of funds, other than funds appropri-
22 ated in the Budget Act, authorize funds for expenditure for
23 any project, other than a project involving only planning,
24 which could have a significant effect on the environment unless
25 such request or authorization is accompanied by a detailed
26 statement setting forth the matters specified in Section 21100.

27 21103. *The Office of Planning and Research shall coordinate*
28 *the development of objectives, criteria, and procedures to as-*
29 *sure the orderly preparation and evaluation of environmental*
30 *impact reports required by this division.*

31 21104. Prior to the making of a detailed statement, the re-
32 sponsible state official shall consult with, and obtain comments
33 from, any governmental agency which has jurisdiction by law
34 or special expertise with respect to any environmental impact
35 involved.

36 ~~21104~~

37 21105. The responsible state official shall include the en-
38 vironmental impact report, together with any comments re-
39 ceived from other governmental agencies pursuant to Section
40 ~~21103~~ 21104, as a part of the regular project report used in the
41 existing review and budgetary process. It shall be available
42 to the Legislature and to the general public.

43 ~~21105~~

44 21106. All state agencies, boards, and commissions shall re-
45 quest in their budgets the funds necessary to protect the en-
46 vironment in relation to problems caused by their activities.

47 ~~21106~~

48 21107. Every state agency, board and commission shall
49 review its present statutory authority, rules, regulations, poli-
50 cies and procedures to determine any inconsistencies or defi-
51 ciencies in such provisions which would hinder compliance with
52 the provisions of this division, and shall propose to the Gover-

1 nor and the Legislature no later than January 1971, any
2 measures necessary to comply with the intent, policies, and
3 procedures of this division.

4 CHAPTER 54. LOCAL AGENCIES

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7 21150. State agencies, boards, and commissions, responsible
8 for allocating state or federal funds on a project by project
9 basis to local governmental agencies for land acquisition or
10 construction projects which may have a significant effect on
11 the environment, shall require from the responsible local gov-
12 ernmental agency a detailed statement setting forth the mat-
13 ters specified in Section 21100 prior to the allocation of any
14 funds, other than funds solely for planning purposes.

15 21151. The legislative body of all cities and counties which
16 have an officially adopted conservation element of a general
17 plan shall make a finding that any ~~program~~ project or change
18 *in zoning* they intend to carry out, which may have a signi-
19 ficant effect on the environment, is in accord with the con-
20 servation element of the general plan. Local governmental
21 units without an officially adopted conservation element shall
22 make environmental impact reports on any ~~program~~ project
23 they intend to carry out which may have a significant effect
24 on the quality of the environment. All other local govern-
25 mental agencies shall make an environmental impact report
26 on any program they intend to carry out which may have a
27 significant effect on the environment and shall submit it to
28 the appropriate local planning agency as part of the report re-
29 quired by Section 65402 of the Government Code.

30 CHAPTER 65. ENFORCEMENT

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33 21170. Any person may bring an action for injunction or
34 mandatory relief against any state or local governmental
35 agency for failure to make the findings and reports required
36 under Sections 21100, 21101, 21102, ~~21104~~ 21105, 21150, and
37 21151.

38 The remedies prescribed by this section are the only remedies
39 provided by this ~~act~~ division.

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AMENDED IN SENATE AUGUST 14, 1970
AMENDED IN SENATE AUGUST 4, 1970
AMENDED IN ASSEMBLY JULY 9, 1970
AMENDED IN ASSEMBLY JUNE 23, 1970
AMENDED IN ASSEMBLY MAY 26, 1970

CALIFORNIA LEGISLATURE—1970 REGULAR SESSION

ASSEMBLY BILL

No. 2045

Introduced by Assembly Select Committee on Environmental Quality
(Assemblymen Knox, Milias, Wilson, Porter, Briggs, Duffy, Foran,
Monagan, and Schabarum)

April 2, 1970

REFERRED TO COMMITTEE ON NATURAL RESOURCES AND CONSERVATION

*An act to add Division 13 (commencing with Section 21000)
to the Public Resources Code, relating to environmental
quality.*

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

1 SECTION 1. Division 13 (commencing with Section 21000) is
2 added to the Public Resources Code, to read:

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DIVISION 13. ENVIRONMENTAL QUALITY

CHAPTER 1. POLICY

8 21000. The Legislature finds and declares as follows:
9 (a) The maintenance of a quality environment for the
10 people of this state now and in the future is a matter of
11 statewide concern.

LEGISLATIVE COUNSEL'S DIGEST

AB 2045, as amended, Assembly Select Committee on Environ-
mental Quality (Assemblymen Knox, Milias, Wilson, Porter, Briggs,
Duffy, Foran, Monagan, and Schabarum) (N.R. & Con.). Environ-
mental quality.

Adds Div. 13 (commencing with Sec. 21000), P.R.C.



- 1 (b) It is necessary to provide a high quality environment
- 2 that at all times is healthful and pleasing to the senses and
- 3 intellect of man.
- 4 (c) There is a need to understand the relationship between
- 5 the maintenance of high quality ecological systems and the
- 6 general welfare of the people of the state, including their
- 7 enjoyment of the natural resources of the state.
- 8 (d) The capacity of the environment is limited, and it is the
- 9 intent of the Legislature that the government of the state take
- 10 immediate steps to identify any critical thresholds for the
- 11 health and safety of the people of the state and take all
- 12 coordinated actions necessary to prevent such thresholds being
- 13 reached.

Makes various legislative findings and declarations concerning environmental quality. Requires all state agencies, boards, and commissions to include in any report on any proposed project which could have a significant effect on the environment of the state, a detailed statement setting forth specified information. Requires such report, together with any comments received from other governmental agencies, to be a part of the regular project report used in the existing review and budgetary process, and specified that it shall be available to the Legislature and general public. Requires such information in reports to federal government on proposed federal projects which may have a significant effect on the environment and on which the state officially comments. Requires, as specified, such information to be included in request for, or authorization for expenditure of, funds by state agency, board, or commission for any project, other than a project involving only planning, which could have a significant effect on the environment. Requires such agencies to request in their budget funds necessary to protect the environment in relation to problems caused by its activities. Requires such agencies to review present authority and procedures to determine any inconsistencies or deficiencies which would hinder compliance with requirements of act and to propose to Governor by January 1971, any measures necessary to comply with intent, policies, and procedures of act.

Requires state agencies, boards, and commissions to require from local agencies, *unless exempted*, detailed statements setting forth such information prior to allocation of funds for projects which may have a significant effect on environment, other than funds solely for planning purposes. Requires local governmental units or agencies to make environmental impact findings or reports, as specified.

Requires Office of Planning and Resources, to be created by AB 2070, to coordinate, *in conjunction with appropriate state, regional, and local agencies*, development of objectives, criteria, and procedures to assure orderly preparation and evaluation of environmental impact reports.

~~Permits any person to bring action for injunction or mandatory relief against any state or local governmental agency for failure to make required findings and reports, and provides that these remedies are the only legal remedies provided by the act.~~

Vote—Majority; Appropriation—No; Fiscal Committee—Yes.

- 1 (e) Every citizen has a responsibility to contribute to the
- 2 preservation and enhancement of the environment.
- 3 (f) The interrelationship of policies and practices in the
- 4 management of natural resources and waste disposal requires
- 5 systematic and concerted efforts by public and private interests
- 6 to enhance environmental quality and to control environmental
- 7 pollution.
- 8 (g) It is the intent of the Legislature that all agencies of
- 9 the state government which regulate activities of private in-
- 10 dividuals, corporations, and public agencies which *may are*
- 11 *found to* affect the quality of the environment, shall regulate
- 12 such activities so that major consideration is given to pre-
- 13 venting environmental damage.

14 21001. The Legislature further finds and declares that it is

15 the policy of the state to:

16 (a) Develop and maintain a high quality environment now

17 and in the future, and take all action necessary to protect,

18 rehabilitate, and enhance the environmental quality of the

19 state.

20 (b) Take all action necessary to provide the people of this

21 state with clean air and water, enjoyment of aesthetic, natural,

22 scenic, and historic environmental qualities, and freedom from

23 excessive noise.

24 (c) Prevent the elimination of fish or wildlife species due

25 to man's activities, insure that fish and wildlife populations

26 do not drop below self-perpetuating levels, and preserve for

27 future generations representations of all plant and animal

28 communities and examples of the major periods of California

29 history.

30 (d) Ensure that the long-term protection of the environ-

31 ment shall be the guiding criterion in public decisions.

32 (e) Create and maintain conditions under which man and

33 nature can exist in productive harmony to fulfill the social and

34 economic requirements of present and future generations.

35 (f) Require governmental agencies at all levels to develop

36 standards and procedures necessary to protect environmental

37 quality.

38 (g) Require governmental agencies at all levels to consider

39 qualitative factors as well as economic and technical factors

40 and long-term benefits and costs, in addition to short-term

41 benefits and costs and to consider alternatives to proposed

42 actions affecting the environment.

43 CHAPTER 2. SHORT TITLE

44 21050. This division shall be known and may be cited as

45 the Environmental Quality Act of 1970.

46 CHAPTER 3. STATE AGENCIES, BOARDS AND COMMISSIONS

47 21100. All state agencies, boards, and commissions shall

48 include in any report on any project they propose to carry



1 out which could have a significant effect on the environment of
2 the state, a detailed statement by the responsible state official
3 setting forth the following:

4 (a) The environmental impact of the proposed action.

5 (b) Any adverse environmental effects which cannot be
6 avoided if the proposal is implemented.

7 (c) Mitigation measures proposed to minimize the impact.

8 (d) Alternatives to the proposed action.

9 (e) The relationship between local short-term uses of man's
10 environment and the maintenance and enhancement of long-
11 term productivity.

12 (f) Any irreversible environmental changes which would be
13 involved in the proposed action should it be implemented.

14 21101. In regard to any proposed federal project in this
15 state which may have a significant effect on the environment
16 and on which the state officially comments, the state officials
17 responsible for such comments shall include in their report a
18 detailed statement setting forth the matters specified in Sec-
19 tion 21100 prior to transmitting the comments of the state to
20 the federal government. No report shall be transmitted to the
21 federal government unless it includes such a detailed statement
22 as to the matters specified in Section 21100.

23 21102. No state agency, board, or commission shall request
24 funds, nor shall any state agency, board, or commission which
25 authorizes expenditures of funds, other than funds appropri-
26 ated in the Budget Act, authorize funds for expenditure for
27 any project, other than a project involving only planning,
28 which could have a significant effect on the environment unless
29 such request or authorization is accompanied by a detailed
30 statement setting forth the matters specified in Section 21100.

31 21103. The Office of Planning and Research shall, *in con-*
32 *junction with appropriate state, regional, and local agencies,*
33 coordinate the development of objectives, criteria, and pro-
34 cedures to assure the orderly preparation and evaluation of
35 environmental impact reports required by this division.

36 21104. Prior to the making of a detailed statement, the re-
37 sponsible state official shall consult with, and obtain comments
38 from, any governmental agency which has jurisdiction by law
39 or special expertise with respect to any environmental impact
40 involved.

41 21105. The responsible state official shall include the en-
42 vironmental impact report, together with any comments re-
43 ceived from other governmental agencies pursuant to Section
44 21104, as a part of the regular project report used in the ex-
45 isting review and budgetary process. It shall be available to the
46 Legislature and to the general public.

47 21106. All state agencies, boards, and commissions shall re-
48 quest in their budgets the funds necessary to protect the en-
49 vironment in relation to problems caused by their activities.

50 21107. Every state agency, board and commission shall
51 review its present statutory authority, rules, regulations, poli-
52 cies and procedures to determine any inconsistencies or defi-

1 deficiencies in such provisions which would hinder compliance with
2 the provisions of this division, and shall propose to the Gover-
3 nor and the Legislature no later than January 1971, any
4 measures necessary to comply with the intent, policies, and
5 procedures of this division.

6 CHAPTER 4. LOCAL AGENCIES

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9 21150. State agencies, boards, and commissions, responsible
10 for allocating state or federal funds on a project by project
11 basis to local governmental agencies for land acquisition or
12 construction projects which may have a significant effect on
13 the environment, shall, *unless exempted by formal procedures*
14 *developed under the provisions of Section 21103,* require from
15 the responsible local governmental agency a detailed statement
16 setting forth the matters specified in Section 21100 prior to the
17 allocation of any funds, other than funds solely for planning
18 purposes.

19 21151. The legislative ~~body~~ *bodies* of all cities and counties
20 which have an officially adopted conservation element of a
21 general plan shall make a finding that any project ~~or~~ *change*
22 ~~in zoning~~ they intend to carry out, which may have a signifi-
23 cant effect on the environment, is in accord with the con-
24 servation element of the general plan. ~~Local governmental~~
25 ~~units without an officially adopted conservation element shall~~
26 ~~make environmental impact reports on any project they intend~~
27 ~~to carry out which may have a significant effect on the quality~~
28 ~~of the environment~~ *The legislative bodies of all counties which*
29 *have an officially adopted conservation element of a general*
30 *plan shall make a finding that any change in zoning they in-*
31 *tend to carry out, which may have a significant effect on the*
32 *environment, is in accord with the conservation element of the*
33 *general plan.* All other local governmental agencies shall make
34 an environmental impact report on any ~~program~~ *project* they
35 intend to carry out which may have a significant effect on the
36 environment and shall submit it to the appropriate local plan-
37 ning agency as part of the report required by Section 65402 of
38 the Government Code.

39 CHAPTER 5. ENFORCEMENT

40
41
42 21170. Any person may bring an action for injunction or
43 mandatory relief against any state or local governmental
44 agency for failure to make the findings and reports required
45 under Sections 21100, 21101, 21102, 21105, 21150, and 21151.

46 The remedies prescribed by this section are the only remedies
47 provided by this division.

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AMENDED IN SENATE AUGUST 20, 1970
AMENDED IN SENATE AUGUST 14, 1970
AMENDED IN SENATE AUGUST 4, 1970
AMENDED IN ASSEMBLY JULY 9, 1970
AMENDED IN ASSEMBLY JUNE 23, 1970
AMENDED IN ASSEMBLY MAY 26, 1970

CALIFORNIA LEGISLATURE—1970 REGULAR SESSION

ASSEMBLY BILL

No. 2045

Introduced by Assembly Select Committee on Environmental Quality
(Assemblymen Knox, Milias, Wilson, Porter, Briggs, Duffy, Foran,
Monagan, and Schabarum)

April 2, 1970

REFERRED TO COMMITTEE ON NATURAL RESOURCES AND CONSERVATION

*An act to add Division 13 (commencing with Section 21000)
to the Public Resources Code, relating to environmental
quality.*

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

1 SECTION 1. Division 13 (commencing with Section 21000) is
2 added to the Public Resources Code, to read:

3
4 DIVISION 13. ENVIRONMENTAL QUALITY

5
6 CHAPTER 1. POLICY

7
8 21000. The Legislature finds and declares as follows:
9 (a) The maintenance of a quality environment for the
10 people of this state now and in the future is a matter of
11 statewide concern.

LEGISLATIVE COUNSEL'S DIGEST

AB 2045, as amended, Assembly Select Committee on Environ-
mental Quality (Assemblymen Knox, Milias, Wilson, Porter, Briggs,
Duffy, Foran, Monagan, and Schabarum) (N.R. & Con.). Environ-
mental quality.

Adds Div. 13 (commencing with Sec. 21000), P.R.C.



- 1 (b) It is necessary to provide a high quality environment
- 2 that at all times is healthful and pleasing to the senses and
- 3 intellect of man.
- 4 (c) There is a need to understand the relationship between
- 5 the maintenance of high quality ecological systems and the
- 6 general welfare of the people of the state, including their
- 7 enjoyment of the natural resources of the state.
- 8 (d) The capacity of the environment is limited, and it is the
- 9 intent of the Legislature that the government of the state take
- 10 immediate steps to identify any critical thresholds for the
- 11 health and safety of the people of the state and take all
- 12 coordinated actions necessary to prevent such thresholds being
- 13 reached.
- 14 (e) Every citizen has a responsibility to contribute to the
- 15 preservation and enhancement of the environment.

Makes various legislative findings and declarations concerning environmental quality. Requires all state agencies, boards, and commissions to include in any report on any proposed project which could have a significant effect on the environment of the state, a detailed statement setting forth specified information. Requires such report, together with any comments received from other governmental agencies, to be a part of the regular project report used in the existing review and budgetary process, and specified that it shall be available to the Legislature and general public. Requires such information in reports to federal government on proposed federal projects which may have a significant effect on the environment and on which the state officially comments. Requires, as specified, such information to be included in request for, or authorization for expenditure of, funds by state agency, board, or commission for any project, other than a project involving only planning, which could have a significant effect on the environment. Requires such agencies to request in their budget funds necessary to protect the environment in relation to problems caused by its activities. Requires such agencies to review present authority and procedures to determine any inconsistencies or deficiencies which would hinder compliance with requirements of act and to propose to Governor by January 1971, any measures necessary to comply with intent, policies, and procedures of act.

Requires state agencies, boards, and commissions to require from local agencies, unless exempted, detailed statements setting forth such information prior to allocation of funds for projects which may have a significant effect on environment, other than funds solely for planning purposes. Requires local governmental units or agencies to make environmental impact findings or reports, as specified.

Requires Office of Planning and Resources, to be created by AB 2070, to coordinate, in conjunction with appropriate state, regional, and local agencies, development of objectives, criteria, and procedures to assure orderly preparation and evaluation of environmental impact reports.

Vote—Majority; Appropriation—No; Fiscal Committee—Yes.

- 1 (f) The interrelationship of policies and practices in the
- 2 management of natural resources and waste disposal requires
- 3 systematic and concerted efforts by public and private interests
- 4 to enhance environmental quality and to control environmental
- 5 pollution.
- 6 (g) It is the intent of the Legislature that all agencies of
- 7 the state government which regulate activities of private in-
- 8 dividuals, corporations, and public agencies which are found to
- 9 affect the quality of the environment, shall regulate such activi-
- 10 ties so that major consideration is given to preventing environ-
- 11 mental damage.

21001. The Legislature further finds and declares that it is the policy of the state to:

(a) Develop and maintain a high quality environment now and in the future, and take all action necessary to protect, rehabilitate, and enhance the environmental quality of the state.

(b) Take all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise.

(c) Prevent the elimination of fish or wildlife species due to man's activities, insure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities and examples of the major periods of California history.

(d) Ensure that the long-term protection of the environment shall be the guiding criterion in public decisions.

(e) Create and maintain conditions under which man and nature can exist in productive harmony to fulfill the social and economic requirements of present and future generations.

(f) Require governmental agencies at all levels to develop standards and procedures necessary to protect environmental quality.

(g) Require governmental agencies at all levels to consider qualitative factors as well as economic and technical factors and long-term benefits and costs, in addition to short-term benefits and costs and to consider alternatives to proposed actions affecting the environment.

CHAPTER 2. SHORT TITLE

21050. This division shall be known and may be cited as the Environmental Quality Act of 1970.

CHAPTER 3. STATE AGENCIES, BOARDS AND COMMISSIONS

21100. All state agencies, boards, and commissions shall include in any report on any project they propose to carry



1 out which could have a significant effect on the environment of
 2 the state, a detailed statement by the responsible state official
 3 setting forth the following:

- 4 (a) The environmental impact of the proposed action.
- 5 (b) Any adverse environmental effects which cannot be
 6 avoided if the proposal is implemented.
- 7 (c) Mitigation measures proposed to minimize the impact.
- 8 (d) Alternatives to the proposed action.
- 9 (e) The relationship between local short-term uses of man's
 10 environment and the maintenance and enhancement of long-
 11 term productivity.
- 12 (f) Any irreversible environmental changes which would be
 13 involved in the proposed action should it be implemented.

14 21101. In regard to any proposed federal project in this
 15 state which may have a significant effect on the environment
 16 and on which the state officially comments, the state officials
 17 responsible for such comments shall include in their report a
 18 detailed statement setting forth the matters specified in Sec-
 19 tion 21100 prior to transmitting the comments of the state to
 20 the federal government. No report shall be transmitted to the
 21 federal government unless it includes such a detailed statement
 22 as to the matters specified in Section 21100.

23 21102. No state agency, board, or commission shall request
 24 funds, nor shall any state agency, board, or commission which
 25 authorizes expenditures of funds, other than funds appropri-
 26 ated in the Budget Act, authorize funds for expenditure for
 27 any project, other than a project involving only planning,
 28 which could have a significant effect on the environment unless
 29 such request or authorization is accompanied by a detailed
 30 statement setting forth the matters specified in Section 21100.

31 21103. The Office of Planning and Research shall, in con-
 32 junction with appropriate state, regional, and local agencies,
 33 coordinate the development of objectives, criteria, and pro-
 34 cedures to assure the orderly preparation and evaluation of
 35 environmental impact reports required by this division.

36 21104. Prior to the making of a detailed statement, the re-
 37 sponsible state official shall consult with, and obtain comments
 38 from, any governmental agency which has jurisdiction by law
 39 or special expertise with respect to any environmental impact
 40 involved.

41 21105. The responsible state official shall include the en-
 42 vironmental impact report, together with any comments re-
 43 ceived from other governmental agencies pursuant to Section
 44 21104, as a part of the regular project report used in the ex-
 45 isting review and budgetary process. It shall be available to the
 46 Legislature and to the general public.

47 21106. All state agencies, boards, and commissions shall re-
 48 quest in their budgets the funds necessary to protect the en-
 49 vironment in relation to problems caused by their activities.

50 21107. Every state agency, board and commission shall
 51 review its present statutory authority, rules, regulations, poli-
 52 cies and procedures to determine any inconsistencies or defi-

1 ciencies in such provisions which would hinder compliance with
 2 the provisions of this division, and shall propose to the Gover-
 3 nor and the Legislature no later than January 1971, any
 4 measures necessary to comply with the intent, policies, and
 5 procedures of this division.

6
 7 CHAPTER 4. LOCAL AGENCIES
 8

9 21150. State agencies, boards, and commissions, responsible
 10 for allocating state or federal funds on a project by project
 11 basis to local governmental agencies for land acquisition or
 12 construction projects which may have a significant effect on
 13 the environment, shall, unless exempted by formal procedures
 14 developed under the provisions of Section 21103, require from
 15 the responsible local governmental agency a detailed statement
 16 setting forth the matters specified in Section 21100 prior to the
 17 allocation of any funds, other than funds solely for planning
 18 purposes.

19 21151. The legislative bodies of all cities and counties
 20 which have an officially adopted conservation element of a
 21 general plan shall make a finding that any project they
 22 intend to carry out, which may have a significant effect on the
 23 environment, is in accord with the conservation element of the
 24 general plan. ~~The legislative bodies of all counties which have~~
 25 ~~an officially adopted conservation element of a general plan~~
 26 ~~shall make a finding that any change in zoning they intend~~
 27 ~~to carry out, which may have a significant effect on the en-~~
 28 ~~vironment, is in accord with the conservation element of the~~
 29 ~~general plan.~~ All other local governmental agencies shall make
 30 an environmental impact report on any project they intend
 31 to carry out which may have a significant effect on the en-
 32 vironment and shall submit it to the appropriate local plan-
 33 ning agency as part of the report required by Section 65402 of
 34 the Government Code.

0



The department may provide by rule that any change in grant for an amount of two dollars (\$2) or less may be delayed not more than two months beyond the month in which the recipients reported the change in circumstances.

CHAPTER 1433

An act to add Division 13 (commencing with Section 21000) to the Public Resources Code, relating to environmental quality.

[Approved by Governor September 18, 1970. Filed with Secretary of State September 18, 1970.]

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

SECTION 1. Division 13 (commencing with Section 21000) is added to the Public Resources Code, to read:

DIVISION 13. ENVIRONMENTAL QUALITY

CHAPTER 1. POLICY

21000. The Legislature finds and declares as follows:

(a) The maintenance of a quality environment for the people of this state now and in the future is a matter of statewide concern.

(b) It is necessary to provide a high-quality environment that at all times is healthful and pleasing to the senses and intellect of man.

(c) There is a need to understand the relationship between the maintenance of high-quality ecological systems and the general welfare of the people of the state, including their enjoyment of the natural resources of the state.

(d) The capacity of the environment is limited, and it is the intent of the Legislature that the government of the state take immediate steps to identify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds being reached.

(e) Every citizen has a responsibility to contribute to the preservation and enhancement of the environment.

(f) The interrelationship of policies and practices in the management of natural resources and waste disposal requires systematic and concerted efforts by public and private interests to enhance environmental quality and to control environmental pollution.

(g) It is the intent of the Legislature that all agencies of the state government which regulate activities of private individuals, corporations, and public agencies which are found to affect the quality of the environment, shall regulate such activi-

ties so that major consideration is given to preventing environmental damage.

21001. The Legislature further finds and declares that it is the policy of the state to:

(a) Develop and maintain a high-quality environment now and in the future, and take all action necessary to protect, rehabilitate, and enhance the environmental quality of the state.

(b) Take all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise.

(c) Prevent the elimination of fish or wildlife species due to man's activities, insure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities and examples of the major periods of California history.

(d) Ensure that the long-term protection of the environment shall be the guiding criterion in public decisions.

(e) Create and maintain conditions under which man and nature can exist in productive harmony to fulfill the social and economic requirements of present and future generations.

(f) Require governmental agencies at all levels to develop standards and procedures necessary to protect environmental quality.

(g) Require governmental agencies at all levels to consider qualitative factors as well as economic and technical factors and long-term benefits and costs, in addition to short-term benefits and costs and to consider alternatives to proposed actions affecting the environment.

CHAPTER 2. SHORT TITLE

21050. This division shall be known and may be cited as the Environmental Quality Act of 1970.

CHAPTER 3. STATE AGENCIES, BOARDS AND COMMISSIONS

21100. All state agencies, boards, and commissions shall include in any report on any project they propose to carry out which could have a significant effect on the environment of the state, a detailed statement by the responsible state official setting forth the following:

(a) The environmental impact of the proposed action.

(b) Any adverse environmental effects which cannot be avoided if the proposal is implemented.

(c) Mitigation measures proposed to minimize the impact.

(d) Alternatives to the proposed action.

(e) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.



(f) Any irreversible environmental changes which would be involved in the proposed action should it be implemented.

21101. In regard to any proposed federal project in this state which may have a significant effect on the environment and on which the state officials comments, the state officials responsible for such comments shall include in their report a detailed statement setting forth the matters specified in Section 21100 prior to transmitting the comments of the state to the federal government. No report shall be transmitted to the federal government unless it includes such a detailed statement as to the matters specified in Section 21100.

21102. No state agency, board, or commission shall request funds, nor shall any state agency, board, or commission which authorizes expenditures of funds, other than funds appropriated in the Budget Act, authorize funds for expenditure for any project, other than a project involving only planning, which could have a significant effect on the environment unless such request or authorization is accompanied by a detailed statement setting forth the matters specified in Section 21100.

21103. The Office of Planning and Research shall, in conjunction with appropriate state, regional, and local agencies, coordinate the development of objectives, criteria, and procedures to assure the orderly preparation and evaluation of environmental impact reports required by this division.

21104. Prior to the making of a detailed statement, the responsible state official shall consult with, and obtain comments from, any governmental agency which has jurisdiction by law or special expertise with respect to any environmental impact involved.

21105. The responsible state official shall include the environmental impact report, together with any comments received from other governmental agencies pursuant to Section 21104, as a part of the regular project report used in the existing review and budgetary process. It shall be available to the Legislature and to the general public.

21106. All state agencies, boards, and commissions shall request in their budgets the funds necessary to protect the environment in relation to problems caused by their activities.

21107. Every state agency, board and commission shall review its present statutory authority, rules, regulations, policies and procedures to determine any inconsistencies or deficiencies in such provisions which would hinder compliance with the provisions of this division, and shall propose to the Governor and the Legislature no later than January 1971, any measures necessary to comply with the intent, policies, and procedures of this division.

CHAPTER 4. LOCAL AGENCIES

21150. State agencies, boards, and commissions, responsible for allocating state or federal funds on a project-by-project basis to local governmental agencies for land acquisition or

construction projects which may have a significant effect on the environment, shall, unless exempted by formal procedures developed under the provisions of Section 21103, require from the responsible local governmental agency a detailed statement setting forth the matters specified in Section 21100 prior to the allocation of any funds, other than funds solely for planning purposes.

21151. The legislative bodies of all cities and counties which have an officially adopted conservation element of a general plan shall make a finding that any project they intend to carry out, which may have a significant effect on the environment, is in accord with the conservation element of the general plan. All other local governmental agencies shall make an environmental impact report on any project they intend to carry out which may have a significant effect on the environment and shall submit it to the appropriate local planning agency as part of the report required by Section 65402 of the Government Code.

CHAPTER 1434

An act relating to executive reorganization.

[Approved by Governor September 18, 1970. Filed with Secretary of State September 18, 1970.]

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

SECTION 1. Notwithstanding any other provision of law, including Reorganization Plan No. 1 of 1970, the provisions of Reorganization Plan No. 1 of 1970 shall become operative on July 1, 1972.

SEC. 2. This act shall become operative only if Reorganization Plan No. 1 of 1970 becomes effective.

CHAPTER 1435

An act to amend Section 12080.2 of, to add Section 12080.5 to, and to repeal Sections 8523 and 12080.5 of, the Government Code, relating to executive reorganization.

[Approved by Governor September 18, 1970. Filed with Secretary of State September 18, 1970.]

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

SECTION 1. Section 8523 of the Government Code is repealed.

SEC. 2. Section 12080.2 of the Government Code is amended to read:

12080.2. Whenever the Governor finds that reorganization is in the public interest, he shall prepare one or more reorgani-



CALIFORNIA LEGISLATURE
AT SACRAMENTO
1970 REGULAR SESSION

ASSEMBLY FINAL HISTORY

SYNOPSIS OF
ASSEMBLY BILLS, CONSTITUTIONAL AMENDMENTS, CONCURRENT
AND JOINT RESOLUTIONS, AND HOUSE RESOLUTIONS

Assembly Convened January 5, 1970

Recessed March 20, 1970

Reconvened March 30, 1970

Recessed May 28, 1970

Reconvened June 3, 1970

Constitutional Recess August 21, 1970

Reconvened September 21, 1970

Adjourned Sine Die September 23, 1970

Legislative Days ----- 141
Calendar Days ----- 262

Last Day for Filing Referendum, November 22, 1970

All Bills Chaptered, Unless Otherwise Specifically Provided for in the Bill,
Become Effective November 23, 1970

HON. BOB MONAGAN
Speaker

HON. CHARLES J. CONRAD
Speaker pro Tempore

HON. W. CRAIG BIDDLE
Majority Floor Leader

HON. JOHN J. MILLER
Minority Floor Leader

Compiled Under the Direction of

JAMES D. DRISCOLL
Chief Clerk

GUNVOR ENGLE
History Clerk

1-A-2756



2045—Select Committee on Environmental Quality (Knox, Miliias, Wilson, Porter, Briggs, Duffy, Foran, Monagan, and Scharbarum).

An act to add Division 13 (commencing with Section 21000) to the Public Resources Code, relating to environmental quality.

April 2—Read first time. Referred to Com. on N.R. & CON.

April 8—To committee.

May 26—From committee chairman, with author's amendments: Amend, and re-refer to Com. on N.R. & CON. Read second time and amended.

May 27—Re-referred to Com. on N.R. & CON.

May 28—From committee: Do pass, and re-refer to Com. on W. & M. Re-referred to Com. on W. & M.

June 23—From committee chairman, with author's amendments: Amend, and re-refer to Com. on W. & M. Read second time and amended.

June 25—Re-referred to Com. on W. & M.

July 8—From committee: Amend, and do pass as amended.

July 9—Read second time and amended. Ordered returned to second reading file.

July 10—Read second time. To third reading.

July 15—Made special order for 10 a.m. Friday, July 17.

July 17—Read third time, passed, and to Senate.

July 27—In Senate. Read first time. To Com. on G.O.

Aug. 4—From committee chairman, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on G.O.

Aug. 14—From committee chairman, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on G.O.

Aug. 18—From committee: Do pass, and re-refer to Com. on FIN. Re-referred to Com. on FIN.

Aug. 20—From committee: Amend, and do pass as amended. Read second time, amended, and to third reading.

Aug. 21—Read third time, passed, and to Assembly.

Aug. 21—In Assembly. Senate amendments concurred in. To enrollment.

Sept. 8—Enrolled and to the Governor at 11 a.m.

Sept. 18—Signed by the Governor. Chapter 1433.

2046—Badham.

An act to amend Section 3542 of, and to add Section 1066.2 to, the Public Utilities Code, relating to highway carriers.

April 2—Read first time. Referred to Com. on C. & P.U.

April 8—To committee.

May 15—From committee chairman, with author's amendments: Amend, and re-refer to Com. on C. & P.U. Read second time and amended.

May 18—Re-referred to Com. on C. & P.U.

May 26—From committee chairman, with author's amendments: Amend, and re-refer to Com. on C. & P.U. Read second time and amended.

June 3—Re-referred to Com. on C. & P.U.

June 16—From committee: Do pass. To Consent Calendar.

June 17—Read second time. To Consent Calendar.

June 19—Read third time, passed, and to Senate.

June 23—In Senate. Read first time. To Com. on P.U.C.

July 8—From committee: Do pass. To Consent Calendar.

July 9—Read second time. To Consent Calendar.

July 13—Read third time, passed, and to Assembly.

July 13—In Assembly. To enrollment.

July 16—Enrolled and to the Governor at 10 a.m.

July 28—Signed by the Governor. Chapter 542.

2047—Powers.

An act to add Chapter 9.3 (commencing with Section 7175) to Division 3 of the Business and Professions Code, relating to construction control disbursement services.

April 2—Read first time. Referred to Com. on C. & P.U.

April 8—To committee.

July 17—From committee chairman, with author's amendments: Amend, and re-refer to Com. on C. & P.U. Read second time and amended.

July 20—Re-referred to Com. on C. & P.U.

Aug. 21—From committee without further action.



(BILL ANALYSIS)

ASSEMBLY COMMITTEE ONNATURAL RESOURCES AND CONSERVATIONMay 27, 1970SUMMARY:

Requires all state government units to make environmental impact reports on any program they intend to carry out before requesting or authorizing other than planning funds. Authorizes state agencies to expend funds appropriated to protect the environment from problems caused by their activities. Requires similar impact reports on federal projects on which the state officially comments. Requires state agencies to review present authority and procedures and recommend to the government by January, 1971, measures necessary to comply with the intent and policies of the act. Requires state agencies to require similar reports from local agencies on any land acquisition or construction projects on which the state allocates federal or state funds. Requires cities and counties with official conservation elements of general plan to make a finding on any program which may have significant effect on the environment is in accord with the conservation element. If a conservation plan has not been adopted, environmental impact reports would be required when the effect may be significant. All other local agencies shall submit such reports to the appropriate planning agency.

ANALYSIS:

The intent of this bill is to establish a system for identifying the environmental impact of governmental programs prior to development rather than after the fact. This should assist in preventing environmental crisis and result in a more orderly process and prevent unnecessary delays and costs.

SUPPORT/OPPOSITION: The intent of the bill is generally supported by conservationists and government. It is similar to the National Environmental Policy Act of 1969. There is no known opposition.

COST:

The costs are difficult to estimate but will be reflected as part of the ongoing planning costs of each proposed program. At the present time, environmental costs are usually not identified or charged to the project with the result that environmental damage is done, irreplaceable resources are lost and the general public must pay for environmental correction.

AR 2045 Knox
AB 2070 Wilson
AB 2199 Briggs
ACA 55 Milias

ENVIRONMENTAL BILL OF RIGHTS



ASSEMBLY SELECT COMMITTEE
ON ENVIRONMENTAL QUALITY

CALIFORNIA LEGISLATURE

MARCH 1975

4

AP-1
043



COMMISSIONERS
WILLIAM SYMONS, JR., PRESIDENT
A. L. GATOV
J. P. VERASIN, JR.
THOMAS HOBAN
VERNON L. FURGEON



ADDRESS ALL COMMUNICATIONS
TO THE COMMISSION
CALIFORNIA STATE BUILDING
SAN FRANCISCO, CALIF. 94103

Public Utilities Commission
STATE OF CALIFORNIA

FILE NO.

22 May 1970

Re: A.B. 2045

Honorable John T. Knox
The State Assembly
2114 State Capitol
Sacramento, California 95814

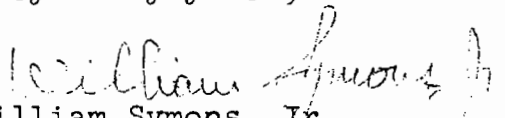
Dear Assemblyman Knox:

The Public Utilities Commission has reviewed your Assembly Bill No. 2045 which deals with improvement of the quality of the environment and has concluded that it should take a position in support thereof.

It appears that this measure will be helpful in directing the attention of all State agencies to the problems inherent in matters that affect the environment. Improvement in environmental controls will be beneficial to all citizens of this State and, therefore, the Commission adds its support to this measure.

Copies of this letter will be sent to the members of the Assembly Committee on Natural Resources and Conservation.

Very truly yours,


William Symons, Jr.
President

LEGISLATIVE INTENT SERVICE (800) 666-1917



A044

(BILL ANALYSIS)

ASSEMBLY COMMITTEE ONNATURAL RESOURCES AND CONSERVATIONMay 27, 1970SUMMARY:

Requires all state government units to make environmental impact reports on any program they intend to carry out before requesting or authorizing other than planning funds. Authorizes state agencies to expend funds appropriated to protect the environment from problems caused by their activities. Requires similar impact reports on federal projects on which the state officially comments. Requires state agencies to review present authority and procedures and recommend to the government by January, 1971, measures necessary to comply with the intent and policies of the act. Requires state agencies to require similar reports from local agencies on any land acquisition or construction projects on which the state allocates federal or state funds. Requires cities and counties with official conservation elements of general plan to make a finding on any program which may have significant effect on the environment is in accord with the conservation element. If a conservation plan has not been adopted, environmental impact reports would be required when the effect may be significant. All other local agencies shall submit such reports to the appropriate planning agency.

ANALYSIS:

The intent of this bill is to establish a system for identifying the environmental impact of governmental programs prior to development rather than after the fact. This should assist in preventing environmental crisis and result in a more orderly process and prevent unnecessary delays and costs.

SUPPORT/OPPOSITION: The intent of the bill is generally supported by conservationists and government. It is similar to the National Environmental Policy Act of 1969. There is no known opposition.

COST:

The costs are difficult to estimate but will be reflected as part of the ongoing planning costs of each proposed program. At the present time, environmental costs are usually not identified or charged to the project with the result that environmental damage is done, irreplaceable resources are lost and the general public must pay for environmental correction.

NOT FOR RELEASE BEFORE
9 A.M. - MARCH 18, 1970

ENVIRONMENTAL BILL OF RIGHTS

Assembly Select Committee on
Environmental Quality

California Legislature
Sacramento

March 16, 1970

LEGISLATIVE INTENT SERVICE (800) 666-1917



Assembly General Research Committee
Speaker Bob Monagan

ASSEMBLY SELECT COMMITTEE ON ENVIRONMENTAL QUALITY

Chairman

Assemblyman George W. Miliias (R-Gilroy), Chairman of the Assembly
Committee on Natural Resources

Members

Assemblyman John V. Briggs (R-Fullerton), Chairman of the Joint
Committee on Atomic Development and Space

Assemblyman Gordon W. Duffy (R-Hanford), Chairman of Assembly
Committee on Health and Welfare

Assemblyman John F. Foran (D-San Francisco), Chairman of Assembly
Committee on Transportation

Assemblyman William M. Ketchum (R-Paso Robles), Chairman of
Assembly Committee on Agriculture

Assemblyman John T. Knox (D-Richmond), Chairman of Assembly
Committee on Local Government

Assemblyman Carley V. Porter (D-Compton), Chairman of Assembly
Committee on Water

Assemblyman Peter F. Schabarum (R-Covina), Chairman of Assembly
Subcommittee on Air Pollution

Assemblyman Pete Wilson (R-San Diego), Chairman of Assembly
Committee on Urban Affairs and Housing

Staff

Robert L. Jones, Special Consultant

Lou Epperson, Secretary



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Environmental Bill of Rights
Environmental Quality Act of 1970

LEGISLATIVE INTENT SERVICE (800) 666-1917



BOB MONAGAN
SPEAKER

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California Legislature

Assembly General Research Committee

ASSEMBLY SELECT COMMITTEE ON
ENVIRONMENTAL QUALITY

ROOM 436, STATE CAPITOL
445-9098

March 16, 1970

Honorable Bob Monagan
Speaker of the Assembly
State Capitol
Sacramento, California

Dear Mr. Speaker:

In accordance with your direction, the Select Committee on Environmental Quality, appointed on January 7, 1970, has prepared an Environmental Bill of Rights and developed a plan of action for the Assembly which will safeguard the quality of the state's environment.

The report proposes the development of an orderly process to ensure that the future growth of California is conducted with environmental protection as a major consideration.

The report makes 34 major recommendations proposing Assembly action during the 1970 Legislative Session. The Select Committee will introduce a Bill of Rights Constitutional Amendment, an Environmental Quality Act and legislation to revamp the state planning function. Action on the other recommendations in this report should be taken as soon as possible by the appropriate policy committees.

Respectfully submitted,

GEORGE W. MILIAS
Chairman

GWM:le



FOREWORD

Growing concern about California's environment prompted appointment of the Assembly Select Committee on Environmental Quality. Because environmental problems relate to the interests of a number of Assembly permanent standing committees, the Speaker appointed as members of the Select Committee the chairmen of seven standing committees, the chairman of a joint committee and an Assembly subcommittee chairman. This membership provided the broad understanding and expertise needed to develop a comprehensive environmental program. Speaker Monagan, because of his interest in the committee's work, attended all committee meetings.

The staff work on this report represents a team effort. Committee consultants, Office of Research staff, along with representatives of the Legislative Analyst, the Legislative Counsel's Office and various department staff, worked closely with Bob Jones, the Special Consultant to this Committee, to develop this report.

Albert J. Lipson, Chief Consultant to the Assembly, provided valuable leadership and spent many hours assisting in the report preparation. Many members of the Assembly Office of Research helped on the report. Joan Gibson Reid performed an important editorial role; Frederick G. Styles drafted the section of the report on state planning. Stephen H. Holloway assisted in the preparation of the financial section. All of them made other significant contributions to this report. The Office of Research clerical staff and the Assembly duplicating unit performed admirably in



meeting many short deadlines.

The staff consultants to the committee members provided valuable advice on numerous occasions. Thomas Willoughby, consultant to the Assembly Committee on Local Government, drafted the regional planning section of the report. Consultants to the Assembly Committee on Ways and Means assisted. Assemblyman William T. Bagley, chairman of the Assembly Committee on Revenue and Taxation, and David Doerr, the committee coordinator spent considerable time helping on revenue and taxation matters.

A. Alan Post, the Legislative Analyst, Donald W. Benedict and other members of the Analyst's staff gave helpful guidance. George Murphy, Legislative Counsel, Ray Whitaker, Principal Deputy Counsel, Jan S. Stevens, Deputy Attorney General and staff members of the California Constitution Revision Commission provided important legal advice.

James D. Stokes, on loan from the Department of Fish and Game's Planning Unit, helped organize the report and prepared material for it.

The committee, operating under a short deadline, to develop a comprehensive environmental quality program thanks all contributors for their assistance.

The committee endorses the report and recommends action by the Assembly during the 1970 Session on the many report recommendations.



CONCLUSIONS AND RECOMMENDATIONS

This report was prepared by the Assembly Select Committee on Environmental Quality in response to the charge of Speaker Bob Monagan. Based on the committee's assessment of major environmental problems confronting California, 34 recommendations, covering a wide range of state actions, are presented. Certain conclusions, however, emerged from the Committee's study which are fundamental to the state's efforts to preserve and enhance the quality of the California environment. These conclusions are:

1. California citizens have a right to expect that actions of government and private individuals will not impair their health, welfare or their enjoyment of the state's natural amenities. These rights should be ensured by constitutional guarantees in the form of an Environmental Bill of Rights. The rights should be further ensured by a clear declaration of environmental policy by the California Legislature.
2. The continued quality of the California environment is clearly dependent on the state's taking a positive role in influencing population growth and distribution, land use patterns and the control of environmental degradation. To provide the Governor and the Legislature with the information necessary to make these decisions, the state planning process should be revised. The operation of a continuous environmental monitoring system should also be made a part of the state planning process.
3. Correcting current problems and ensuring the continued



quality of the California environment will require a greatly expanded public investment. Further, it calls for new attitudes regarding limitations on individual action and on levels of public services and facilities. Immediate action should be taken to establish a large and continuing source of money to be placed in an environmental fund for state environmental programs. Studies should be instituted to investigate alternative tax policies which will have a positive environmental influence on the future development of the state.

4. The cities and counties lack jurisdictional authority and legal responsibility for dealing with many critical environmental problems. The state should take action leading to the formation of regional planning agencies and the preparation of regional environmental protection and enhancement plans.
5. Unrestrained use of the automobile threatens to affect both the health of millions of California's citizens and the natural resources of the state. The State Constitution should be amended to permit the revenue derived from highway user taxes to be used to support alternative modes of travel and to combat pollution caused by the automobile.
6. Research should be undertaken immediately to determine if current air pollution controls will be effective in preventing a critical threat to public health in the future. Such research should forecast the pollution level posed



by continued population growth, urban concentration, and dependence on the automobile as the principal mode of transport.

7. The coastal zone of California contains irreplaceable resources of state and national significance. Immediate action should be taken to identify and protect these resources. Pending the preparation of a statewide coastal area plan, control should be exercised over public and private developments which may adversely affect the unique environmental values of the coastal zone.
8. Federal and state agencies should show leadership in environmental protection. A number of state and federal agencies are not considering the consequences of their actions on the environment. In some instances, public agencies are actually in violation of established state water quality standards. Immediate action should be taken to ensure compliance by public agencies with statewide environmental quality objectives and standards.

Following is a summary of the recommendations contained in this report. They propose a comprehensive approach for dealing with critical, immediate and long-range environmental problems.

Environmental Bill of Rights

We recommend that the 1970 Legislature adopt an Environmental Bill of Rights as a constitutional amendment to be placed on the November ballot. (See Appendix A for text of the amendment.)

The Bill of Rights would:

1. Declare it to be the policy of the State of California



to develop and maintain a quality environment in order to assure for the people of the state, now and in the future, clean air, pure water, freedom from excessive noise, and enjoyment of scenic, historic, natural and esthetic values.

2. Authorize the Legislature to take all actions necessary to carry out this policy.

Environmental Quality Act of 1970

We recommend that the Legislature adopt the Environmental Quality Act of 1970 requiring all state and local agencies to consider the impact of their activities on the environment.

(See Appendix B for text of the act.) The act would declare legislative intent and establish implementation procedures to carry out the proposed constitutional goals.

1. The act would provide that all state agencies:
 - a. Make environmental impact reports on any programs they propose which could have a significant effect on the environment, prior to requesting any funds other than planning funds;
 - b. Make environmental impact reports on any federal project prior to transmitting official comments to the federal government;
 - c. Expend funds to protect the environment from problems caused by their activities;
 - d. Review their statutory authority and recommend to the Legislature by January, 1971, changes necessary to assure full compliance of these



statutes with legislative environmental policies.

2. The act would provide that local agencies:
 - a. Make environmental impact reports on programs which could have a significant effect on the environment, prior to receiving any funds other than planning funds from state agencies which allocate state or federal money.
 - b. Make environmental impact studies and consider alternative methods on any program they carry out which may have a significant effect on the environment.

Planning and Policy Development -- State, Regional, Local

This report concludes that the solution to long-range environmental problems requires the development of an improved planning process at the state, regional and local level of government. This planning process should include consideration of the environment in the decision making in order to prevent degradation and enhance environmental quality. To achieve this objective we recommend the following actions be taken at the 1970 session.

1. The State Office of Planning should be abolished and replaced by a State Policy Development Office with clearly defined powers and duties. Funds for the new Office should be appropriated in the 1970-71 Budget.
 - a. The proposed State Policy Development Office should function as an independent staff unit reporting directly to the Governor.
 - b. With the assistance of other appropriate agencies



the State Policy Development Office should develop an integrated environmental monitoring system which would highlight emerging environmental problems.

- c. A major product of the proposed State Policy Development Office should be a biennial report which the Governor would review, approve and forward to the Legislature as his "State of the California Environment" program. The first report should be presented to the Legislature at the 1971 session.
- d. The proposed State Policy Development Office should conduct continuing oversight of environmental policy. Such oversight should include:
 - (1) review of proposed state plans, programs and expenditures to assure their compliance with the Environmental Quality Act of 1970; and (2) establishment of criteria for federal grants designated for environmental purposes and coordination of the allocation of these grant funds to state and local agencies.
- e. The proposed State Policy Development Office should give priority to the development of statewide land use policy as a framework for state functional plans, such as water development and transportation, and as a guide to federal, regional and local plans and programs. Studies should be undertaken immediately to develop a statewide program for protecting unique



land resources. The program should be presented to the Legislature in 1972.

- f. The Secretaries of the Resources, Transportation, and Agriculture and Services Agencies should be charged with ensuring that long-range plans are prepared for the functions over which they have responsibility. The plans should be formally transmitted by the Governor to the Legislature no later than July 1, 1973.
 - g. The proposed State Policy Development Office should assist in the preparation of regional plans and coordinate the participation of state agencies in regional planning efforts. The Office should also be directed to review completed regional plans to determine their impact on statewide resources and environmental goals and policies.
2. Regional planning agencies should be required to be operational by January 1, 1971. Interim regional plans should be mandatory for each state designated region by July 1, 1972. Each regional plan should be required to include the following elements: environmental quality, open space, transportation and natural resources.
 3. The State Planning Act should be amended to require the inclusion of a "conservation element" as a mandatory part of the city and county general plan.
 4. The Committee recommends that the Assembly Committee on Local Government be assigned the task of developing



legislation to implement recommendations 2 and 3 above.

Implementation and Oversight

To achieve environmental objectives will require specific program implementation and appropriate legislative assessment and oversight. We, therefore, recommend the following actions be taken at the 1970 session:

1. The Assembly should adopt a resolution establishing every two years, or as needed, an Environmental Policy Subcommittee of the General Research Committee. This subcommittee would conduct an evaluation of environmental goals and policies and their implementation.
2. The Legislature, after study by the Assembly Science and Technology Advisory Council, should develop a state policy that will establish population growth and density criteria consistent with environmental quality.
3. A constitutional amendment should be adopted allowing the use of gas tax monies for:
 - a. A balanced statewide transportation system including rapid transit;
 - b. Air pollution control; and
 - c. Prevention and mitigation of environmental damage caused by highways.
4. The Speaker should designate the appropriate Assembly committee to work with state agencies in studying community noise problems and recommend statewide standards and control of excessive noise.



5. The Speaker should designate an appropriate Assembly committee to define the state's role in solid waste management. The State Water Resources Control Board should be given statewide responsibility for solid waste management. The Department of Public Health should make public health recommendations to the Board.
6. The Conservation Education Service in the Department of Education should be adequately funded. Other environmental education recommendations made by the Advisory Committee on Environmental Education should be carried out. The need for improved education and research in the field of environmental health should be investigated by the appropriate legislative committee.
7. The membership of state boards and commissions having significant environmental responsibilities should be broadened to include public members with technical ability and interest in environmental quality.
8. The State Lands Commission, working with the Joint Committee on Public Domain, should:
 - a. Identify state lands of environmental quality and prohibit any further sale, lease or grant of these lands.
 - b. Require submission of a development plan by local agencies as a condition of future grants and secure review by appropriate state agencies prior to grant approval.



- c. Determine exact boundaries of state lands of environmental quality.
- d. On lands already granted, identify existing quality resources and arrange for returning them to the state or providing for a joint state-local jurisdictional or financial arrangement.

Funds should be appropriated to the State Lands Commission to carry out these responsibilities.

- 9. Congress should be memorialized to extend the 1920 Federal Mineral Act to the outer continental shelf lands. This extension would result in joint federal-state planning and management of these areas and a federal-state sharing of revenues from resources extraction. The revenue could provide an important additional source of funds for state and local environmental quality programs.
- 10. The Assembly Committee on Judiciary should consider and make recommendations for the subject of environmental "class action" suits and other legal issues related to the protection of the environment.
- 11. The Speaker should designate an appropriate Assembly Committee to develop legislation, including funding, to authorize demonstration areas in which test programs could be created to establish additional standards for improving environmental quality.
- 12. The Assembly Committee on Local Government should study the statutory authority of county, city government and



special districts and make recommendations for statutory changes to assure compliance with legislative goals for a quality environment.

Environmental Priorities

In addition to identifying policy and establishing a system for coordinated implementation, there are actions which must be taken immediately to prevent further serious environmental degradation. These priority actions are based on the following criteria: (1) danger to health; and (2) irreversible environmental damage. In addition, state and federal government should point the way and take action to solve problems on lands under their jurisdiction and in their own programs. We recommend, therefore, the following actions be taken at the 1970 session:

1. The Committee requests that the State Air Resources Board, in cooperation with the Department of Public Health, conduct an investigation to determine whether air pollution, in the light of current and projected controls, will cause mortality, morbidity, an increase in emphysema and other respiratory diseases or similar health problems requiring emergency state and local government action. A report should be submitted to the Assembly Committee on Health and Welfare and the Assembly Committee on Transportation by June, 1970.
2. Legislation should be adopted establishing a coastal authority to prepare a comprehensive plan and action program to protect the unique resources of the coastal zone. The authority should be given temporary development control powers similar to those of the



San Francisco Bay Conservation and Development
Commission.

3. An immediate moratorium should be declared by the State Lands Commission and the Legislature on leases, grants, or sales of state lands, the proposed use of which might be detrimental to environmental quality. The moratorium should remain in effect until the adoption of the policies recommended earlier incorporating greater environmental considerations.
4. The following state installations should be requested to stop polluting the water by their violation of State Water Resources Control Board water quality standards:

Atascadero State Hospital
California Institution for Men, Chino
California Institution for Women, Frontera
Deuel Vocational Institution
Folsom Prison Cannery
Porterville State Hospital
San Quentin Prison
Correctional Training Facility, Soledad
University of California, Davis

5. The appropriate state officials should be required to prepare and submit to the Legislature an environmental impact report on certain state programs now causing public concern. Immediate reports should be required on the following projects:



Upper Newport Bay land exchange

Peripheral canal

Freeway over Goleta Slough in Santa Barbara

Tijuana River estuary development

6. The President should be memorialized to provide permanent protection for unique resources on federal installations. Public access to beaches on military installations should also be provided.
7. The President should be memorialized to direct federal officials to cease pollution of state waters. The following installations are presently violating the State Water Resources Control Board standards:

Fort Ord	U.S. Navy, Alameda Naval Air Station
Hunters Point Shipyard	U.S. Navy, Concord Naval Weapons Station
Klamath Air Force Base, Requa	U.S. Navy, Construction Battalion Center, Port Hueneme
Lemoore Naval Air Station	U.S. Navy, North Island Naval Air Station
Los Alamitos Naval Air Station	U.S. Navy, Mare Island
McClellan Air Force Base	U.S. Navy, Point Molate
Mill Valley Air Force Base	U.S. Navy, Salton Sea Test Base
Naval vessel waste in general including oil spills	U.S. Navy, San Clemente Island
Oakland Army Base	U.S. Navy, San Nicholas Island
Quechan Indian Reservation	U.S. Navy, Skaggs Island
U.S. Army, Fort MacArthur	U.S. Navy, Yerba Buena Island
U.S. Marine Corps Air Station El Toro	Vandenberg Air Force Base
U.S. Naval Ordinance Laboratory, Corona	
U.S. Naval Station and Shipyard Long Beach	

8. The President should be memorialized to direct the newly-created Council on Environmental Quality to prepare and submit the environmental quality impact reports required by the National Environmental Quality Act of 1969. Reports should be prepared on the following projects:



Federal oil leases in the Santa Barbara Channel
Channelization of the lower Colorado River
Dos Rios Project

Financing State Environmental Programs

We recommend that:

1. The state finance a \$300 million 5-year program to accelerate construction of waste water treatment facilities for correcting gross local water pollution.
2. The state finance \$5 million for solid waste research and development over the next two to three years. Additional state assistance would be based on a determination by the Legislature of the state's future role in solid waste management.
3. The state provide \$15 million over the next 5 years for air monitoring and research and development.
4. The Assembly Committee on Transportation study the issues of state motor vehicle emissions inspection, cost sharing for used car smog devices, and state assistance for local and regional control districts.
5. The state finance a \$250 million 5-year program to start acquiring additional key undeveloped beaches. Additional state assistance for open space lands would be based on a determination by the Legislature of the state's future role in open space, the role of regional and local government, and the methods to be used for protection of open space.
6. The Legislature establish an Environmental Fund as a



source of continuous funding for critically needed environmental control programs. The Legislature should earmark at least \$100 million per year during the next two years for the Environmental Fund and increased amounts during succeeding years based upon policy decisions identified in this report.

7. Legislation be enacted to take effect when the voters approve the Environmental Bill of Rights, levying an excise tax on automobiles as the federal tax is eliminated and increasing temporarily the cigarette tax to pay for the environmental correction and protection costs. The excise and cigarette tax should be designed to raise \$100 million annually for the next two years. Revenue from these sources should be placed in a special environmental quality fund.
8. The Assembly Committee on Revenue and Taxation, with assistance from the appropriate state agencies, undertake a comprehensive study of alternative tax policies which would provide continuing revenue to pay environmental correction and protection costs and have an impact on pollution control, land use, and resource consumption consistent with a quality environment.



PREFACE

The growing concern of California's citizens and its leaders over the degradation of our environment prompted the appointment by Assembly Speaker Monagan on January 7, 1970 of an Assembly Select Committee on Environmental Quality. The Speaker's concern over the environment was voiced in a recent address to the Commonwealth Club in which he said, "We have come to recognize that our atmosphere is not infinite. We can run short of clean air, just as we can -- and are -- running short of clean water, green forests, and open space."

The charge given by the Speaker to the Select Committee was to propose an Environmental Bill of Rights and legislative actions to protect California's environment. This report, developed to meet the assignment, is the first major effort undertaken to develop a comprehensive environmental quality program.

The report lists the major reasons for environmental degradation, identifies the key policy issues and lays out an orderly process for assessing man's future activities in order to assure environmental protection and prevent environmental crises.

Many of the report recommendations can be acted upon immediately; others will require further study prior to action during the 1970 session. A few of the recommendations will need considerable study and legislative committee consideration extending beyond the 1970 session.

The report can be considered as the foundation for a long-range environmental plan to guide the California Assembly in its evaluation, policy development, oversight and control to assure

a quality environment for California. It identifies specific policy issues which should be decided over the next several years to provide environmental quality control in California. The report does not identify or propose answers to all of our specific environmental problems. Many of these are already under study by various governmental units. We have in this report, however, taken a major first step: we have for the first time proposed a systematic approach for identifying these critical problems.

In another context, this report is just a beginning toward achieving environmental quality. We have much to learn in considering the impact of our future activities on the environment. New techniques, methods and controls must be developed to ensure that man's use of California's resources will be carried out with sensitivity and understanding.

INTRODUCTION

Such concern for the environment is not new among those who work with living resources or whose products are valued for their beauty. The biologist, the naturalist and the architect, however, have now been joined by others. Many persons are convinced that, unless we solve current environmental problems, ward off threatened ones and plan for a future quality environment, there will be no antidote for the toxins, no cures for the diseases, no place to seek a better environment and no place to hide from the existing one.

Man's environment is his total surroundings, the physical, biological, and cultural factors, both natural and man-made, which affect his health, senses and intellect. The major physical factors of the environment which must be considered are the land, water, air, climates, sound, odors, tastes and man-made structures. The biological factors of the environment are the animals and plants, both wild and domestic, native and introduced. Man himself is part



of the biological environment. Cultural environmental factors are the characteristic features of a given stage of civilization, the architectural styles, human activities and the available services and amenities.

The quality of California's early natural environment cannot be questioned. In the beginning were salubrious climates, natural beauty and varied plant and animal life. Colonization by Spain in the mid-1700's marked the beginning of human impact on the state's environment. Statehood and the discovery of gold triggered population growth and development. Man's development of California improved the environment as well as damaged it. To a large degree, however, his impact on California was not planned. The changes, both good and bad, resulted from the pursuit of other goals. Significant was the pioneer ethic to subjugate nature rather than adjust to it. For the majority the goal was personal economic gain.

The recent concern over the state's threatened environment is largely due to a rapidly increasing population. Vast changes have been made in the lands and waters to accommodate growth.

In the past we were able to identify the individual corporation or government agency responsible for despoilation. Recently, however, as the perils have increased, the target of our wrath has become diffused and complex. Who is responsible when Ponderosa Pine in Southern California die from smog from Los Angeles, 80 miles away? Who caused the concentrations of lead and pesticides found in ocean fish?

As our understanding of the ecological effects of our



actions has improved, we find we all are responsible -- as government officials solving public problems, as developers and producers of goods and services and as citizens who consume the goods and use the services.

Most vexing to the individual is his inability to cope with the environmental problems. He knows his car is part of the smog problem, but he has no alternate means of transportation. He sees his contribution to the solid waste loads, but all his supplies come in little, nondegradable packages. Nowhere is concern greater than among the young, and no wonder, for it is in their lives that the direst forecasts fall due. There is a great cry for leadership behind which citizens can rally.

President Nixon has said, "The 1970's absolutely must be the years when America pays its debt to the past by reclaiming the purity of its air, its waters and our living environment. It is literally now or never."

Although current problems are great and serious damage has been done, California still has a quality environment which must be protected. We have the ability to enhance this environment and should do so. We must emphasize the activities that improve the healthfulness and beauty of our surroundings rather than the material products of our technology that, like the Roman circus, make us temporarily forget the deeper problems.

PROBLEMS OF THE ENVIRONMENT

Population increase and economic development in California cannot continue without consideration of the environmental impact of man's activities. What is good must be protected, what is bad



must be prevented or corrected. The problem is how to plan and implement programs to preserve and enhance the quality environment, rescue the degraded environment, and protect areas that are threatened.

Not all environmental problems are known. Often where the problems have been identified, neither the cause nor a feasible solution is known. In addition, there are interrelationships between problems that are unidentified; the solution to one problem may cause or intensify another.

The need to counter the impact of a degraded environment is important. The prime need, however, is to prevent environmental problems. It is far better, for example, to control the source of air pollution than to develop more facilities for treating respiratory diseases. Significant expenditure of public resources will be required to reclaim degraded environments. Significant resources will also have to be expended by industry and consumers to correct immediate and prevent future environmental problems. This expenditure can only occur if the public is willing to support a basic reorientation of goals which will require us, individually and collectively, to consider in advance the environmental impact of our proposed actions.

Specific Problems

Among the many environmental problems in California, air pollution ranks as one of the most serious. It exists in much of the state, especially in the heavily populated areas, and is increasing both in area and intensity.

Air pollution injures man's possessions, interferes with



his activities, offends his senses and degrades his environment. The most serious impact of air pollution is on man's health. It is known to be the cause of respiratory diseases and eye irritation.

Water pollution has been under attack in California for more than four decades. During this time the problems and threats have accelerated. Pollution from domestic sewage, agricultural fertilizers, pesticides and industrial wastes have degraded many waters. Since water is neither created nor destroyed, we must protect our quality waters and reclaim that water which has become polluted.

Noise can destroy man's enjoyment of an otherwise satisfying environment. When complaints reach politically significant levels, noise producing activities are moved to less populated areas. The result is a creeping growth of areas filled with undesirable noise.

Large quantities of solid waste degrade the environment by causing health problems, being unsightly and occupying space. An estimated 80 million tons of solid waste is produced annually in California. Its disposal, however, can also cause air or water pollution. Better methods of disposal must be developed and attacks must be made on the source of the problem as well.

Consideration of the problems of waste management illustrates the interrelationship of environmental problems. If waste products are burned, air pollution results. If severe controls are placed on burning, then serious water quality and solid waste disposal problems may result. The solution is to devise control



measures which result in the least environmental degradation with consideration given to land use and water quality as well as air quality.

Lands, waters and open space in urban areas are being used for activities which are not dependent on the special qualities of these resources. Wetlands have been drained so that waterfowl and water associated mammals are decimated. Bays and estuaries, never plentiful along California's coast, are now being filled, polluted, dredged and rearranged.

Man's use of California land is wasteful. Prime agricultural land is studded with houses, open space is lost in cities, soils erode and hills are reshaped and even removed. Most of this damage is directly related to unplanned population growth. The use of the land must be planned with protection and enhancement of the environment a main objective.

The use of water is a good illustration of the interrelationship of environmental problems. Much of our agriculture, our lawns and gardens, our city parks and golf courses depend on the availability of irrigation water during the long, dry periods of our Mediterranean climate.

These benefits have not occurred without environmental changes, however, many of which are only now being recognized.

Storage reservoirs inundated key winter deer ranges; diversions reduced natural flows; siltation degraded spawning beds; and high water temperatures repulsed, and at times killed, salmon and steelhead trout.

This discussion has dealt with only some of the environmental



problems. State government must develop a continuous process of identification and evaluation of all environmental problems.

MAJOR REASONS FOR ENVIRONMENTAL PROBLEMS

This section of the report highlights the major reasons for California's environmental crisis. We must agree on the causes of this crisis before we can take the required actions.

Lack of Environmental Goals

California has no overall objectives toward which government and its citizens can work. The management and development of California by government, corporations and private citizens is the sum of unplanned, uncoordinated and often cross-purpose pursuits. Each group seeks its own objectives, often with no regard for the consequences of its actions. This lack of goals and objectives has resulted in fragmented control measures which do not solve environmental problems.

Goals which would provide a quality California environment can serve as the basis for determining how society can protect the environment. The elected and citizen leaders can then obtain public consensus on attainment of these goals.

Improper Use and Application of Technology in California

The complexity of modern society has resulted in overspecialization and a concomitant loss in our ability to understand the interrelationships between fields of knowledge. Thus, we have applied our specialized knowledge to achieve practical goals with little consideration of environmental problems.

In the private sector, competition requires firms to spend large sums on research and development. In 1969, \$19.2 billion



was spent by industrial firms on research and development. Moreover, rapid technological advance increases the expected rate of obsolescence. Therefore, even higher rates of return are required in order to take into account this shorter obsolescence period. For example, if we develop the ability to take oil from the ocean floor, we carry out the project as soon as possible before even newer developments antique our methods. The rapid application of this knowledge, however, means that environmental ramifications will be considered only after the oil is extracted, if at all.

The public sector shows a similar inattention to the environmental effects of applied technology. Because government has the knowledge and ability to build dams, bridges and roads, it builds them, imposing short-run solutions irrespective of long-run environmental costs. Highway engineers may design roads with the prime objective of efficiency in moving goods and people, but with little or no consideration of land use, population distribution and other environmental factors.

By concentrating scarce scientific resources in defense-related fields, government fails to encourage environmental protection. The federal government supplies more than one-half of all industrial research and development funds, but five-sixths of this money goes to only two industries: 1) aircraft and missiles; and 2) electronic equipment and communications. Most effort is expended to increase a technological capability rather than to determine the environmental effects of its application.

As technology advances, our environment should improve



rather than deteriorate; the opposite has occurred.

Population Growth and Distribution

The ability to reproduce has been the key to the survival of every species; it may prove the opposite for man.

The population of California has doubled since 1950 and now stands past 20 million. By 1989, if the present trend continues, there will be five people living in the same space that is now occupied by three people.

The population increase is not the result of natural population growth alone. Each year immigration and births swell California's population by 200,000. Each day the state loses approximately 170 acres of farmlands for houses, schools, roads, factories and public facilities. Instead of controlling population, we accommodate it by building more productive facilities.

Our environment is threatened not only by population growth, but also by the distribution of population. Californians regard "BosWash," the megalopolis on the Eastern seaboard, as an East Coast phenomenon. Unfortunately, a "slurb" stretching from San Francisco to San Diego is not far in the future. This concentration of people multiplies the problems of our major metropolitan centers. As an example, solid waste disposal was not regarded as a major problem a few years ago, but today we hear of cities planning to ship garbage by railroad to open spaces hundreds of miles away.

We are approaching the point of diminishing returns not because we cannot produce enough, but because what and how we



produce is creating an environment unable to support human life. To improve the quality of our environment, we must exert greater influence over population growth and distribution.

Philosophy That All Growth is Good

Economic growth has always been regarded as a major criterion of our economy's performance. Growth implies that our economy is well functioning and providing an ever greater benefit to society. By 1971, our gross national product (GNP), the total market value of all goods and services produced in a year, will be more than one trillion dollars. California's total output is greater than \$100 billion, an output surpassed by only six countries in the world. Does this growth in affluence mean we are better off than before? Not necessarily. Economic growth means that the goods and services produced for the market have increased, but it tells us nothing of the composition or quality of this output. More importantly, with respect to the environment, economic growth does not reflect the increase in those products which are not sold, such as smog and pollution. Paradoxically, if smog increases and, thus, the number of anti-smog devices sold increases, growth appears to have occurred. Clearly, we are not better off because of this spurious growth concept.

Many returns to investments appear profitable. When industry moves into a new area, the transportation, power, water and communications expand. This income and employment increase prompts even more local growth. A single occurrence ordinarily would not cause irreparable harm, but when unplanned growth occurs at the rate it does in California, irreversible damage to the environment



is the result. Streams are despoiled, air is polluted, and the land contaminated. Such growth provides only short-run economic gain and results in short-run economic loss as well. In 1969, smog caused a \$250 million loss to California agriculture. Thus, growth which ruins the environment also results in losses to seemingly unrelated sectors in the economy. Now the public is faced with paying the cost of correcting serious environmental problems caused by the activities of both government and private business. In many cases the original agencies or firms who caused the problem are no longer identifiable, available or legally responsible.

Government -- Functionalization and Organization

To provide public services to its citizens, California has a state government, 58 county units, over 300 cities and approximately 4,000 special purpose districts. In addition, the federal government manages approximately half of the land area of the state, directly carries out major public works activities and infuses an estimated \$6 billion annually in grants and loans. Coordinating and integrating these governmental levels in order to develop a unified approach to public policy is a monumental task. Government at each level has been organized into functional units, each with its own objectives, which act on the environment only in pursuit of these objectives.

The water and highway development programs conducted by the major public works bureaucracies often demonstrate the environmental consequences of this functionalism.

No level of government has been charged with dealing



comprehensively with environmental questions. The political forces representing special interests in environmental matters have been stronger collectively than the forces concerned with its quality.

The jurisdictional boundaries of government also present serious challenges in dealing with environmental problems. Recent studies by the Legislature and others have demonstrated that both the causes and solutions to most environmental problems are beyond the capacity or jurisdiction of any single local governmental unit. Actions taken within one governmental unit can have a serious environmental impact upon citizens in other areas. Studies of San Francisco Bay filling, water quality in the San Joaquin, Sacramento and San Francisco areas and pollution problems at Lake Tahoe have established that at least an area-wide approach must be taken to most environmental issues.

Lack of Legal and Judicial Precedent

Since man's main concern from the beginning of California's development has been the exploitation of resources to develop the economy, the bulk of the law and the weight of judicial precedent has tended to favor special interests.

California has developed laws, regulations and administrative means to apply the conservation philosophy of wise use to our natural resources, such as fisheries, timber, water and minerals. Because of our functional, special purpose approach, however, only the most direct damaging of resources is controlled by statutes or regulations. The indirect consequences are seldom identified.

The development of goals and statutes to maintain environmental



quality will provide the necessary legal and judicial foundation.

Failure to Understand the Impact of Our Activities
On the Environment

Man no longer enjoys the margin of error that space, time and relative lack of power once provided for his ecological miscalculations. These mistakes may be cumulative -- and irreversible.

Further, man's ability to create adverse effects, even as he seeks to enhance the good life, may be greater than his ability to perceive, prevent and control these effects. The breakdown of one small element may illuminate the vulnerability of the entire environmental and technological system.

We must spend more of our research and development funds on finding out how we are changing our environment. A greater burden of proof must be placed on the corporation or governmental unit which intends to apply new technology so that the impact on the environment of new techniques and processes can be evaluated in advance. If the impact may have significant negative effects, then the implementation of new technology should be slowed until the environmental hazards are eliminated.

We must apply fully the knowledge we now have. Our ignorance is not half as vast as our failure to use what we now know.



ENVIRONMENTAL POLICY

California's environmental problems and the reasons for the state's environmental decline demonstrate the need for action based on constitutional goals and legislative policies. Without these goals and policies, our actions have resulted in fragmented efforts with little understanding of the consequences.

We must develop an orderly process that prevents environmental damage, better identifies the true costs and consequences of our public and private actions, and prevents over-commitment of our limited resources.

To develop this process we need constitutional goals and policies which establish legislative intent and the means to attain these goals. Implementation of these policies will require improving the planning process at all levels of government. In addition, organizational capability, evaluation and control must be improved. If legislative policies are implemented efficiently, all those whose activities influence California's environment will know what is expected of them and we will learn if they fulfilled their responsibilities.

This report does not provide answers to, or identify, all of the policy questions related to California's future growth, but it does propose ways of improving our ability to deal with these questions particularly in reference to environmental protection. For example, greater attention must be given to waste water reclamation if any free-flowing rivers are to remain in California. Our future power developments must be based on more than power needs alone. A new land ethic will be required providing that in using



his land a citizen has trustee responsibilities not now considered. The resolution of these kinds of issues are dependent upon government leadership, greater public involvement and consideration of long-term consequences.

The application and use of a process which identifies the environmental impact of our future actions will minimize future damage. We will be able to identify and charge the total cost of any action to its beneficiary, and prevent long-term resource losses which can never be recovered for the benefit of man.

ENVIRONMENTAL BILL OF RIGHTS

A constitutional amendment (see Appendix A) is proposed to provide California citizens with a Bill of Rights establishing a goal of a quality environment. The amendment will give the voters an opportunity to indicate their views regarding the environment and will provide a sense of direction and purpose for California's leaders.

This Bill of Rights would declare it to be the policy of the State of California to develop and maintain a quality environment in order to assure for the people of the state, now and in the future, clean air, pure water, freedom from excessive noise, and enjoyment of scenic, historic, natural, and esthetic values.

The Bill of Rights would also direct the Legislature to attain these goals by enacting appropriate legislation.

The placing of the Bill of Rights in the Constitution will ensure that legislative enactments to protect the environment will apply to all governmental agencies in California including charter cities, the Public Utilities Commission, the University of California and all other agencies now exempt from full legislative control under existing constitutional provisions. In addition, a constitutional



amendment will minimize potential litigation and expedite attainment of the goals.

The constitutional provision on the environment and subsequent legislative enactments will demonstrate the responsiveness and intent of the legislative branch to fulfill the needs of California's citizens.

The 1970 Legislature should adopt the proposed Environmental Bill of Rights as a constitutional amendment to be placed on the November 1970 ballot.

ENVIRONMENTAL QUALITY ACT OF 1970

A legislative enactment is needed to establish the intent of the Legislature to maintain a quality environment and to provide the statutory actions required to carry out this intent at every level of California government.

The proposed Environmental Quality Act of 1970 (see Appendix B) recognizes the need to provide an environment that at all times is healthful and pleasing to the senses and intellect of man and recognizes the need to better understand the relationship of man to his surroundings. The act recognizes that the capacity of the environment is limited and that every citizen has responsibilities to protect environmental quality.

The proposed legislative policy identifies the need to protect, rehabilitate and enhance the environment and recognizes some of the key attributes of good environmental quality. Government agencies are charged with developing improved methods to assure long-term environmental protection.

1. The act requires that all state agencies:



- a. Make environmental impact reports on any programs they propose which could have a significant effect on the environment, prior to requesting any funds other than planning funds;
 - b. Make environmental impact reports on any federal project prior to transmitting official comments to the federal government;
 - c. Expend funds to protect the environment from problems caused by the agencies' activities;
 - d. Review their statutory authority and recommend to the Legislature by January 1971, changes necessary to assure full compliance of these statutes with legislative environmental policies.
2. The act would provide that local agencies:
- a. Make environmental impact reports on programs which could have a significant effect on the environment, prior to receiving any funds other than planning funds from state agencies which allocate state or federal money.
 - b. Make environmental impact studies and consider alternative methods on any program they carry out which may have a significant effect on the environment.

It should be recognized that the preparation of environmental impact reports by all levels of California government will not automatically prevent all environmental degradation. The impact reports, however, will provide the initial steps for applying an orderly process to the consideration of the relationship of man's



activities to the environment. Almost every activity has some environmental impact -- and despite our advanced technology we do not fully understand the real significance of the many actions we undertake. Our challenge, therefore, is to improve our ability to perceive and prevent those mistakes that may be cumulative and irreversible.

The proposed Environmental Quality Act recognizes fully the need to develop standards and procedures and the need for consideration of qualitative and long-term costs and benefits as well as economic and short-term considerations. Government is charged with developing such environmental standards and procedures.

The report recommends future action by both the executive and legislative branch to evaluate our progress and develop and recommend additional legislative policy based upon our experiences. The proposed Environmental Quality Act can be the basis for preventing ecological disasters while we improve our ability to create and maintain conditions under which man and nature can exist in productive harmony.

The Legislature should adopt the Environmental Quality Act of 1970.

PLANNING AND POLICY DEVELOPMENT
STATE, REGIONAL, LOCAL

The planning process at all levels of government must be improved to give greater consideration to environmental questions. Concern for the environment must be incorporated into the regular planning process, not evoked as a result of damage done. This section of the report explores the shortcomings of the existing state planning process and recommends needed changes. The section contains



recommendations on regional and local planning. Specific environmental planning activities that should begin immediately are also identified.

State Planning

The solution to long-range environmental problems requires an orderly and sustained planning process at the state, regional and local levels of government. The state planning function must be strengthened, particularly in relation to an expanded state environmental quality effort. Other aspects of the state's growth and development, however, such as economic development and urban problems, also need to be considered in any formal reorganization of the state planning function.

The California Government Code assigns to the State Office of Planning certain planning and coordination functions. The Office has been unsuccessful in carrying out the intent of the Legislature. Serious consideration has not been given to its findings and recommendations by the executive or legislative branches. The State Development Plan, the culmination of almost ten years of planning effort and considerable expenditure of federal and state funds, has yet to be endorsed as official state policy. The Legislature should act to correct the present situation by establishing a new unit of state government which can effectively take the lead in developing a policy framework within which state agency plans may be developed and within which conflicts in agency plans and programs may be resolved.



The present State Office of Planning should be abolished and replaced by the State Policy Development Office with a clear charge to recommend legislative and administrative programs and actions required to carry out environmental policy directives. Legislation creating the new Policy Development Office should be enacted during the 1970 session and funds to enable the Office to carry out the functions recommended in this report should be appropriated in the 1970-71 Budget.

In the past, state planning has been too remote from decision-making. Programs, policies and expenditures required to solve environmental problems must be initiated and supported by the Governor, and he must have knowledge of the consequences of alternate courses of action. Further, it is the Governor who is responsible for reconciling conflicts and duplication among state agencies. The proposed State Policy Development Office should be readily accessible to the Governor as a major source of assistance in both these areas of executive responsibility.

The proposed State Policy Development Office should function as an independent staff unit reporting directly to the Governor.

Preservation of the state's environment depends on increased knowledge of the impact of public and private actions on our resources. As part of a statewide monitoring program, criteria should be developed which could be applied by state agencies in determining and reporting the impact of their programs and actions on the state's environment. The monitoring system proposed would not only assess air, water and solid waste pollution, as well as threats to public health from other sources, but also would consider gains or losses in preserving unique resources, such as fish and wildlife habitat, beaches and prime agricultural lands. The development of the monitoring system might well include identification of key "environmental indicators" which would signal degradation of



the state's environment. The system could be developed by the proposed State Policy Development Office in cooperation with appropriate federal, state and local agencies. Inauguration of an environmental monitoring system should be a matter of high priority in an expanded statewide environmental protection program.

The proposed State Policy Development Office should develop an integrated environmental monitoring system which would highlight emerging environmental problems.

The Governor, and through him, the Legislature, should receive from the proposed State Policy Development Office continuous intelligence on matters which require prompt state action, for example, immediate threats to public health or to unique resources; timely state response to new federal policies; and the application of new technology to state problems. Every two years the Office should provide the Governor with a major report on the California environment. The report would form the basis for a formal environmental program which the Governor would present to the Legislature.

The proposed biennial report would raise major policy issues relating to the state's growth and development, present alternate courses of state action and recommend specific legislative and administrative policies and actions required to preserve the state's environmental quality. The report would also identify progress in the achievement of plans to guide individual state functions, such as fish and wildlife, parks and open space, transportation, and water development. The Governor's recommendations for new programs would be presented. If the biennial report is supplemented by recommendations concerning population growth, economic development, urban expansion and statewide land use policy, and supported by strong



agency plans, the report should replace the present statutory requirements for a State Development Plan.

A major product of the proposed State Policy Development Office should be the preparation of a biennial report which the Governor would review, approve and forward to the Legislature as his "State of the California Environment" program. The first report should be presented to the Legislature at the 1971 session.

Within state government there is no effective process for identifying and resolving conflicts in the objectives of major state programs. This lack of a process for resolving conflicts is particularly evident in those programs which affect the quality of the environment. The state budget process is a key element in implementing environmental policy. Reflecting this fact, this report calls for the preparation of an "environmental budget" as part of the annual state budget. The State Policy Development Office should assist the Department of Finance in annually reviewing proposed programs and expenditures included within the environmental budget. The Office should determine that uniform criteria have been utilized to measure environmental impact. When conflicts among state programs are found, Agency Secretaries should be notified and an attempt made to resolve the problems. If such efforts are not successful, the findings and recommendations of the Policy Development Office should be transmitted to the Governor for reconciliation. The establishment of the proposed State Policy Development Office will thus strengthen the Governor's ability to carry out the role of final arbiter of program and policy conflicts.

Over \$6 billion in federal grant funds are allocated annually to state and local governments in California for programs related to environmental quality. The Federal Intergovernmental Cooperation Act of 1968, is designed to strengthen the coordination of federal



grant programs and ensure that they are in accord with state and regional development goals. Assigning grant review and coordination to the State Policy Development Office will carry out the intent of this federal legislation, and improve the process by which priorities for funding are determined.

The proposed State Policy Development Office should conduct continuing oversight of environmental policy. Such oversight should include: (a) review of proposed state plans, programs, and expenditures to assure their compliance with the Environmental Quality Act of 1970; and (b) establishment of criteria for federal grants designated for environmental purposes and coordination of the allocation of grant funds to state and local agencies.

The current State Development Plan emphasizes the necessity for statewide land use policy, but does not set forth such policy or identify the geographical areas requiring action. State agencies, however, have classified land, inventoried resources and plotted population distribution. Analyzing and synthesizing this information into a statewide system will require close cooperation by state agencies and a major coordination effort by the proposed State Policy Development Office. Within a short period of time, however, it should be possible to identify high priority areas and to develop a "crash program" to preserve them, using the full fiscal, regulatory and other powers of state government. The following kinds of lands and waters are illustrative of those which might be included within such a high priority state system. The common criteria is that the resource involved be of major significance to the state as a whole.

1. Areas of outstanding scientific, scenic and recreation value.
2. Areas which are required as habitat for significant fish and wildlife resources, including rare and endangered species.



3. Forest and agricultural lands which are judged to be of major importance in meeting future needs for food, fiber and timber.
4. Areas which provide green space and open areas in and around high density metropolitan development.
5. Areas which are required to provide needed access to coastal beaches, lakeshores, and riverbanks.
6. Areas which require special development regulation because of hazardous or special conditions, e.g., earthquake fault zones, unstable slide areas, flood plains, watersheds.
7. Areas which serve as connecting links between major public recreation and open space sites, e.g., utility easements, stream banks, trails, scenic highway corridors.
8. Areas of major historic or cultural interest.

The proposed State Policy Development Office should give priority to the development of statewide land use policy as a framework for state functional plans, such as water development and transportation, and as a guide to federal, regional and local plans and programs. Studies should be undertaken immediately to develop, in conjunction with appropriate state agencies, a statewide program of protecting unique land resources. The program should be formally presented to the Legislature at the 1972 session.

The programs of state agencies have a major impact on the state's environment, and the Agency Secretaries should be responsible for directing the attention of the Governor and the Legislature to long-term goals, needs and implementation measures in the areas over which they have jurisdiction.

At the present time, environmental conflicts between departments or between two agencies are negotiated by the Agency Secretaries. Such negotiation, however, seldom results in written policy which could guide future decisions and aid in developing public understanding and support.

The preparation of comprehensive agency plans would force the identification of key agency policy matters in planning, the formulation of objectives, the projection of demands and the establishment of criteria and programs. Comprehensive agency plans would also serve as major components of an overall state environmental program. The proposed State Policy Office should continually assess the needs for the preparation and revision of agency plans and should request that appropriate action be taken by the Agency Secretaries.

Responsibility for the basic planning work, however, should remain with the Agency Secretaries and Department Directors.

As suggested above, the State Policy Development Office should be charged with reviewing the functional plans submitted by Agency Secretaries to ensure that they do not conflict with other state plans and policies. This review should be completed prior to transmittal of such plans to the Legislature. As in the case of ongoing programs, the Governor should make the final determination when plan conflicts cannot be reconciled at the Agency level.

The Secretaries of the State Resources, Transportation, and Agriculture and Services Agencies should be charged with ensuring that long-range plans are prepared for the functions over which they have responsibility. The plans should be guided by the environmental quality goals and objectives recommended in this report. The comprehensive agency plans should be formally transmitted by the Governor to the Legislature no later than July 1, 1973. The proposed State Policy Development Office should review the agency plans for conformance to state policy prior to their approval by the Governor.

As recommended in the following section, the state-designated planning regions should be activated and the preparation of regional plans, including strong environmental elements, made mandatory. The preparation of these plans should include participation by state agencies, such as the Departments of Fish and Game, Water Resources,

Parks and Recreation, and the Division of Highways which have expertise and technical knowledge not readily available to regional agencies and which operate programs which exert a major influence on regional development. The State Policy Development Office should review regional planning programs to assure that regional plans are consistent with statewide environmental goals. A project in one region, such as the San Joaquin master drain, should not create environmental quality problems in other regions.

The proposed State Policy Development Office should assist in the preparation of regional plans, including coordinating the participation of state agencies in regional planning efforts. The office should also review completed regional plans to determine their impact on statewide resources and environmental goals and policies.

Regional Planning

California's topography and geography cordon off the state into watersheds, air basins, river basins, bays and coastal zones. In addition, each part of the state is beset with different environmental problems. In Los Angeles, for example, air quality might rank as a top priority problem with water quality assigned a second or third ranking. In the Sacramento-San Joaquin Delta the order might be reversed. Therefore, development of programs for conserving the state's environment and resources clearly demands a regional approach.

Our present governmental institutions are poorly equipped to determine regional priorities. Individual cities and counties lack the jurisdictional ability, legal responsibility and in many instances, the technical knowledge to deal with the environment of a region. In addition, no systematic procedure exists for ensuring that environmental priorities are set at the regional level.



Present state law requires that the state be divided into planning regions (Government Code, Section 34216). Although these regions were established in 1965, they have not affected decisions about the environment because the law does not require that environmental planning be conducted within these regions. As a result, development of environmental plans and programs has been contingent on the initiative of local governments and their ability to work out cooperative planning arrangements with their neighbors.

The voluntary formation of regional planning agencies has occurred mainly in the urban regions of the state where problems of open space, air quality and water quality are critical. Examples of such action are the Association of Bay Area Governments (ABAG) in the San Francisco Bay area, Southern California Association of Governments in the Los Angeles area (SCAG), and San Diego Comprehensive Planning Organization in the San Diego area. In the less urbanized areas of the state, voluntary regional agencies have not evolved. As a result, valuable lead time has been lost in developing programs for conserving the resources of these regions.

Environmental planning undertaken by voluntary agencies typically has dealt only with matters agreed on by the participants. This has led to piecemeal and, consequently, unsatisfactory planning. In the San Francisco Bay area, for example, ABAG developed a satisfactory open space element in its regional plan but ignored fundamental environmental issues such as the conservation of San Francisco Bay, the maintenance of water quality in the bay and the delta, and the disposal of solid waste. Thus, in response to citizens' demands, the state was forced to organize, fund and undertake specific regional planning projects, such as the conservation and development of San



Francisco Bay by the San Francisco Bay Construction and Development Commission (BCDC), a state agency.

In some state-designated regions planning has occurred on a subregional basis. The Sacramento Regional Area Planning Commission, is currently developing plans for part of the state-designated region. This approach to regional planning shares the previously mentioned drawbacks, but compounds them by limiting its viewpoint to one part of the region.

Federal grant programs have a direct impact upon the environment. Recently the federal government listed almost 50 programs dealing with such matters as open space, airport construction, water supply and distribution, highways, mass transportation facilities and land conservation. The State Council on Intergovernmental Relations has estimated that during the current fiscal year approximately \$6 billion in federal money will be given to governmental agencies in California under these programs. As noted earlier, Title IV of the Intergovernmental Cooperation Act of 1968 expressed the intent that these grant programs help fulfill state and regional objectives as well as the immediate objectives of the local agency requesting the grant. The statute authorized the establishment of a state and regional clearing house to determine if grant applications were consistent with state and regional plans and programs. Obviously, in the absence of regional plans and programs, there is no way to determine whether the federal money is being spent for projects which further regional goals as well as local objectives.



By statute regional planning agencies should be required in each state-designated planning region by January 1, 1971. Further, adoption of interim regional plans should be made mandatory in each of these state-designated regions by July 1, 1972. Following the precedent which has already been established for city and county general plans, the mandatory elements in each regional plan should be specified. These should include at least the following:

- a. An environmental quality element which provides for the integrated development, management and control of contaminants or waste materials discharged into or deposited in, under or on any land, air or waters within the region, noise or any other similar environmental factor.
- b. An open space element providing for the preservation, development, management, and utilization of open space within the region.
- c. A transportation element for the development and management of an integrated system of transporting people and goods within the region.
- d. A natural resources element providing for the preservation, development, management and utilization of agricultural, scenic, scientific and other natural resources within the region.

Local governments should be permitted to form regional agencies through any of the several organizational methods available to them (joint exercise of powers, regional planning districts, area planning agencies, etc.). If such an agency has not been formed in a region by January 1, 1971, an appropriate state agency should automatically perform regional planning for that region until the local governments have established a regional planning agency.

Each regional agency should be required to review the general plans of all cities and counties within the region and to indicate any inconsistencies with the regional plan together with recommendations for resolving them.

In view of the statewide interest in uniform regional planning, the state should fund an equitable share of the cost of each regional



agency. The state should also provide technical advice and assistance in the preparation and maintenance of regional plans.

The above recommendations are not intended, and should not be construed, to advocate the substitution of regional planning for local planning. The recommendations are silent in regard to specific programs which may be necessary to deal with individual environmental problems in each region. No decisions about such programs or about the need for additional legislation can be made at the present time. The committee feels that the essential task facing the 1970 Legislature is to establish regional planning procedures which will identify problems and list alternative programs for their solutions. Not until this initial step has occurred can the need for additional legislation be evaluated.

Local Planning

The impact of California's rapid urbanization on its natural resources has received insufficient attention. Plans for the accommodation of large numbers of city dwellers have typically given insufficient attention to the natural elements of land, water, air, minerals, fish, wildlife and open space. Consideration of these elements is vital to the future quality of the state's environment and they should be integral components of local master plans.

The State Planning Act should be amended to require the inclusion of a "conservation element" as a mandatory part of the city and county general plan.

The committee recommends that the Assembly Committee on Local Government be assigned the task of developing legislation to implement the above recommendations on regional and local planning.



IMPLEMENTATION AND OVERSIGHT

To ensure the rapid implementation of actions necessary to attain environmental goals, the legislative and executive branches must establish methods to evaluate our progress and establish controls in those fields where guidelines are lacking.

Responsibility must be assigned to government for emerging environmental problems, such as noise and solid waste. This section of the report outlines these implementation actions.

Future Assembly Action to Evaluate, Control and Develop Policy to Meet Environmental Goals

This report concludes that planning at the local, regional and state level should be strengthened in order that environmental issues will be raised, necessary public policies developed and corrective action taken. The report notes that basic policies relating to land use, population growth and distribution, and integrated resource management cut across the present lines of authority of governmental jurisdictions and state agencies. This is equally true within the Assembly, where these issues may affect the concerns of two or more of the standing policy committees.

In recognition of this fact, the Select Committee on Environmental Quality was set up to develop policy guidelines to assist the committees in handling environmental legislation during this session. The report indicates that there will continue to arise environmental issues of statewide concern which require a high level and multi-interest approach and that a continuing policy development function within the Assembly appears to be justified.



The Assembly has consistently taken the view that it must have the capability to act independently in policy development, review and oversight. Acting on this position, the Assembly has created an effective committee structure and strong staff support.

The Assembly should take additional action to affirm its role in long-range policy development, with emphasis on environmental problems. It is believed that this can be accomplished if there is, within the Assembly, a function which is roughly parallel to the policy overview function within the executive branch. This function need not take the form of a standing committee. Since it is proposed that every two years the Governor transmit to the Legislature a major environmental policy and program report, it would appear that every two years would be an appropriate time to constitute an appropriate subcommittee.

The subcommittee, which could operate as an adjunct of the General Research Committee, might be directed to receive and review the Governor's report and determine an appropriate legislative response. The report may raise issues which require further analysis or the subcommittee may wish to undertake additional independent study in certain problem areas. The Assembly Office of Research, the Assembly Science and Technology Advisory Council and other resources of the Assembly could be placed at the disposal of the group.

In much the same manner as the Assembly Select Committee on Environmental Quality has operated, the subcommittee would evaluate present policies and problems and recommend appropriate action by Assembly policy committees and the executive branch. The



subcommittee might operate for all or part of a legislative session. In any case, provision should be made for its activation at the discretion of the Speaker. Membership on the subcommittee might vary according to the priority of issues to be considered.

A resolution should be adopted by the Assembly establishing an appropriate subcommittee to examine environmental policies and problems and recommend action by Assembly policy committees and the executive branch.

The resolution establishing the legislative policy function should:

1. Establish the intent of the Assembly to conduct a continuous evaluation of environmental goals and policies and their implementation;
2. Request the Speaker to establish every two years, or as needed, an Environmental Policy Subcommittee of the General Research Committee;
3. Outline the general function of the subcommittee, including:
 - a. identification of growth and development trends which have a major impact on the state's environment;
 - b. review and evaluation of reports, plans and other documents which serve as guidelines for state actions affecting the environment;
 - c. determination of the extent to which the impact of state programs on the environment has been



consistently measured in accordance with established criteria; and

d. recommendations for actions to be taken by the executive branch and by Assembly policy committees to respond to pressing environmental concerns;

4. Call upon the Assembly Office of Research, the Assembly Science and Technology Advisory Council and other legislative staff to cooperate with the subcommittee, including conducting studies as requested by the subcommittee.

Population Growth and Distribution Policy

The demand placed on California's resources by an increasing population has resulted in the degradation of our environment. The distribution of this population magnifies the degradation. If present urbanization trends continue, additional millions of arable acres will be lost to highways and urban developments. A change in the earth's heat balance may alter the climate of the entire world. Increased smog will result in disease and death.

Rather than continuing to accommodate current population growth and migration patterns, California must exert a positive influence and develop a population growth and distribution policy. This policy can be developed by:

1. Examining the environmental implications of alternative population growth rates and distribution; determining population growth rates and distribution consistent



with a quality environment.

2. Developing population growth and distribution policy incorporating these criteria.
3. Using the state's water, power, transportation and communication systems to help achieve the goals set forth in the policy.

The recently established Assembly Science and Technology Advisory Council should be requested to study and formulate recommendations regarding a state population policy for future legislative action.

Transportation Policy

The transportation network has a profound effect upon the quality of the environment in California. It is largely responsible for the shape and character of urban areas. It determines access, efficient use, and in many instances our ability to preserve recreational areas. According to present experience, it has a major impact on the quality of our air and the ecology of areas through which transportation corridors pass.

In spite of the obvious and critical relationship between environmental quality and the transportation network, there are, at present, no effective mechanisms for ensuring that transportation facilities conform to and support our environmental goals.

To date, almost no governmental planning has taken place to use transportation as a means of influencing population distribution or to make wise use of recreational areas. The Division of Highways has complete authority in determining route location and its chief criteria are demand and engineering feasibility.



The motor vehicle is responsible for over 60% of the state's air pollution and a growing amount of noise and ecological disturbance. Yet the limitations in the California Constitution (Article XXVI) on the expenditure of highway user tax revenues both encourage increased use of automobiles and effectively prevent the development of alternative modes of travel. Because there is a large pool of state revenues earmarked exclusively for highway development, local governments are forced to invest in roads even when alternative facilities would be more efficient and cause less pollution and dislocation. In turn, there is no incentive for private industry to develop or improve alternatives to the private car because they see no potential market.

Article XXVI also does not clearly permit the use of highway user tax revenues for pollution control. Vehicle license fees may be used to enforce motor vehicle laws, and on this basis a \$1.2 million annual appropriation from the Motor Vehicle Fund is made to the Air Resources Board. However, there is considerable disagreement regarding the use of these revenues for major research and development programs in smog and noise pollution control and for reducing ecological disturbance caused by highway construction. Both the Department of Public Works and the Business and Transportation Agency have requested that Article XXVI be amended to clearly permit the use of highway user tax revenues for vehicle caused pollution control.

Article XXVI of the California Constitution should be amended to allow the use of gas tax funds for: 1) the development of a

balanced transportation system including rapid transit, and 2) for the expenditure of these funds for smog control, the prevention of environmental damage and the mitigation of such damage when it is unavoidable.

Noise Abatement

Community noise is one of the most pervasive environmental pollutants. The cacophony of the air conditioner, jet engine and diesel truck form a constant accompaniment to 20th Century living.

Airport noise alone has provoked billions of dollars in lawsuits and massive disruptions of property values. School districts have found that aircraft noise increases the cost of education in the vicinity of airports. The Los Angeles Board of Education estimates that it would cost \$8.6 million to sound-proof twenty-six of the forty schools which are subject to aircraft noise.

Recently the U. S. Surgeon General announced that between six and sixteen million Americans are going deaf from occupational noise. Medical research is beginning to show, however, that loss of hearing is not the only ill effect of noise. Loud sounds can affect the blood pressure, the functions of the heart and the nervous system. While the apparent or psychological tolerance for noise by most persons is high, the actual physical and psychological effects of noise are serious.

Current statutes regulate noise levels for motor vehicles and require the adoption by 1971 of aircraft noise standards. Enforcement of vehicle noise law, however, is on a complaint basis



and the statute does not take into account the synergistic effect of highway patterns and traffic volume.

The Department of Industrial Relations sets minimum standards for noise levels in places of employment, although the regulations point out that compliance with these orders does not necessarily prevent a hearing loss to all employees, but only provides an environment that is considered "reasonably safe."

None of the existing statutes or regulations addresses the problem of community noise, a problem which extends over multiple jurisdictions and includes a variety of sources.

We recommend that the Speaker designate an appropriate Assembly committee to work with state agencies in studying the problem of community noise and recommend standards and the enforcement required to regulate noise pollution on a statewide basis.

Waste Disposal

The environmental effects of waste disposal are well established. In addition to the visual assault of wrecking yards, garbage dumps and foaming rivers, 22 human diseases are associated with solid wastes. Open burning of urban and agricultural wastes defiles the air. The leaching of dumps, landfills and inadequate sewage treatment contaminate the surface water and the groundwater.

Traditionally, solid waste was carted beyond a city's own confines, dumped on the land and eventually burned. Today, in an age of urban sprawl, nondegradable materials and planned obsolescence, the volume of waste has outstripped the ability of local communities to dispose of waste. Each of California's



20 million residents throws away 20 pounds of solid wastes daily. For these reasons it is necessary to coordinate, at all levels of government, our efforts to dispose of waste.

Present state control of waste disposal is limited. The State Water Resources Control Board, which already has a functioning regional planning and regulatory organization, should be given overall responsibility for statewide solid waste planning and for the establishment of standards for solid waste management. The Department of Public Health should make public health recommendations to the Board.

The Speaker should designate the appropriate Assembly committee to work with state agencies in defining the state's role in waste disposal.

Environmental and Ecological Education

The environmental problems confronting California result not only from the activities of public and private concerns, but also from the activities of individuals. Many of California's citizens have a casual attitude toward the environment. This is caused, in part, by a lack of knowledge about man's relationship to his environment. Fortunately, the need to teach environmental and ecological subjects has now been recognized.

A Conservation Education Service has been created in the Department of Education. The service encourages the development of educational opportunities specifically related to the conservation of natural resources, including the development of nature centers and wildlife education camps. Moreover, the State Superintendent of Public Instruction, on the recommendation of



the Conservation Education Service, is authorized to make planning grants to school districts to assist them in determining the feasibility of programs and classes in conservation education and the maintenance of outdoor education camps. To implement this program, \$174,000 was recommended. These funds, however, have not been budgeted and only \$35,000 in federal funds have been utilized.

The Conservation Education Service in the Department of Education should be adequately funded.

That efforts are needed to provide environmental and ecological education was recognized by the creation of the Advisory Committee on Environmental Education by the State Board of Education. The Advisory Committee's report was accepted unanimously by the State Board. The report recommends the following:

1. Teacher-to-teacher training programs in conservation education.
2. Conservation specialists to assist and teach environmental and ecological subjects.
3. School bus transportation to transport students to outdoor environment centers.
4. Outdoor school programs.
5. Appropriate environment education for each level of instruction.
6. Materials and assistance by the State Department of Education in the creation of environmental education programs for school districts.

Initial steps should be taken to implement the recommendations



of the Advisory Committee on Environmental Education.

Increasing concern is apparent in the field of environmental health relating to air and water pollution, noise, pesticides and food additives. There is a great need for improved research and education.

The appropriate legislative committee and executive branch departments should study and recommend needed research and education actions in the environmental health field.

Broaden Membership of State and Regional Boards and Commissions

A major cause of environment degradation is the functionalization of government which results from each government unit having a single purpose with no responsibility for the consequences of its actions. Legislation to guide all state agencies in attaining quality environmental goals will reduce functionalization.

The activities of state government, however, are influenced by boards and commissions who formulate policy, establish standards and criteria and allocate funds. Since it is the intent that the legislative goals for a quality environment apply to all state boards and commissions, action must be taken to ensure that the environmental effects of the boards' activities are considered. This could be accomplished by adding as members persons with technical ability and an interest in environmental quality.

A 1965 report of the Commission on California State Government Organization and Economy stated that 23 of the 51 units in the Resources Agency require, by statute, special clientele



interest or industry representation. The entire membership of several boards is required to be composed of industry or special interest groups. This report recommended as a criteria for all boards and commissions that representatives of special interest groups should not be the majority and should never constitute the entire membership, "except in unusual circumstances."

The highest priority should be given to establishing public-at-large membership on those boards and commissions, listed below, which are composed entirely of special interest groups.

<u>Board or Commission</u>	<u>Authorized Members</u>	<u>Statutory Requirements</u>
District Forest Practices Committees	5	4 timber owners or operators; 1-designee State Board of Forestry
State Mining Board	5	Mining Industry only
District Oil and Gas Commissions	5	Oil and Gas Industry only
Colorado River Board	6	Local Colorado River user agencies only

In addition, the seven-member State Board of Forestry is required by statute to comprise five industrial, one agricultural, and one public-at-large member. One or two more public-at-large memberships is desirable.

The nine members of the California Water Commission must be selected on the basis of their knowledge, interest and experience in water control and use, with engineering background being desirable.

Two members of the California Water Commission should be



selected from the public-at-large without consideration of experience or knowledge in water control.

The California State Board of Agriculture is composed of thirteen members, only two of whom are from the public-at-large. The California Highway Commission is composed of seven members representing the state-at-large.

Genuine at-large membership should be ensured on the State Board of Agriculture and the California Highway Commission, and the individuals selected to represent the public-at-large should be persons with an interest in and knowledge of environmental conditions.

State Lands

The past and present legal and regulatory policies relating to state lands are not conducive to improving and maintaining the environment. Many of these lands, located in urban-metropolitan areas, are irreplaceable. Many include important waterways, lagoons, bays and estuaries.

The disposition and use of state school and tide and submerged lands is guided by federal grant restrictions, California constitutional restrictions, state statutes, California Administrative Code regulations and the policies and procedures of the State Lands Commission and its staff.

Past and present policies call for disposing of state lands in a way which will provide money to the state. These policies may have served the best interests of the people in the past. They do not serve the best interest of the people today.

Many acres of former state land have been developed in a



manner detrimental to the quality of the environment. This is best illustrated in the San Francisco Bay area where the improper use of grants and sales of tide and submerged lands contributed to the deterioration of the bay's environmental quality until the people demanded a halt by supporting legislation backing the Bay Conservation and Development Commission. Similar environmental losses, although less dramatic, have occurred in other areas. State lands containing critical fish and wildlife habitat and providing public access to large blocks of public lands must be retained if we are to preserve the quality of our environment.

In the last sixty years the Legislature has granted control of much of the state's most valuable tidelands to local governments. Many, if not most, of the tideland grants required the grantee to develop the lands substantially within ten years or have them subject to reversion to the state. With few exceptions, the pattern has been to develop these grants to the maximum in order to broaden the local tax base. These developments have altered a major portion of the state's coastal marshes and tideflats, lands which once were life sustaining for fish and wildlife.

Local communities obtaining grants are not required to submit development plans to the state. Consequently, state departments perform no review which would allow them to recommend that valuable ecological or recreational segments be preserved in their natural state.

California's environment is being defiled through encroachment on state lands as a result of the state's inability to



identify these lands. Large sums of money would be required to identify these lands by establishing the state land boundaries and, in many cases, only court litigation will clear the record. This threat of encroachment occurs in the following areas:

1. Coastal tide and submerged lands.
2. Colorado River.
3. Central Valley River and tributaries, slough and islands.

The following are a few of the encroachments and their degrading effect on the environment that have resulted from inadequate survey and identification of state lands:

1. The mining of gravel from salmon and steelhead spawning areas in the Sacramento River and its tributaries has an adverse effect on the production of these fish.
2. Adjacent landowners have claimed title to state lands within the bed and lands adjacent to the San Joaquin River and its tributaries by quitclaim deeds and demand assessments. The result has been the blocking of public access and the destruction of one of California's most important and critical wildlife and riparian habitat.
3. The lack of surveys to locate and identify state lands along the Colorado River has resulted in problems affecting the quality and the public use of the environment in that area. The greatest adverse effect has resulted from illegal occupancy of state lands. This use often destroys the beauty of the area and blocks access to other public lands.



The State Lands Commission working with the Joint Committee on Public Domain should develop legislation which will change existing policies to make them conform with the state goal of environmental quality. This legislation should include the following provisions:

1. State lands or waters with quality resource, open space, recreational, fish and wildlife, scenic, historic, natural or esthetic qualities shall not be sold or granted. The State Lands Commission shall identify such waters and lands and submit a report to the Legislature prior to the sale or grant of any additional state lands.
2. Future grants to local communities (after satisfying 1 above) will not be made until local development plans have been submitted to the state, reviewed by the Resources Agency and approved by the state.
3. Development plans for past grants should follow the same procedure to the extent new legal requirements would allow.
4. The Division of State Lands should give first priority, other than to litigation suits, to determining the extent of its ownership of the lands and water listed in 1 above.
5. On lands already granted, existing high priority environments should be identified and a transfer of these back to the state should be arranged or a joint state-local jurisdictional or financial arrangement



should be provided to assure the protection of these areas.

Additional funds for these purposes should be provided to the Division of State Lands in the 1970-71 budget.

The Legislature should memorialize Congress to extend the 1920 Federal Mineral Act to the outer continental shelf lands. This extension would result in joint federal-state planning and management of these areas and a state sharing in revenues from resources extraction. Such action could greatly improve the protection of the coastline and provide an important additional source of revenues to fund state and local environmental quality programs.

Legal Issues

In a number of fields -- desegregation, social welfare, apportionment and criminal justice, for example -- there has been an increasing tendency to turn to the courts for help when the legislative and executive branches of government have seemingly failed to respond to the necessities of the time. Inevitably, this trend has reached the environment.

Indicative of the increasing concern of private citizens for their environment has been the growing number of actions, brought by private citizens and conservation groups, to combat threats to the environment. Overcoming, in many instances, the obstacles raised by such traditional legal doctrines as standing to sue, conservation minded plaintiffs have resorted to the courts to stop such threats to the environment as expressways, power plants and land developments. In doing so, they



have asserted a "constitutional right to a decent environment," based in part on the guarantee of the Ninth Amendment that the rights set forth in the Constitution shall not be construed to deny or disparage other rights retained by the people. Efforts are similarly being made to establish the doctrine that public lands -- and even private ones -- are held in trust for the people who, as beneficiaries, may sue to prevent their misuse.

In a wide variety of actions, serious efforts are being made to establish a body of common law, under which the general public is assured, and entitled to sue for, a clean and healthy environment.

The "class action," in which individuals or groups are permitted to sue on behalf of those similarly situated, has assumed new importance as a device by which environmental rights of citizens may be vindicated. While the courts have been increasingly receptive to such actions, serious problems remain as to proper judicial procedure and criteria.

The extent to which the courts can, or should, be asked to solve complex ecological problems is questionable. When the states were described by the Supreme Court as laboratories of the nation, the court was referring to their legislative systems, not their judicial functions. The adversary process, in which the rights of one party are decided against another, has its limits in determining large public issues. Legislative bodies are meant to be responsive to the needs of their constituents to an extent to which courts could never be. Administrative agencies have come to be given the powers they possess because



they have the expertise and responsibility to implement the public policies established by legislatures. While the courts have, when called upon, performed prodigious tasks of implementing their decisions in such fields as reapportionment and desegregation, they have done so only when compelled to by the inaction of the coordinate branches of government. It may be that the field of environmental "common law" will grow in inverse proportion to the extent to which the legislative and executive assume and carry out environmental responsibilities.

The Assembly Committee on Judiciary should consider the desirability of environmental "class action" suits and other legal issues relating to the environment.

Demonstration Areas

We must give high priority to improving our ability to predict, prevent and control the consequences of our actions on the environment. We need to develop environmental test programs for establishing additional criteria and standards for environmental quality.

One program might involve selecting a rapidly developing community and applying environmental quality standards to every aspect of its development along with studies to determine the short and long-range consequences.

A demonstration of the interrelationship of environmental factors, such as air, water and solid waste pollution in an area of several communities, could develop valuable guidelines for the future.

The restoration of an ecological unit now badly degraded



could provide important knowledge through the development of imaginative new methods.

The development of a new town laid out with a quality environment as one of its primary goals could be incorporated into new town planning already underway.

The Speaker should designate an appropriate Assembly committee to develop legislation, including funding, to authorize demonstration areas in which test programs could be created to establish additional standards for improving environmental quality.

Study of Local Government Statutes

Attaining a quality environment in California is dependent on the implementation of environmental goals and policies by every level of government. California has 58 counties, over 300 cities and approximately 4,000 special purpose districts.

The Assembly Committee on Local Government should study the statutory authorities of county government, city government and special districts and recommend changes necessary to assure full compliance with the legislative policies mandating a quality environment for California.



ENVIRONMENTAL PRIORITIES

Environmental priorities, like priorities for all governmental expenditures, will be made by elected officials in the budgetary process of government. This section of the report proposes criteria which will assist in this process and actions which the committee feels warrant high priority.

Environments Dangerous to Health

An environment that is healthful to man should command the highest priority, for a degraded environment poses a physical threat to man. Air pollution may pose the greatest threat of all.

In recent years California has taken several steps to reduce air pollution. As of March 10th more than 35 air pollution bills have been introduced, including measures to tighten control of vehicle emissions and stationary sources. Many air pollution experts hold, however, that as the population grows, the increase in air pollution caused by more automobiles and industries will overcome the reductions by controlling the sources and that, in the long run, our present control methods will be of no avail.

Other experts -- including some scientists, public officials and medical doctors -- believe that present air pollution poses an immediate threat to man's health. Some individuals even predict mass deaths before the end of this decade.

Nine years ago, the Los Angeles County Medical Association and the Tuberculosis and Health Association released a Physicians' Environmental Health Study which revealed that 77% of the physicians queried believed that air pollution had an adverse effect on the



health of their patients. Six years later, in 1967, it was reported that each year doctors advise 10,000 persons to leave the Los Angeles area because of smog.

Because of the possibility of a critical health problem and because of the difficulty of producing an overnight solution to smog, immediate priority must be given to having the best authorities determine whether smog, under our present and projected controls, will reach a critical health threshold. If such a threshold will be reached, regardless of increased controls, then a "red alert" should be the first order of business for every governmental unit which can influence either the smog problem or the health emergency in the affected areas. Under these circumstances, state and local government should prohibit any developments, public or private, which will accelerate the air pollution problem in these areas, and take every possible action to decrease air pollution.

These actions should include the prohibition of any new governmental, industrial or residential buildings, highways, water developments or other developments which would produce more smog. Such drastic actions should remain in force until it can be established that the smog level will be lowered prior to critical thresholds.

The Legislature should direct the Air Resources Board and the State Department of Public Health to determine jointly whether air pollution, considered in light of both current and projected controls, will cause mortality, morbidity, an increase in emphysema and other respiratory diseases, or similar health problems requiring emergency actions by state and local government. The findings



should be submitted in a joint report to the Legislature not later than June 1, 1970.

Environments with Immediate Threats

Although the population increases and rapid development of the state are threatening environmental quality in many ways and at many places, action to reduce certain threats demand highest priority.

Protection of the coastal zone of California is a high priority need. Here, where approximately 90% of the population live on 8% of the land, the major alterations to California's land and water environment are taking place.

Within the coastal zone there is a variety of scarce environments, such as bays, estuaries and lagoons with fish, wildlife, and other resources which are dependent on such habitat. These areas plus the beaches and adjoining lands are often the last remaining natural and scenic spots amid urban sprawl.

These irreplaceable environmental values are threatened only briefly, for once the planned developments materialize the threat is over. In its stead are irreversible changes. Immediate action must be taken to prevent the destruction of these environmental values. We cannot wait for the orderly planning and implementation process proposed in this report.

Until the state's comprehensive ocean area plan is completed and adopted by the Legislature, one or more coastal commissions should be established with temporary development control powers similar to those granted the San Francisco Bay Conservation and



Development Commission. The legislation to establish this coastal commission should be adopted in the 1970 Session.

State and Federal Leadership

This report recommends a variety of policies, planning and actions which must be taken both by government and by California citizens. The state government and the federal government must point the way for all others by the management and operation of their own lands, installations and programs.

State Government

The State Lands Commission should declare an immediate moratorium on any additional sales, leases or grants of state school and tide and submerged lands which might be detrimental to environmental quality. The moratorium should remain in effect until new policies are developed as recommended earlier in this report.

State government should take immediate steps to bring the waste treatment facilities at all state installations in full compliance with the requirements established by the California Regional Water Quality Control Boards. The following state installations are now polluting the water:

Atascadero State Hospital	Folsom Prison Cannery
California Institution for Men, Chino	Porterville State Hospital
California Institution for Women, Frontera	San Quentin Prison
Deuel Vocational Institution	Correctional Training Facility, Soledad
	University of California, Davis

If funds required to solve these problems have not been requested in the 1970-71 budget, the necessary budget augmentations should be made. The appropriate agency should advise the Legislature



of the date on which these institutions will comply with the law.

Several existing or proposed programs involving state government have evoked widespread concern that they will cause significant damage to the environment. Specific examples are the:

- a. Upper Newport Bay land exchange between Orange County and the Irvine Company involving granted state lands and approved by the State Lands Commission.
- b. Proposed Peripheral Canal as a feature of the State Water Project and the Federal Central Valley Project.
- c. Construction of freeway over Goleta Slough, Santa Barbara County by the Division of Highways.
- d. Tijuana River estuary development requiring a State Lands Commission permit.

The state department responsible for the above projects, and any other the Legislature may identify, should be requested to submit to the Legislature as soon as possible an environmental impact report, as recommended in the proposed Environmental Quality Act of 1970. The responsible department should take no final action prior to the submission of this impact report.

Federal Government

On January 1, 1970, President Nixon signed into law the National Environmental Policy Act. The act establishes environmental quality goals and instructs all federal agencies to implement these goals. It is anticipated that the new law will influence federal activities in California.

As in state government, there is need for aggressive federal actions to demonstrate leadership and to correct or prevent immediate environmental threats.



In the coastal zone, the largest acreage of high quality wetlands is found on military installations. This land provides a scarce and unique environment. Increased demands are being placed on the military to alter this land for other uses. The Legislature should memorialize Congress to take appropriate steps to ensure the permanent protection of these unique resources on federal installations.

One of the high priority problems is public access to California's shoreline and beaches. Of the 1,072 miles of California coast line only 353 miles are publicly owned and available for recreation. Another 58 miles, although publicly owned, are closed to recreation for a variety of reasons. The magnitude of the problem becomes apparent when it is realized that of the 289 miles of beaches suitable for swimming, only 90 miles are publicly owned.

The federal government now prohibits public access to the beaches on approximately 56 miles of beach frontage. This acreage is located almost entirely at Camp Pendleton in San Diego County, Vandenberg Air Base in Santa Barbara County, and Fort Ord in Monterey County. Where military operations can be shifted to other sections of the base, the federal government should open these beaches for public use. A prime example of an operation which should be shifted is the Fort Ord rifle range which now uses Monterey County's beach as its backdrop.

The Legislature should memorialize the President to request the Department of Defense to allow public access to California's beaches located within military installations.



Many federal installations in California are not complying with the California Regional Water Quality Control Board requirements. The following federal installations are now polluting the state's water supply.

Fort Ord	U.S. Navy, Alameda Naval Air Station
Hunters Point Shipyard	U.S. Navy, Concord Naval Weapons Station
Klamath Air Force Base, Requa	U.S. Navy, Construction Battalion Center, Port Hueneme
Lemoore Naval Air Station	U.S. Navy, North Island Naval Air Station
Los Alamitos Naval Air Station	U.S. Navy, Mare Island
McClellan Air Force Base	U.S. Navy, Point Molate
Mill Valley Air Force Base	U.S. Navy, Salton Sea Test Base
Naval vessel waste in general including oil spills	U.S. Navy, San Clemente Island
Oakland Army Base	U.S. Navy, San Nicholas Island
Quechan Indian Reservation	U.S. Navy, Skaggs Island
U.S. Army, Fort MacArthur	U.S. Navy, Yerba Buena Island
U.S. Marine Corps Air Station, El Toro	Vandenberg Air Force Base
U.S. Naval Ordinance Laboratory, Corona	
U.S. Naval Station and Shipyard, Long Beach	

The Legislature should memorialize the President to request the responsible federal officials to comply with Regional Water Quality Control Board standards and advise the Legislature of the date on which each federal installation will meet state regulations on water quality.

Several existing and proposed federal programs in California have become matters of concern because of their effect on the environment. Specific examples include:

- a. Federal oil leases in Santa Barbara channel by the U.S. Department of Interior.
- b. Channelization of the lower Colorado River by the U.S. Bureau of Reclamation.
- c. Dos Rios Project by U.S. Corps of Engineers.



The Legislature should memorialize the President and the Congress to request that each federal official of the appropriate agency make an environmental impact report on these programs or any other additional programs proposed by the Legislature, as required by the New National Environmental Quality Act, and submit this report to the California Legislature. The federal agency should take no final action prior to submission of this impact report.



FINANCING STATE ENVIRONMENTAL PROGRAMS

The state must commit itself to a continuing investment in order to preserve the health and well-being of all Californians.

For too long we have been overdrawing our environmental account. We must now face up to the necessity for infusing billions of dollars to redress our resources deficit. We estimate, based upon various studies and reports reviewed by the Committee, that a three to five billion dollar state investment will be needed over the next five to ten years to correct environmental pollution and provide funds for beaches and high priority lands near metropolitan areas.

This report will provide the Assembly with a plan of action leading to a firm, environmental financial plan. The recommendations leading to this plan provide for firm financial commitments for the immediate future, describe the magnitude of long-range needs, identify the legislative policy issues to be resolved, and the new tax sources to be studied.

Implementation of the report's recommendations will result in increased operating costs to state government for organizational, planning and control purposes. These costs have not yet been estimated, but no major outlays of funds will be required. Cost estimates should be developed immediately and the programs initiated in the 1970-71 FY budget. While the long-range operating costs may be significant, it is cheaper to spend a little for prevention now than face the overwhelming costs of correction later.

Water Treatment Facilities

The State Water Resources Control Board estimates that \$300 million is needed over the next five years to accelerate construction



of waste water treatment facilities for correcting only gross water pollution at municipal and district sewage treatment facilities. These expenditures will result in upgrading of water quality in many areas rather than merely keeping pace with increasing waste loads. In addition, the expenditures will accelerate the phasing out of inefficient treatment plants and the development of area-wide facilities, and reduce the backlog of pending projects. Sewer service charges should be increased to finance the local share of the cost for municipal facilities.

While the basic responsibility for the construction of waste treatment facilities should rest with the waste discharger -- municipal and industrial --, only an acceleration of expenditures at all levels of government will produce a major improvement in water quality. Significant state assistance is required now for the following reasons:

1. Enforcing the 1969 Porter-Cologne Act will place an immediate financial burden on the cities to construct treatment facilities. They are unable to meet this burden without federal and state aid.
2. Total funds needed for this five-year period are estimated at \$888 million. Under the federal sharing program, if there is no state participation, the federal government would pay 33% (\$296 million) and local government 67% (\$592 million). With 25% state participation (\$222 million), the federal government would pay 55% (\$488 million) and local government only 20% (\$188 million). If the federal government makes available the full amounts listed,



California, by not participating, would lose a maximum of \$192 million in federal grants over the five-year period. (See chart on page E-4.) The federal share for 1970-71 FY has already been earmarked and the President has adopted a five-year program with a minimum ceiling at the 1970-71 FY level.

The State Water Resources Control Board estimates that additional state money totaling \$78 million over the five-year period is needed for loans (as seed money for local revenue bonds), planning funds and research and development funds. The estimated breakdown of this amount and the \$222 million for treatment facilities by years is as follows:

	<u>70-71</u>	<u>71-72</u>	<u>72-73</u>	<u>73-74</u>	<u>74-75</u>	<u>Total</u>
	(in millions)					
Grants	\$30	\$40	\$50	\$50	\$52	\$222
Loans	10	10	10	10	10	50
Planning	2	5	6	3	2	18
Research and Development	2	2	2	2	2	<u>10</u>
						\$300

We recommend that the state finance a \$300 million five-year program to accelerate construction of waste water treatment facilities for correcting gross local water pollution.

Solid Waste Treatment and Disposal

Land, water and air pollution problems caused by solid wastes have been primarily a local problem. Waste loads are increasing, however, and many communities do not have suitable locations and facilities for handling this increase. At present, state government



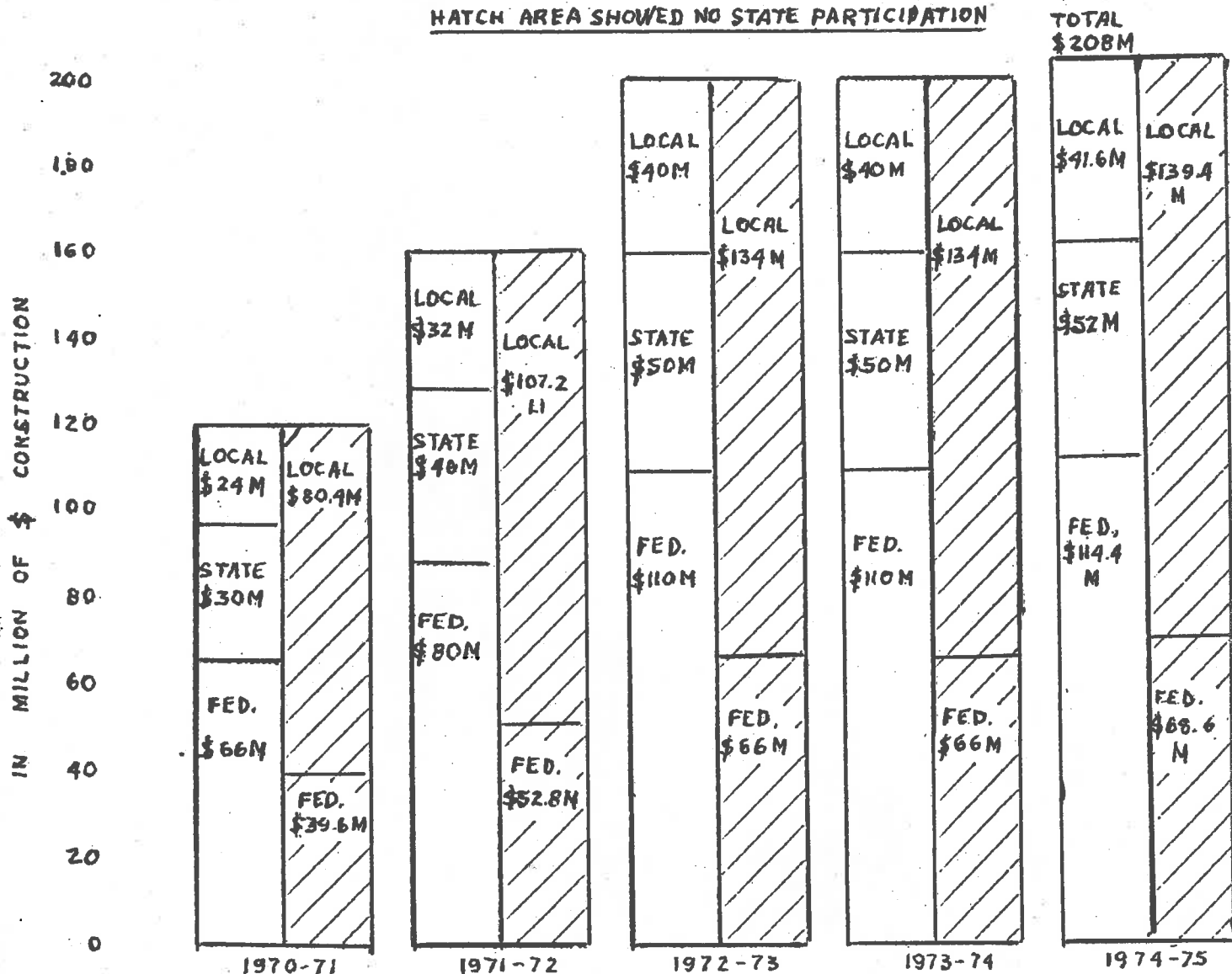
COMPARISON OF POLLUTION CONTROL COSTS TO FEDERAL, STATE AND LOCAL ENTITIES FOR WASTE TREATMENT AND DISPOSAL FACILITIES

FINDING UNDER PRESENT AND PROPOSED CALIFORNIA PROGRAMS 1970 - 1975

(FEDERAL SHARE 55%, STATE 25%, LOCAL 20%)

(NO STATE PARTICIPATION)
(FEDERAL SHARE 33%, LOCAL 67%)

HATCH AREA SHOWED NO STATE PARTICIPATION



is responsible for only limited aspects of the solid waste problem. There is no state policy covering the overall state role and responsibility.

The most immediate needs for state capital funds appear to be in research, development and planning for both reducing solid waste loads and determining improved methods in solid waste handling. Capital funds of \$5 million in state money should be allocated for this purpose for use during the next two to three years.

Preliminary State Water Resources Control Board estimates indicate \$25 million in state funds may be needed during the next five years for state aid in the development of area-wide plans, lands and facilities.

We recommend that the state finance the \$5 million necessary for solid waste research and development over the next two to three years. Additional state assistance would be based upon a determination by the Legislature of the state's future role in solid waste management.

Air Pollution Control

Major air pollution control costs are not direct governmental responsibilities but must be paid by the automobile manufacturer and those responsible for pollution from stationary sources.

State government, however, has responsibility under the Mulford-Carrell Act for a statewide air pollution control program. The state sets statewide auto emissions standards and ambient air quality standards for each air basin. Emissions standards for stationary sources are the responsibility of local or regional agencies.

To carry out its present responsibilities, additional state funds are needed for air monitoring and research and development.

The state now has eight monitoring stations; five more are being added. The Air Resources Board estimates that 12 more state



stations are needed over the next five years at a capital cost of \$1 million.

A variety of proposals are being made for air pollution research studies by state agencies, the University of California, other universities and colleges, and private research units at both the state and federal level. The state must set up a procedure which will establish priorities among these air pollution research projects, current and proposed, in California. This procedure would coordinate state research with federal efforts and give high priority to research aimed at smog control and the development systems to increase this control. Federal policy should be changed to provide a block grant to California for research and development purposes.

The present state budget now provides \$1½ million for construction of an air pollution laboratory. In addition, \$1.1 million of highway funds are earmarked for auto smog studies. We estimate that \$3 million a year over the next five years will be necessary to fund capital research and development needs.

Following are some of the high priority research needs:

1. Improved methods for inspection and control of motor vehicle emissions.
2. Improvement in methods of instrumentation, i.e., remote sensing, measurement of particulate matter, etc.
3. Disposal by other than burning of agricultural, forest, range, levee wastes and by products.
4. Economic impact of air pollution controls including trade offs.



5. Basic research on other pollutants.

Some of these studies relate to both motor vehicles and stationary smog sources. Studies relating to smog from motor vehicles should be financed from highway related funds.

While studies designed to find replacements for the internal combustion engine may be needed, these should be funded by automobile manufacturers or the federal government.

There are several additional policy issues which may be resolved over the next several years which may well have significant funding implications. For example:

1. Should the state establish a state inspection program to assure that motor vehicle emissions control standards are in fact being met by all vehicles? If the state itself operates inspection stations it has been estimated that upwards of \$25 million will be required for 500 inspection stations. Other alternatives such as franchising would involve smaller funding requirements.
2. If a used car smog device costing \$65 or less is developed and certified, should the state share in the cost of purchasing this device for some or all used cars?
3. Should the state set standards for emissions from stationary sources and provide assistance to local or regional pollution control districts? If the state shared half the cost of administering local programs, annual state costs would run approximately \$6 million.

We recommend that:

1. The state provide \$15 million over the next five years for air monitoring and research and development;



2. That the Assembly Committee on Transportation study the issues of state motor vehicle emissions inspection, cost sharing for used car smog devices and state assistance for local and regional control districts.

Capital Investment in Lands

Funds for capital investment in high priority lands, particularly in and adjacent to the major metropolitan areas are urgently needed. Remaining open space lands provide opportunities for a variety of functions and uses; failure to protect them will result in irreversible losses and future degradation of the urban environment.

This report earlier recommends that statewide land use policy be developed and, as a first step, all land and water areas of statewide significance be inventoried and incorporated into an integrated system. The system would include not only park, recreation, historic, and fish and wildlife areas, but also valuable agricultural and resource production areas. This system will provide the foundation for the establishment of priorities for all major long-term capital investment in lands, waters and facilities. In many instances outright purchase will be required, however, there are numerous other approaches such as leasing, easements and zoning which should be explored.

Several recent reports indicate the urgency and the magnitude of land protection needs adjacent to metropolitan areas. Each of them stresses the need for immediate action to protect key areas.

The Urban-Metropolitan Open Space Study report submitted in 1965 as an element of the State Development Plan, identifies the open space lands needed in and adjacent to the major metropolitan areas of California. The report estimates \$4 billion (1970 costs)



would be needed over an eight-year period, (1968-75) to protect strategic open space lands around the major metropolitan areas. Methods of control proposed included acquisition, easements, and zoning.

If purchase of only the high encroachment (immediately threatened) lands is considered as the highest priority, the report estimates \$1.8 billion would be needed over the eight-year period. This figure might be affected by recent acquisitions and other changes.

The coastal study plan of the Department of Parks and Recreation indicates that the purchase of a 100' wide strip of undeveloped beach property in Southern California would cost an estimated \$400 million. An additional \$240 million would be required to purchase a similar zone of undeveloped beach area between Marin and Santa Cruz Counties.

The Legislature in 1967 established a Joint Legislative Committee on Open Space Lands to study and propose appropriate policies relating to open space. The report of this committee will be submitted at the 1970 Legislative Session. Major legislative policies are needed to outline the state's future role in open space, the state agency to fulfill this role, the role of regional and local government and the development methods required to protect open space lands. The establishment of these policies will influence future state actions in this field.

It is apparent, however, in consideration of the recommendations of the several studies reported above, that a major investment of state funds will be required if a significant contribution is to



be made in saving those key beach and other urban open space lands which can only be protected by purchase. Each year's delay results in rapidly increasing prices and irreversible losses.

Because of the urgency of protecting some of the urban open space beaches and lands, it is necessary to start beach purchases at once. Allocation of monies to other open space lands should be made as soon as the major policy issues are resolved.

We recommend that the state finance a \$250 million five-year program to start the acquisition of additional key beaches. Additional state assistance for open space lands would be based upon a determination by the Legislature of the state's future role in open space, the role of regional and local government, and the methods to be used for protection of open space.

Environmental Fund

It is recommended that the Legislature establish an Environmental Fund as a source of continuous funding for critically needed environmental control programs. The Legislature should earmark at least \$100 million per year during the next two years for the Environmental Fund and increased amounts during succeeding years based upon policy decisions identified in this report.

The following chart identifies estimated funding needs for the next five years.

No estimates have been made concerning federal grants or loans for the environmental needs identified except for water treatment facilities. Federal funds for other environmental purposes are now received by California. It is anticipated some of these may be increased in the future. Earlier this report makes several recommendations for improving the state and regional role in allocation and use of these funds. The anticipated federal participation must be identified in the preparation of the more detailed financial plan to be developed during the next two years.



ENVIRONMENTAL FUND
CAPITAL FUNDING NEEDS
ENVIRONMENTAL PROTECTION

	<u>Initial firm Allocations</u>					<u>Total</u>	<u>Other estimated needs</u> (based upon policy decisions)
	<u>70-71</u>	<u>71-72</u>	<u>72-73</u>	<u>73-74</u>	<u>74-75</u>		
WATER TREATMENT FACILITIES (grants, loans, planning and research and development)	44m	57m	68m	65m	66m	300m	Not identified but significant
SOLID WASTE (research and development)	1m	2m	2m			5m	\$25m area wide plans, lands and facilities
AIR POLLUTION (monitoring and research and development)	3½m	3½m	3m	3m	3m	15½m	\$25m auto inspection \$6m state assistance to reg. air pollution control districts (4)
OPEN SPACE LANDS (start purchase beach areas)	50m	50m	50m	50m	50m	250m(2)	\$390m purchase remaining beach areas identified \$2b purchase other open space land (3)
	<u>98½m</u>	<u>112½m</u>	<u>123m</u>	<u>118m</u>	<u>119m</u>	<u>570½m</u>	(1) 2½b (approximately)

- (1) Policy decisions re Other estimated needs can significantly increase annual allocations commencing as early as FY 71-72.
- (2) \$50m per year for beach purchase is an arbitrary estimate to commence critical beach acquisition needs.
- (3) Federal and local sharing for open space lands not yet identified. Federal fund sharing anticipated.
- (4) State assistance regional air pollution control districts are operating (not capital) funds.



Revenue Sources

Sources of revenue are necessary to finance critical, immediate and long-range environmental quality programs. To provide continuous financing, it is necessary to earmark revenue sources which will finance expenditures from the environmental fund.

An estimated \$100 million will be needed in each of the next two years to pay the immediate high priority environmental costs. In addition, the final decisions on policy issues as yet unresolved may result in the need for an environmental bond issue in 1972. It is necessary to identify revenue sources that will provide funds for immediate high priority needs, possible environmental bond debt service requirements beginning in 1972 as well as for other environmental needs as they are identified.

The federal government currently imposes a 7% excise tax on the price of new automobiles as sold to new car dealers. This tax will be gradually eliminated over the next four years. In 1971, the tax will be reduced from 7% to 5%. If the state imposed the difference, 2%, an estimated \$54 million could be gained. In 1972, when the federal tax is reduced to 3%, the state could pick up the remaining 4%, and raise approximately \$108 million. In 1974, when the federal tax is eliminated, the state could impose the full 7%, which would yield about \$189 million. The advantage of utilizing this revenue source is that it does not change the total tax burden of the California taxpayer.

If the tax on cigarettes was raised by only 5¢ per package, an additional \$110 million could be raised if cigarette consumption



did not fall as a result of the imposition of the tax. Cigarette consumption has been steadily falling, however, and the 5¢ tax would probably result in a further decline. Thus, an additional tax on cigarettes, levied for only two years, would yield revenue necessary to complement the excise tax to pay for the immediate high priority needs.

It is recommended that legislation be enacted, to take effect when the voters approve the Environmental Bill of Rights, levying an excise tax on automobiles as the federal tax is eliminated and increasing temporarily the cigarette tax to pay for the environmental correction and protection costs. The excise tax and the cigarette tax should be designed to raise \$100 million annually for the next two years. Revenue from these sources should be placed in an Environmental Fund.

As an alternative, the Legislature should consider submitting a \$500 million environmental bond issue to the voters this November to finance foreseeable needs over the next five years.

Comprehensive Tax Study

The indirect environmental costs associated with the activities of individuals, private business and governmental agencies should be charged directly to those activities. For example, the water polluters -- industry, municipalities, and individual citizens -- should pay the costs of cleaning the water. This payment can be made through the imposition of an anti-water pollution tax. Essentially, the dischargers of waste would be assessed a penalty based on the amount and toxicity of waste discharged into state waters. This penalty would not be regarded as a fee that permits water pollution, but as an incentive to clean up wastes, and provide revenue to construct water treatment facilities.

Environmental degradation, however, is not the result of pollution alone. Anti-pollution taxes will not rectify those costs



of protecting and correcting environmental degradation where the original source of this degradation is no longer identifiable or legally responsible. For example, the reduction of California's open space is the simple result of population increases and development patterns. Moreover, economic activity results in resource consumption that sometimes is wasteful and excessive. Thus, the entire public may have to pay some of the costs of maintaining a quality environment. Tax sources not now used may provide the revenue necessary to pay these costs. An example is a tax on the increase in property values resulting from public works. When the state builds a dam or a road, the surrounding property values increase. The benefits of this increased valuation should accrue to the state as a whole rather than to a few. Taxing the increased valuation, for example, may provide the revenue to pay the environmental costs.

It is recommended that the Assembly Committee on Revenue and Taxation, with assistance from the appropriate state agencies, undertake a comprehensive study of alternative tax policies which would provide continuing revenue to pay environmental correction and protection costs and have an impact on pollution control, land use, and resource consumption consistent with a quality environment.



FEB 23 1970

Req. #3460

APPENDIX A

Assembly Constitutional Amendment No. _____
A resolution to propose to the people of the
State of California an amendment to the Con-
stitution of the state, by adding Article XXIX
thereto, relating to environmental quality.

TENTATIVE DRAFT

Resolved by the Assembly, the Senate concurring,
That the Legislature of the State of California at its
1970 Regular Session commencing on the fifth day of
January, 1970, two-thirds of the members elected to each
of the two houses of the Legislature voting therefor,
hereby proposes to the people of the State of California
that the Constitution of the state be amended by adding
Article XXIX thereto, to read:

Article XXIX

Environmental Quality

Section 1. It is hereby declared to be the
policy of the State of California and a matter of statewide
concern to develop and maintain a high quality environment
in order to assure for the people of the state, now and in
the future, clean air, pure water, freedom from excessive
noise, and enjoyment of scenic, historic, natural, and
aesthetic values.

The Legislature shall enact legislation to imple-
ment the provisions of this article, and, notwithstanding



any other provision of this Constitution, may make such legislation applicable to any state agency, to any chartered or general law city, city and county, or county, and to any district or other local agency.



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110 STATE BUILDING
LOS ANGELES 90012

Legislative Counsel of California

GEORGE H. MURPHY

Sacramento, California
February 23, 1970

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Honorable Bob Monagan
Assembly Chamber

Environmental Quality - #3460

Dear Mr. Monagan:

You have asked for an analysis of the constitutional amendment pertaining to environmental quality which we have prepared for you under Request No. 3460, particularly as to whether legislation enacted pursuant to the article which would be added to the California Constitution by the proposed constitutional amendment would control over the Public Utilities Commission, in the exercise of its powers and jurisdiction, and over the legislative acts of chartered cities.

The proposed constitutional amendment would add Article XXIX to the California Constitution as follows:

"Article XXIX. Environmental Quality

"Section 1. It is hereby declared to be the policy of the State of California and a matter of statewide concern to develop and maintain a high quality environment in order to assure for the people of the state, now and in the future, clean air, pure water, freedom from excessive noise, and enjoyment of scenic, historic, natural, and aesthetic values.

"The Legislature shall enact legislation to implement the provisions of this article and, notwithstanding any other provisions of

Honorable Bob Monagan - p. 2 - #3460

this Constitution, may make such legislation applicable to any state agency, to any chartered or general law city, city and county, or county, and to any district or other local agency."

Proposed Article XXIX, supra, would declare that it is a policy of the state and a matter of statewide concern to develop and maintain a high quality environment and would mandate the Legislature to enact legislation to implement such policy.

It would expressly provide that the Legislature may make such legislation applicable to any state agency, to any chartered or general law city, city and county, or county, and to any district or other local agency. In view of this express provision, it is clear that the Legislature would be able to enact legislation pursuant to Article XXIX which would be applicable to the Public Utilities Commission and which would control over legislative acts of chartered cities.

Very truly yours,

George H. Murphy
Legislative Counsel

By 
Robert Cullen Duffy
Deputy Legislative Counsel

RCD:jc

LEGISLATIVE INTENT SERVICE (800) 666-1917



Environmental Quality Act of 1970

TENTATIVE DRAFT

An act to add Division 13 (commencing with Section 21000) to the Public Resources Code, relating to environmental quality.

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

Section 1. Division 13 (commencing with Section 21000) is added to the Public Resources Code, to read:

DIVISION 13. ENVIRONMENTAL QUALITY

Chapter 1. Policy

21000. The Legislature finds and declares as follows:

(a) The maintenance of a quality environment for the people of this state now and in the future is a matter of statewide concern.

(b) It is necessary to provide a high quality environment that at all times is healthful and pleasing to the senses and intellect of man.

(c) There is a need to understand the relationship between the maintenance of high quality ecological systems and the general welfare of the people of the state, including their enjoyment of the natural resources of the state.



(d) The capacity of the environment is limited, and it is the intent of the Legislature that the government of the state take immediate steps to identify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds being reached.

(e) Every citizen has a responsibility to contribute to the preservation and enhancement of the environment.

(f) The interrelationship of policies and practices in the management of natural resources and waste disposal requires systematic and concerted efforts by public and private interests to enhance environmental quality and to control environmental pollution.

(g) It is the intent of the Legislature that all agencies of the state government which regulate activities of private individuals, corporations, and public agencies which may affect the quality of the environment, shall regulate such activities so that major consideration is given to preventing environmental damage.

21001. The Legislature further finds and declares that it is the policy of the state to:

(a) Develop and maintain a high quality environment now and in the future, and take all action necessary to protect, rehabilitate, and enhance the



environmental quality of the state.

(b) Take all action necessary to provide the people of this state with clean air and water, enjoyment of esthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise.

(c) Prevent the elimination of fish or wildlife species due to man's activities, keep all fish and wildlife populations at a self-perpetuating level, and preserve for future generations representations of all plant and animal communities and examples of the major periods of California history.

(d) Ensure that the long-term protection of the environment shall be the guiding criterion in public decisions.

(e) Create and maintain conditions under which man and nature can exist in productive harmony to fulfill the social and economic requirements of present and future generations.

(f) Require governmental agencies at all levels to develop standards and procedures necessary to protect environmental quality.

(g) Require governmental agencies at all levels to consider qualitative factors as well as economic and technical factors and long-term benefits and costs, in addition to short-term benefits and costs and to consider



alternatives to proposed actions affecting the environment.

Chapter 2. Short Title

21050. This division shall be known and may be cited as the Environmental Quality Act of 1970.

Chapter 3. State Agencies, Boards
and Commissions

21100. All state agencies, boards, and commissions shall include in any report on any program they propose to carry out which could have a significant effect on the environment of the state, a detailed statement by the responsible state official setting forth the following:

- (a) The environmental impact of the proposed action.
- (b) Any adverse environmental effects which cannot be avoided if the proposal is implemented.
- (c) Mitigation measures proposed to minimize the impact.
- (d) Alternatives to the proposed action.
- (e) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.
- (f) Any irreversible environmental changes which would be involved in the proposed action should it be implemented.



21101. In regard to any proposed federal project in this state which may have a significant effect on the environment and on which the state officially comments, the state officials responsible for such comments shall include in their report a detailed statement setting forth the matters specified in Section 21100 prior to transmitting the comments of the state to the federal government. No report shall be transmitted to the federal government unless it includes such a detailed statement as to the matters specified in Section 21100.

21102. No state agency, board, or commission shall request funds for any project, other than a project involving only planning, which could have a significant effect on the environment unless such request is accompanied by a detailed statement setting forth the matters specified in Section 21100.

21103. Any state agency, board or commission may expend, for the purpose of taking any action necessary to protect the environment in relation to problems caused by its activities, any money appropriated to it for such purpose.

21104. Every state agency, board and commission shall review its present statutory authority, rules, regulations, policies and procedures to determine any inconsistencies or deficiencies in such provisions



which would hinder compliance with the provisions of this division, and shall propose to the Governor and the Legislature no later than January 1971, any measures necessary to comply with the intent, policies, and procedures of this division.

Chapter 5. Local Agencies

21150. State agencies, boards, and commissions responsible for allocating state or federal funds to local governmental agencies for any program which may have a significant effect on the environment, shall require from the responsible local governmental agency a detailed statement setting forth the matters specified in Section 21100 prior to the allocation of any funds, other than funds solely for planning purposes.

21151. All local governmental agencies shall conduct needed environmental impact studies and shall consider alternative methods for any program carried out by them which may have a significant effect on the quality of the environment.



COMMISSIONERS
WILLIAM SYMONS, JR., PRESIDENT
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ADDRESS ALL COMMUNICATIONS
TO THE COMMISSION
CALIFORNIA STATE BUILDING
SAN FRANCISCO, CALIF. 94102

Public Utilities Commission
STATE OF CALIFORNIA

FILE NO.

22 May 1970

Re: A.B. 2045

Honorable John T. Knox
The State Assembly
2114 State Capitol
Sacramento, California 95814

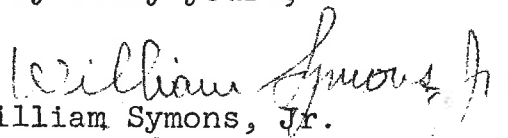
Dear Assemblyman Knox:

The Public Utilities Commission has reviewed your Assembly Bill No. 2045 which deals with improvement of the quality of the environment and has concluded that it should take a position in support thereof.

It appears that this measure will be helpful in directing the attention of all State agencies to the problems inherent in matters that affect the environment. Improvement in environmental controls will be beneficial to all citizens of this State and, therefore, the Commission adds its support to this measure.

Copies of this letter will be sent to the members of the Assembly Committee on Natural Resources and Conservation.

Very truly yours,


William Symons, Jr.
President

LEGISLATIVE INTENT SERVICE (800) 666-1917

Legislative Analyst
June 26, 1970

ANALYSIS OF ASSEMBLY BILL NO. 2045 (Knox) 2140
(Select Committee on Environmental Quality)
As Amended in Assembly June 23, 1970
1970 Session

AB 2045 (As Am. 6/23/70)

Fiscal Effect:

Cost: Indeterminate state and local planning costs from general and special funds. Probable increased costs for state and local capital outlay projects.

Revenue: None. Probable savings from deferment or cancelation of state and local projects which are confronted with environmental problems.

Analysis:

This bill requires all state agencies and units of local government to prepare environmental impact reports on any project or program which could have a significant effect on the environment. The following specific requirements are included in the bill:

1. All state agencies shall include in any report on any proposed program a detailed statement on its environmental impact.
2. State officials when commenting on federal projects shall include a detailed statement on its environmental impact.
3. No state agency shall request or authorize funds for expenditure unless a detailed statement on environmental impact has been made.
4. State agencies which allocate state or federal funds to local governments shall require local government to submit detailed statements on environmental impact before releasing funds.



5. Cities and counties having conservation elements of a general plan shall find that any program to be carried out is in accord with the conservation element.
6. All other local governments shall make environmental impact reports on any program which may have a significant effect on the environment.

The environmental impact reports required by the above language are broad in scope. Specific consideration of alternatives, mitigation measures, long and short-term relationships and irreversible environmental changes are required. In addition, state agencies are directed to review their statutes and regulations for needed revisions and to report these to the Governor and the Legislature by January 1977.

The application of the general language of the bill is difficult to anticipate in the wide variety of circumstances and conditions to which it may apply. It will require substantially more gathering and evaluation of data than is the present practice. These costs could extend to both General Fund and special fund environmental activities which can be classified as programs or projects. Section 21105 requires all state agencies to request funds necessary to protect the environment.

Future capital outlay projects may be more expensive if more costly alternatives are required or if mitigation measures are included. On the other hand, the bill may result in some delays of previously authorized projects until the environmental impact reports are prepared and some projects may be cancelled if satisfactory environmental alternatives are not feasible.

The bill provides for enforcement of its provisions by authorizing any person to bring an action for injunction or mandatory relief against any state or local agency for failure to make the environmental impact reports required. These suits will result in increased costs for litigation.



LEAGUE OF CALIFORNIA CITIES

AL 2045-

MEMBER NATIONAL LEAGUE OF CITIES
(Formerly — American Municipal Association)
"WESTERN CITY" OFFICIAL PUBLICATION

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August 12, 1970

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COMMENTS CONCERNING ENVIRONMENTAL QUALITY BILLS PENDING BEFORE SENATE GOVERNMENTAL ORGANIZATION COMMITTEE

ACR 132 Milias - No comment

AB 207 Foran - Support

Financing of air pollution research from motor vehicle fund. This would be the first applied research in the air pollution field in California and would assist local government and air pollution control districts in evaluating the location of industrial and commercial plants.

AB 1310 Knox - Oppose

Would transfer to the Bay Area Conservation Development Commission responsibility for completing the water quality control system in the San Francisco Bay Area. BCDC has had no responsibility for determining appropriate sewerage treatment facilities nor is there anyone presently on their staff who has expertise in this field. The State Water Resources Control Board now has authority, working through their regional quality control boards, to complete the study and this is as it should be. The bill further expands the jurisdictional boundaries for the purpose of the sewerage treatment program to include all nine (9) counties surrounding the Bay which again points the way to BCDC being the regional agency for the Bay Area. The jurisdictional boundaries for BCDC were fought out last year and now include 100 ft. inland from the Bay. If they are now extended to include all land within the nine counties for this purpose it would be the first step towards assuming other regional functions and thus becoming, by evolution, the new regional government for the San Francisco Bay region.

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5
SP-1
154

AB 1942 Briggs - No comment

AB 2045 Knox

As written AB 2045 will create a considerable amount of unnecessary paperwork for the State and particularly local agencies. The bill makes a series of findings that are not necessarily accurate. For example, "maintenance of the quality of the environment is a matter of statewide concern". This is preemptive language which has been discussed at length in regard to ACA 55 (held in C.O. committee). Even in ACA 55 however, language was added to make clear it would not preempt the right of cities and counties to regulate as it pertains to the environment. Also of concern is the findings (subsection "g" page 3, lines 4-9), which requires that the major consideration in any project is preventing environmental damage. Although the effect of any development on the environment should be fully understood and considered it can hardly be a "major consideration" in approving a freeway location for if it were the freeway would obviously not be constructed for it does damage the environment. After setting forth such findings the bill requires specific reports on any project that would have a significant effect on the environment which, of course, would be most projects. In addition to State agencies preparing environment "impact" reports it mandates that each city and county make a finding that any project or change in zoning which may have a significant impact on the environment is in accord with the city's conservation element. Cities without a conservation element would be required to prepare an "impact" report on every such project. The bill does not indicate who, if anyone, would review these impact reports, although local government is required, for using Federal funds, to prepare a report on the effect of the environment in order to qualify for the funds; it would seem at the most this could be extended to projects where State grants are involved. The amount of paperwork however, in requiring such reports for every project where only local funds are used, is undesirable.

AB 2070 Wilson - No comment

Creates State Office of Planning and Research in the Governor's Office.

AB 2167 Russell

Section 6374 - Governmental agencies that have previously been granted the use of tidelands should not be further restricted in carrying out the responsibilities under the grant such as provided in lines 25 through 34, page 3.

AB 2212 Milias - No comment

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AB 2310 Knox - Oppose

This bill establishes a Conservation and Development Agency of the Bay Area counties to be operative when authorized by a majority of the voters at an election to be held June 8, 1971. The governing body is to be comprised of 40 members - 20 selected from the mayors and councilmen and county supervisors and 20 to be elected from the districts within the nine counties. The regional agency would be responsible for enforcing the Bay Conservation and Development Plan, Transportation Plan, Environmental Quality Plan for all solid and regulated waste disposal and regional park and open space plan. All local plans and regulations would conform to the regional plan in respect to the foregoing mandatory elements of the regional plan. The bill will establish a statewide precedent for regional government in California. We believe that by providing for half of the governing body to be elected directly from districts the effect will be to establish still another level of government in the Bay Area. If the people within the Bay Area want to implement a regional plan it should not be a competing agency to existing general purpose government. The governing body should be composed entirely of local government officials so as to better coordinate regional plans and programs and to bring to such a governing body experienced local legislators responsible for providing governmental services in the area. The experience in other parts of the nation where regional governments have been created is of continued growth and expansion and, of course, increased costs to the public.

AB 2131 Wilson

We support this bill asking for two amendments as follows:

1. Provide for actual boundaries of the coastal zone to be initially determined by the involved cities and counties and finally approved by the regional zone board rather than the state authority as now provided in the bill.
2. Clarify the language relating to the need for a permit from the regional zone board involving "substantial interference with line of sight" to require a regional zone board permit for any development which would "substantially lessen public views and vistas of the coastline".

DB:jrt

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65031. (line 17) delete: formulation, add: recommendation.

65035. (line 5) add: It is not the intent of the Legislature to vest in the Office any direct operating or regulatory powers over land use, public works or other state, regional or local projects or programs.

65036. (line 14) delete: goals and objectives, add: growth and development.

65040. (g) (line 28) add: In conjunction with appropriate State, regional and local agencies coordinate the development

LEGISLATIVE COUNCIL

AB 2045

21000. (g) (line 6) delete: may, add: are found to be

Page 5 delete Chapter 5. (lines 30 to 39)

21103 (line 27) add: In conjunction with appropriate State, regional and local agencies the Office of Planning and Research shall

21150 (line II) add: shall, unless exempted by formal procedures developed under the provisions of Section 21103

21151 (line 26) delete: program, add: project
(delete line 20 beginning with Local governmental; lines 21, 22, 23; line 24 ending with environment.)

AMENDMENTS TO ASSEMBLY BILL NO. 2045

PROPOSED BY THE PORT OF OAKLAND

DIVISION 13, ENVIRONMENTAL QUALITY

CHAPTER 1. POLICY

CHAPTER 2. SHORT TITLE

(The Port advocates no changes to these sections of the Bill.)

CHAPTER 3. ~~STATE AGENCIES, BOARDS AND COMMISSIONS~~

21100. All state agencies, boards, and commissions shall include in any report on any program they propose to carry out for which a permit is legally required from or the consent required of any governmental agency charged with safeguarding the environment and which could have a significant major effect on the environment of the state, a detailed statement by the responsible state official setting forth the following:

- (a) The environmental impact of the proposed action.
- (b) ~~Any adverse environmental effects which cannot be~~ avoided if the proposal is implemented.
- (c) Mitigation measures proposed to minimize the impact.
- (d) Alternatives to the proposed action.
- (e) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.
- (f) ~~Any irreversible environmental changes which would~~

be involved in the proposed action should it be implemented.

21101. In regard to any proposed federal project in this state which may have a significant major effect on the environment and on which the state officially comments, the state officials responsible for such comments shall include in their report a detailed statement setting forth the matters specified in Section 21100 prior to transmitting the comments of the state to the federal government. No report shall be transmitted to the federal government unless it includes such a detailed statement as to the matters specified in Section 21100.

21102. No state agency, board, or commission shall request funds, nor shall any state agency, board, or commission which authorizes expenditures of funds, other than funds appropriated in the Budget Act, authorize funds for expenditure for any project, other than a project involving only planning, for which a permit is legally required from or the consent required of any governmental agency charged with safeguarding the environment and which could have a significant major effect on the environment unless such request or authorization is accompanied by a detailed statement setting forth the matters specified in Section 21100.

21103. Prior to the making of a detailed statement, the responsible state official shall consult with, and obtain comments from, any governmental agency which has jurisdiction by

law or special expertise with respect to any environmental impact involved.

21104. The responsible state official shall include the environmental impact report, together with any comments received from other governmental agencies pursuant to Section 21103, as a part of the regular project report used in the existing review and budgetary process. It shall be available to the Legislature and to the general public.

21105. All state agencies, boards, and commissions shall request in their budgets the funds necessary to protect the environment in relation to problems caused by their activities.

21106. Every state agency, board and commission shall review its present statutory authority, rules, regulations, policies and procedures to determine any inconsistencies or deficiencies in such provisions which would hinder compliance with the provisions of this division, and shall propose to the Governor and the Legislature no later than January 1971, any measures necessary to comply with the intent, policies, and procedures of this division.

CHAPTER 5. LOCAL AGENCIES

21150. State agencies, boards, and commissions, responsible for allocating state or federal funds on a project by project basis to local governmental agencies for land acquisition

or construction projects for which a permit is legally required from or the consent required of any governmental agency charged with safeguarding the environment and which may have a significant major effect on the environment, shall require from the responsible local governmental agency a detailed statement setting forth the matters specified in Section 21100 prior to the allocation of any funds, other than funds solely for planning purposes.

21151. The legislative body of all cities and counties which have an officially adopted conservation element of a general plan shall make a finding that any program they intend to carry out for which a permit is legally required from or the consent required of any governmental agency charged with safeguarding the environment and which may have a significant major effect on the environment, is in accord with the conservation element of the general plan. Local governmental units without an officially adopted conservation element shall make environmental impact reports on any program they intend to carry out for which a permit is legally required from or the consent required of any governmental agency charged with safeguarding the environment and which may have a significant major effect on the quality of the environment. All other local governmental agencies shall make an environmental impact report on any program they intend to carry out for which a permit is legally required from or the consent required of any governmental agency charged with safe-

guarding the environment and which may have a signifieant major effect on the environment and shall submit it to the appropriate local planning agency as part of the report required by Section 65402 of the Government Code.

CHAPTER 6. ENFORCEMENT

(The Port advocates no changes
to these sections of the Bill.)



AS 2045

1. Should not be taken up until after AB 2070 (video) is heard.

2. See Amendment # 2 8/4/20

- Would the effect of this provision provide for a single planner at the cabinet level? (see AS 2070 P. 3, see 65040)

3. P. 3, line 39 explain the

median requiring impact studies + also their usefulness.

a. who decides when they are needed?

b. who reviews them when they arrive?

c. What advisory or enforcement provisions are there?

c. What are they measured against?

d. How are the ~~multiple~~ ^{studies} ~~assessments~~ coordinated different agencies regarding impact?



4. P. 4, 21105 - what criteria are used to determine the budget request? Estimated Cost?

5. P. 4 21106 - enough time?

a. what criteria exist from which to make a determination?

b. lines 41-44 - actually asking the agencies, bds. + Commission to prepare legislation relative to the intent Section.

6. P. 5, line 8 - amendment # 8 - means that local plans are controlled by statute?
7. See Clean air notes

P. 2 line 2

line 10

line 23

P. 3 line 6

line 43

49

P. 5 line 16





SANTA MARIA AIR-POLLUTION REDUCTION TEAM

P.O. Box 2151/Orcutt, California 93454

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Thomas Dochterman

August 18, 1970.

Executive Director
William Denneen

Senate Governmental Organization Committee
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Gunnar Petersen
Businessman

Katherine Walling
Morro Bay

Josephine Webster
Santa Barbara

JoAnn Wilson
Nursery School

Dear committee,

We request the bill No. AB2045 be moved out of committee so that it can be voted on prior to the termination of this legislative session.

Sincerely yours,

William L. Denneen
William L. Denneen

WLD/jt

get smart **STOP POLLUTION!**

MINUTES

SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

DATE: Thursday, August 13, 1970

PRESIDING: Senator Sherman

ROLL CALL: Present: Schrade, Teale

Absent: Burns, Carrell, Danielson, Dolwig, Kennick,
Marks, Marler, Walsh, Wedworth, Whetmore.

The committee convened as a subcommittee until such time as there were sufficient members present to constitute a quorum.

AB 2029 Senator Schrade took up this bill for the author and moved that it be given a Do Pass recommendation and be referred to the Senate Committee on Finance. Motion carried.

AB 1942 Assemblyman Briggs presented this bill with amendments. Senator Schrade moved adoption of the author's amendments. Motion carried.

SENATOR WEDWORTH entered.

Senator Schrade moved that the bill be given a Do Pass as amended recommendation and be referred to the Senate Committee on Finance. Motion carried.

AB 1247 Assemblyman Briggs presented this bill to the committee. Senator Schrade moved that this bill be given a Do Pass recommendation and be referred to the Senate Committee on Finance. Motion carried.

AB 2131 Senator Sherman announced that this bill would go over to the next meeting of G.O. at the author's request.

AB 568 Senator Sherman announced that this bill would go over to the next meeting of G.O. at the author's request.

AB 1466 Assemblyman Dunlap presented this bill to the committee.

SENATORS DANIELSON, BURNS and WALSH entered.

QUORUM PRESENT

Senator Schrade moved that this bill be referred to the Senate Committee on Rules to be assigned to an appropriate committee for interim study. Motion carried.

AB 207 Assemblyman Foran presented this bill to the committee. Senator Teale moved that the bill be given a Do Pass recommendation and be referred to the Senate Committee on Finance. Motion failed to carry.

Senator Schrade moved adoption of the recommendations of the committee while sitting as a subcommittee with relation to Assembly Bills 2029, 1942 and 1247. Motion carried.

AB 1819 Assemblyman Stull presented this bill to the committee with amendments. Senator Wedworth moved adoption of the author's amendments. Motion carried. An additional amendment was discussed and offered by Mr. Stull (Line 44, Page 2, delete "requested" and insert "directed"). Senator Wedworth moved adoption of this amendments. Motion carried.

SENATOR KENNICK entered.

Senator Burns moved to rescind the committee action referring this bill to the Finance Committee. Senator Sherman stated that there was no need for the motion as the Committee still had possession of the bill. Ken Norris, California Office Products, spoke in opposition to the bill. Senator Wedworth suggested an amendment on Page 2, Line 19 to change the word "shall" to "may". (These amendments were not adopted). Senator Danielson moved that the bill be given a Do Pass as amended recommendation and be referred to the Senate Committee on Finance. Motion carried.

AB 2150 Assemblyman Lewis presented this bill to the committee with amendments. Senator Wedworth moved adoption of the author's amendments. Motion carried. Senator Kennick moved that the bill be given a Do Pass as Amended recommendation. Motion carried.

AB 2070 Assemblyman Wilson presented this bill with amendments. Senator Teale moved adoption of the author's amendments. Motion carried. Senator Schrade moved that the bill be given a Do Pass as Amended recommendation and be referred to the Senate Committee on Finance. Motion carried.

AB 1436 Assemblyman Wilson presented this bill to the committee. Senator Schrade moved that the bill be given a Do Pass recommendation and be referred to the Senate Committee on Finance. Motion carried.

AB 1435 Assemblyman Wilson presented this bill to the Committee. Senator Schrade moved that the bill be given a Do Pass recommendation and be referred to the Senate Committee on Finance. Motion carried.

AB 2300 Assemblyman Wilson presented this bill to the committee. Senator Walsh moved that the bill be given a Do Pass recommendation. Motion carried.

SENATOR WALSH left.

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AB 906 Assemblyman Barnes presented this bill to the committee. Senator Schrade moved that the bill be given a Do Pass recommendation and be referred to the Senate Committee on Finance. Senator Wedworth made a substitute motion that the bill be taken under submission. Motion carried.

AB 2045 Assemblyman Knox presented this bill to the committee with amendments. Senator Schrade moved adoption of the author's amendments. Motion carried. Senator Schrade moved that the bill be given a Do Pass as Amended recommendation and be referred to the Senate Committee on Finance. Mr. Merelman of the County Supervisors' Association spoke in opposition to the bill. An amendment was discussed to strike the italicized language in the printed bill. (This amendment was not adopted). Senator Sherman suggested that the bill be sent out to print to be reset at the next meeting of the committee. Mr. Knox stated that this would be agreeable to him. Senator Sherman so ordered.

AB 1310 Assemblyman Knox presented this bill to the committee. Mr. Carpenter of the League of California Cities spoke in opposition to the bill.

SENATOR WALSH returned.

Assemblyman Knox stated that he would drop the section of the bill relating to the "findings". Mr. Carpenter stated that he still would oppose the bill. Senator Danielson moved that the bill be given a Do Pass recommendation and be referred to the Senate Committee on Finance. Motion failed to carry.

AB 2345 Assemblyman Knox presented this bill to the committee with amendments. Senator Wedworth moved adoption of the author's amendments. Motion carried. Senator Danielson moved that the bill be given a Do Pass as Amended recommendation and be referred to the Senate Committee on Finance. ~~Motion~~ Motion carried.

AB 2310 Assemblyman Knox presented this bill to the committee. Mr. Carpenter of the League of California Cities spoke in opposition to the bill.

SENATOR BURNS left and returned.

Mr. Merelman of the County Supervisors' Association spoke in opposition to the bill. Senator Danielson moved an amendment to make membership in the agency elective. Motion failed to carry. Senator Wedworth moved that the bill be taken under submission. Senator Wedworth withdrew his motion. Senator Sherman ordered the bill set over to the next meeting of G.O.



- AB 2435 Assemblyman Miliias presented this bill to the committee. Mr. Rogers of the Water Resources Control Board spoke in explanation and support of the bill. Mr. Harry Asta, Attorney and Acting Director of the California Refuse Removal Council, spoke in opposition to the bill. Don Benninghoven of the League of California Cities spoke in support of the bill. Senator Teale suggested an amendment (Agency established by legislative act performing general environmental planning of any resource in the state). (The amendment was not adopted). Senator Schrade moved that the bill be given a Do Pass recommendation and be referred to the Senate Committee on Finance. Motion failed to carry. Senator Wedworth made a substitute motion that the bill be referred to the Senate Committee on Rules to be assigned to an appropriate committee for interim study. Motion carried. Senator Teale suggested that Mr. Baldwin, the Committee Consultant, draft a Resolution to assign the bill, by number, to the appropriate Senate Select Committee for interim study.
- AB 2212 Assemblyman Miliias presented this bill to the committee and Bob Jones, Consultant for the Assembly-Select Committee on Environment, explained the bill to the committee. It was suggested that the bill be amended to state that the legislative members constitute a committee from each house. (This was not adopted.)
- SENATOR WALSH left.
- Senator Danielson moved that the bill be given a Do Pass recommendation and be referred to the Senate Committee on Finance. Motion failed to carry.
- ACR 132 Assemblyman Miliias presented this measure to the committee. Senator Wedworth moved that the bill be given a Do Pass recommendation and be referred to the Senate Committee on Finance. Motion carried.
- AB 2464 Assemblyman Sieroty presented this bill to the committee. Senator Danielson moved that the bill be given a Do Pass recommendation and be referred to the Senate Committee on Finance. Motion carried.
- AB 451 Senator Wedworth moved adoption of the subcommittee report which recommended that the bill be given a Do Pass. Motion carried.
- AB 13 Senator Schrade moved that the subcommittee recommendation rereferring this bill to the full committee without recommendation be adopted. Motion carried.
- AB 1304 Senator Schrade moved that this bill be given a Do Pass recommendation and be referred to the Senate Committee on Finance, as recommended by the subcommittee. Motion carried.

- AB 1826 Senator Schrade moved that this bill be given a Do Pass recommendation and be referred to the Senate Committee on Finance as recommended by the subcommittee. Motion carried.
- AB 2377 Senator Schrade moved that this bill be given a Do Pass recommendation as recommended by the subcommittee. Motion carried.
- AB 2167 Bob Jones, Consultant of the Assembly Select Committee on Environment, presented this bill for the author with amendments. John Went, representing the Port of Oakland, spoke in opposition to the bill, and suggested some amendments which would make the bill acceptable to the Port of Oakland. Mr. Jones stated that these amendments would be acceptable to the author. Senator Schrade moved adoption of the amendments. Motion carried. Senator Schrade moved that the bill be given a Do Pass as Amended recommendation and be referred to the Senate Committee on Finance. Motion carried.
- SB 1146 Senator Wedworth presented this bill to the committee for the author. Doug Gillies, California Real Estate Association, spoke in opposition to the bill. Amendments were suggested whereby the tenant member of the agency would be a non-voting member. This amendment was acceptable to Senator Wedworth and to Mr. Gillies. Senator Schrade moved adoption of the amendments. Motion carried. Senator Danielson moved that the bill be given a Do Pass As Amended recommendation and be referred to the Senate Committee on Finance. Motion carried.
- AB 2162 Mr. Jack Gilchrist, California Marine Parks and Harbors, presented this bill for the author with amendments. Senator Schrade moved adoption of the author's amendments. Motion carried. Senator Schrade moved that the bill be given a Do Pass as Amended recommendation. Motion carried.
- AB 501 Casey Buchter presented this bill for the author. Senator Teale moved adoption of an amendment to require equal value for land traded for Manchester Beach. Motion carried. Senator Schrade moved that the bill be sent out to print and to be taken up at the next meeting of the committee. Motion carried.



Committee Secretary



MINUTES

SENATE COMMITTEE ON GOVERNMENTAL ORGANIZATION

DATE: Tuesday, August 18, 1970

PRESIDING: Senator Sherman

ROLL CALL: Present: Kennick, Burns, Teale,
Walsh, Wedworth, Whetmore.

Absent: Danielson, Carrell, Dolwig,
Marks, Marler, Schrade.

AB 1261 Assemblyman Beverly presented this bill to the committee. Senator Kennick moved that the bill be given a Do Pass recommendation with the further recommendation that the bill be placed on the Consent Calendar. Motion carried.

AB 2131 Assemblyman Wilson presented this bill with amendments. Senator Wedworth moved adoption of the author's amendments. Motion carried.

SENATOR SCHRADE entered.

Senator Burns moved that the bill be sent out to print and be reset for a later hearing. Motion carried. Senator Sherman ordered that the bill be reset for 2 P.M. on Thursday, August 20.

AB 2172 Dick Mansfield of the State Building and Construction Council of California, presented this bill to the committee for the author. Mr. Mansfield offered author's amendments. Senator Wedworth moved adoption of the author's amendments. Motion carried. Senator Sherman ordered the bill put over until later in the meeting when there were more members present.

AB 13 Assemblyman Deddeh presented this bill to the committee. Senator Wedworth moved that the bill be given a Do Pass recommendation and be referred to the Senate Committee on Finance. Motion carried.

AB 501 Assemblyman Stacey presented this bill to the committee. Senator Walsh moved that the bill be given a Do Pass recommendation and be referred to the Senate Committee on Finance. Mr. Stacey presented amendments to the bill. Senator Schrade moved adoption of the author's amendments. Motion carried. Casey Buchter of the Department of Parks and Recreation spoke in support of the bill. Senator Walsh moved that the bill be given a Do Pass as Amended recommendation and be referred to the Senate Committee on Finance. Motion carried. Senator Sherman stated that the bill would reach Finance sooner if the amendments were held and presented in Finance and entertained a motion to rescind the committee action. Senator Walsh so moved. Motion carried. Senator Walsh moved that the bill be given a Do Pass recommendation and be referred to the Senate Committee on Finance. Motion carried.

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SENATOR DANIELSON entered.

AB 2182 Assemblyman Knox presented this bill to the committee with amendments. Senator Schrade moved adoption of the author's amendments. Motion carried.

SENATORS WEDWORTH and BURNS left.

Bud Carpenter of the League of California Cities spoke in opposition to the bill.

SENATOR WEDWORTH returned.

Jack Merelman of the County Supervisors' Association spoke in opposition to the bill.

SENATOR BURNS returned.

SENATOR WALSH left.

Assemblyman Knox requested that the bill be sent out to print and be placed on file at the next meeting of G.O. Senator Schrade stated that although another meeting had been scheduled there was a chance that it would not be held. Senator Sherman ordered the bill held until later in the meeting when there might be more members present.

AB 2045 Assemblyman Knox presented this bill to the committee, with amendments. Senator Wedworth moved adoption of the author's amendments. Motion carried. Senator Kennick moved that the bill be given a Do Pass as Amended recommendation and be referred to the Senate Committee on Finance. Motion carried. Senator Sherman suggested that the action of the committee be rescinded so that Mr. Knox could present the amendments in Finance. Senator Kennick so moved. Motion carried. Senator Kennick moved that the bill be given a Do Pass recommendation and be referred to the Senate Committee on Finance. Motion carried.

~~AB 2310 Assemblyman Knox presented this bill with amendments.~~
Senator Schrade moved adoption of the author's amendments. Motion carried.

SENATOR WALSH returned.

Stan McCaffrey, Bay Area Council, spoke in support of the bill.

SENATOR WHETMORE left .

SENATOR MARLER entered.

AB 2310 Jack Merelman, County Supervisors' Association, spoke in
(contd.) opposition to the bill. Bud Carpenter, League of California
Cities, spoke in opposition to the bill. John Baget,
Executive Director of the Association of Bay Area Governments,
spoke in opposition to the bill.

SENATOR WHETMORE returned.

Senator Wedworth moved that the bill be given a Do Pass as
Amended recommendation. Motion failed to carry. Mr. Knox
requested that the bill be sent out to print. Senator
Sherman so ordered.

AB 2182 Senator Sherman ordered this bill taken up for the purpose
of a vote at this time. Senator Walsh moved that the bill
be given a Do Pass as Amended recommendation. Motion failed
to carry.

AB 2172 Senator Sherman ordered this bill taken up at this time for
to purpose of a vote. Senator Danielson moved that the bill
be given a Do Pass recommendation. Motion failed to carry.

ACR 200 Jay Michael of the University of California spoke in support
of this bill. Senator Teale moved that the Resolution be
referred to Finance unamended and that the author be asked
to appear before Finance and present the amendments there
as time is growing short. It was stated that the Senate desk
was closed for the day so that the measure could not reach
Finance this evening. Senator Teale withdrew his motion and
made a substitute motion that the author's amendmets be
adopted. Motion carried. Senator Teale moved that the bill
be given a Do Pass recommendation and be referred to the
Senate Committee on Finance. Motion carried.

AB 446 Assemblyman Monagan presented this bill to the committee,
with amendments. Senator Schrade moved adoption of the
author's amendments. Motion carried. Senator Danielson
moved an amendment to make the committee be designated
3 members appointed by the Governor, 3 members appointed
be Senate Rules Committee and 3 members appointed by the
Speaker of the Assembly. Motion carried. Senator Danielson
moved that the bill be given a Do Pass as Amended recommend-
ation and be referred to the Senate Committee on Finance.
Motion failed to carry.


Committee Secretary

3055
Legislative Analyst
July 22, 1970

ANALYSIS OF ASSEMBLY BILL NO. 2045 (Knox)
(Select Committee on Environmental Quality)
As Amended in Assembly July 9, 1970
1970 Session

Fiscal Effect:

Cost: Indeterminate state and local planning costs from general and special funds. Probable increased costs for state and local capital outlay projects.

Revenue: None. Probable savings from deferment or cancellation of state and local projects which are confronted with environmental problems.

Analysis:

This bill requires all state agencies and units of local government to prepare environmental impact reports on any project or program which could have a significant effect on the environment. The following specific requirements are included in the bill:

1. All state agencies shall include in any report on any proposed program a detailed statement on its environmental impact.
2. State officials when commenting on federal projects shall include a detailed statement on its environmental impact.
3. No state agency shall request or authorize funds for expenditure unless a detailed statement on environmental impact has been made.
4. State agencies which allocate state or federal funds to local governments shall require local government to submit detailed statements on environmental impact before releasing funds.

5. Cities and counties having conservation elements of a general plan shall find that any program to be carried out is in accord with the conservation element.
6. All other local governments shall make environmental impact reports on any program which may have a significant effect on the environment.

The environmental impact reports required by the above language are broad in scope. Specific consideration of alternatives, mitigation measures, long and short-term relationships and irreversible environmental changes are required. In addition, state agencies are directed to review their statutes and regulations for needed revisions and to report these to the Governor and the Legislature by January 1971.

The application of the general language of the bill is difficult to anticipate in the wide variety of circumstances and conditions to which it may apply. It will require substantially more gathering and evaluation of data than is the present practice. These costs could extend to both General Fund and special fund environmental activities which can be classified as programs or projects. Section 21105 requires all state agencies to request funds necessary to protect the environment.

Future capital outlay projects may be more expensive if more costly alternatives are required or if mitigation measures are included. On the other hand, the bill may result in some delays of previously authorized projects until the environmental impact reports are prepared and some projects may be cancelled if satisfactory environmental alternatives are not feasible.

The bill provides for enforcement of its provisions by authorizing any person to bring an action for injunction or mandatory relief against any state or local agency for failure to make the environmental impact reports required. These suits will result in increased costs for litigation.

LEAGUE OF CALIFORNIA CITIES

MEMBER NATIONAL LEAGUE OF CITIES
(Formerly — American Municipal Association)
"WESTERN CITY" OFFICIAL PUBLICATION

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COMMENTS CONCERNING ENVIRONMENTAL QUALITY BILLS PENDING BEFORE SENATE GOVERNMENTAL ORGANIZATION COMMITTEE

ACR 132 Milias - No comment

AB 207 Foran - Support

Financing of air pollution research from motor vehicle fund. This would be the first applied research in the air pollution field in California and would assist local government and air pollution control districts in evaluating the location of industrial and commercial plants.

AB 1310 Knox - Oppose

Would transfer to the Bay Area Conservation Development Commission responsibility for completing the water quality control system in the San Francisco Bay Area. BCDC has had no responsibility for determining appropriate sewerage treatment facilities nor is there anyone presently on their staff who has expertise in this field. The State Water Resources Control Board now has authority, working through their regional quality control boards, to complete the study and this is as it should be. The bill further expands the jurisdictional boundaries for the purpose of the sewerage treatment program to include all nine (9) counties surrounding the Bay, which again points the way to BCDC being the regional agency for the Bay Area. The jurisdictional boundaries for BCDC were fought out last year and now include 100 ft. inland from the Bay. If they are now extended to include all land within the nine counties for this purpose it would be the first step towards assuming other regional functions and thus becoming, by evolution, the new regional government for the San Francisco Bay region.

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AB 1942 Briggs - No comment

AB 2045 Knox

As written AB 2045 will create a considerable amount of unnecessary paperwork for the State and particularly local agencies. The bill makes a series of findings that are not necessarily accurate. For example, "maintenance of the quality of the environment is a matter of statewide concern". This is preemptive language which has been discussed at length in regard to ACA 55 (held in C.O. committee). Even in ACA 55 however, language was added to make clear it would not preempt the right of cities and counties to regulate as it pertains to the environment. Also of concern is the findings (subsection "g" page 3, lines 4-9), which requires that the major consideration in any project is preventing environmental damage. Although the effect of any development on the environment should be fully understood and considered it can hardly be a "major consideration" in approving a freeway location for if it were the freeway would obviously not be constructed for it does damage the environment. After setting forth such findings the bill requires specific reports on any project that would have a significant effect on the environment which, of course, would be most projects. In addition to State agencies preparing environment "impact" reports it mandates that each city and county make a finding that any project or change in zoning which may have a significant impact on the environment is in accord with the city's conservation element. Cities without a conservation element would be required to prepare an "impact" report on every such project. The bill does not indicate who, if anyone, would review these impact reports, although local government is required, for using Federal funds, to prepare a report on the effect of the environment in order to qualify for the funds; it would seem at the most this could be extended to projects where State grants are involved. The amount of paperwork however, in requiring such reports for every project where only local funds are used, is undesirable.

AB 2070 Wilson - No comment

Creates State Office of Planning and Research in the Governor's Office.

AB 2167 Russell

Section 6374 - Governmental agencies that have previously been granted the use of tidelands should not be further restricted in carrying out the responsibilities under the grant such as provided in lines 25 through 34, page 3.

AB 2212 Milias - No comment

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AB 2310 Knox - Oppose

This bill establishes a Conservation and Development Agency of the Bay Area counties to be operative when authorized by a majority of the voters at an election to be held June 8, 1971. The governing body is to be comprised of 40 members - 20 selected from the mayors and councilmen and county supervisors and 20 to be elected from the districts within the nine counties. The regional agency would be responsible for enforcing the Bay Conservation and Development Plan, Transportation Plan, Environmental Quality Plan for all solid and regulated waste disposal and regional park and open space plan. All local plans and regulations would conform to the regional plan in respect to the foregoing mandatory elements of the regional plan. The bill will establish a statewide precedent for regional government in California. We believe that by providing for half of the governing body to be elected directly from districts the effect will be to establish still another level of government in the Bay Area. If the people within the Bay Area want to implement a regional plan it should not be a competing agency to existing general purpose government. The governing body should be composed entirely of local government officials so as to better coordinate regional plans and programs and to bring to such a governing body experienced local legislators responsible for providing governmental services in the area. The experience in other parts of the nation where regional governments have been created is of continued growth and expansion and, of course, increased costs to the public.

AB 2131 Wilson

We support this bill asking for two amendments as follows:

1. Provide for actual boundaries of the coastal zone to be initially determined by the involved cities and counties and finally approved by the regional zone board rather than the state authority as now provided in the bill.
2. Clarify the language relating to the need for a permit from the regional zone board involving "substantial interference with line of sight" to require a regional zone board permit for any development which would "substantially lessen public views and vistas of the coastline".

DB:jrt

AB 2070

65031. (line 17) delete: formulation, add: recommendation.

65035 (line 5) add: It is not the intent of the Legislature to vest in the Office any direct operating or regulatory powers over land use, public works or other state, regional or local projects or programs.

65036. (line 14) delete: goals and objectives, add: growth and development.

65040. (g) (line 28) add: In conjunction with appropriate State, regional and local agencies coordinate the development . . .

AB 2045

21000. (g) (line 6) delete: may, add: are found to be

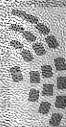
Page 5 delete Chapter 5. (lines 30 to 39)

21103 (line 27) add: In conjunction with appropriate State, regional and local agencies the Office of Planning and Research shall . . .

21150 (line 11) add: shall, unless exempted by formal procedures developed under the provisions of Section 21103

21151 (line 26) delete: program, add: project
(delete line 20 beginning with Local governmental; lines 21, 22, 23; line 24 ending with environment.)

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AMENDMENTS TO ASSEMBLY BILL NO. 2045

PROPOSED BY THE PORT OF OAKLAND

DIVISION 13. ENVIRONMENTAL QUALITY

CHAPTER 1. POLICY

CHAPTER 2. SHORT TITLE

(The Port advocates no changes to these sections of the Bill.)

CHAPTER 3. STATE AGENCIES, BOARDS AND COMMISSIONS

21100. All state agencies, boards, and commissions shall include in any report on any program they propose to carry out for which a permit is legally required from or the consent required of any governmental agency charged with safeguarding the environment and which could have a significant major effect on the environment of the state, a detailed statement by the responsible state official setting forth the following:

- (a) The environmental impact of the proposed action.
- (b) Any adverse environmental effects which cannot be avoided if the proposal is implemented.
- (c) Mitigation measures proposed to minimize the impact.
- (d) Alternatives to the proposed action.
- (e) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.
- (f) Any irreversible environmental changes which would

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be involved in the proposed action should it be implemented.

21101. In regard to any proposed federal project in this state which may have a ~~signifieant~~ major effect on the environment and on which the state officially comments, the state officials responsible for such comments shall include in their report a detailed statement setting forth the matters specified in Section 21100 prior to transmitting the comments of the state to the federal government. No report shall be transmitted to the federal government unless it includes such a detailed statement as to the matters specified in Section 21100.

21102. No state agency, board, or commission shall request funds, nor shall any state agency, board, or commission which authorizes expenditures of funds, other than funds appropriated in the Budget Act, authorize funds for expenditure for any project, other than a project involving only planning, for which a permit is legally required from or the consent required of any governmental agency charged with safeguarding the environment and which could have a ~~signifieant~~ major effect on the environment unless such request or authorization is accompanied by a detailed statement setting forth the matters specified in Section 21100.

21103. Prior to the making of a detailed statement, the responsible state official shall consult with, and obtain comments from, any governmental agency which has jurisdiction by

law or special expertise with respect to any environmental impact involved.

21104. The responsible state official shall include the environmental impact report, together with any comments received from other governmental agencies pursuant to Section 21103, as a part of the regular project report used in the existing review and budgetary process. It shall be available to the Legislature and to the general public.

21105. All state agencies, boards, and commissions shall request in their budgets the funds necessary to protect the environment in relation to problems caused by their activities.

21106. Every state agency, board and commission shall review its present statutory authority, rules, regulations, policies and procedures to determine any inconsistencies or deficiencies in such provisions which would hinder compliance with the provisions of this division, and shall propose to the Governor and the Legislature no later than January 1971, any measures necessary to comply with the intent, policies, and procedures of this division.

CHAPTER 5. LOCAL AGENCIES

21150. State agencies, boards, and commissions, responsible for allocating state or federal funds on a project by project basis to local governmental agencies for land acquisition

or construction projects for which a permit is legally required from or the consent required of any governmental agency charged with safeguarding the environment and which may have a ~~significant~~ major effect on the environment, shall require from the responsible local governmental agency a detailed statement setting forth the matters specified in Section 21100 prior to the allocation of any funds, other than funds solely for planning purposes.

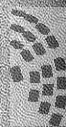
21151. The legislative body of all cities and counties which have an officially adopted conservation element of a general plan shall make a finding that any program they intend to carry out for which a permit is legally required from or the consent required of any governmental agency charged with safeguarding the environment and which may have a ~~significant~~ major effect on the environment, is in accord with the conservation element of the general plan. Local governmental units without an officially adopted conservation element shall make environmental impact reports on any program they intend to carry out for which a permit is legally required from or the consent required of any governmental agency charged with safeguarding the environment and which may have a ~~significant~~ major effect on the quality of the environment. All other local governmental agencies shall make an environmental impact report on any program they intend to carry out for which a permit is legally required from or the consent required of any governmental agency charged with safe-

guarding the environment and which may have a significant major effect on the environment and shall submit it to the appropriate local planning agency as part of the report required by Section 65402 of the Government Code.

CHAPTER 6. ENFORCEMENT

(The Port advocates no changes
to these sections of the Bill.)

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A.S. 2025

1. Could not be taken up until after A.S. 2020 (India) is heard

2. See Amendment of 2017

What is the effect of these provisions provided for a single person at the relevant place? (see A.S. 2020 No. 50650)

3. P. 3, Sec 39 Explain the

method requires input from it also the arguments

in the case, can the law be applied?

b. What is the nature of the rule, how is it applied?

c. What is the nature of the provisions are there?

d. What is the message against it?

e. How is the ~~method~~ ^{structure} coordinated about equity and impact?

4. P. 4, 21105 - What criteria are used to determine the budget request? Estimated cost?

5. P. 5, 21106 - example time?

a. What criteria exist for which to make a determination?

b. Line 41-40 - actually asks the agencies, boards & commissions to prepare legislation relative to the incident Section.

c. P. 5, line 8 - amendment # 8 - sentence that local plans are controlled by

7. See class app notes, State

P. 2 line 2

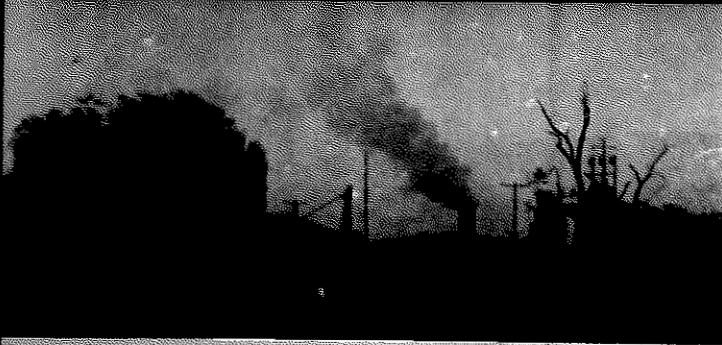
line 1

line 23

P. 3 line 6

line 43

40



SANTA MARIA AIR-POLLUTION REDUCTION TEAM

P.O. Box 2151/Orcutt, California 93454

Chairman
Thomas Dochterman

August 18, 1970.

Executive Director
William Denneen

Senate Governmental Organization Committee
State Capital, Sacramento,
California 95814.

Treasurer
Hazel K. Ward

Publicity
Reene Morrow

Dear committee,

Graphic Design
Jeff Lovelace

Membership
Roy Briggs

We request the bill No. AB2045 be moved out of committee so that it can be voted on prior to the termination of this legislative session.

Advisory Board

John M. Barry
Physician

Baynard Bloom
Shell Beach

Paul Davis
San Luis Obispo

Frank Howell
Optometrist

Martha Osborne
Homemaker

Bob Pratt
Teacher

Gunnar Petersen
Businessman

Katherine Walling
Morro Bay

Josephine Webster
Santa Barbara

JoAnn Wilson
Nursery School

WLD/jt

Sincerely yours,

William L. Denneen
William L. Denneen

get smart STOP POLLUTION!

Legislative Analyst
June 3, 1970

ANALYSIS OF ASSEMBLY BILL NO. 2045 (Knock)
(Select Committee on Environmental Quality)
As Amended in Assembly May 26, 1970
1970 Session

Fiscal Effect:

- Cost: Indeterminate state and local planning costs from general and special funds. Possible increased costs for state and local capital outlay projects.
- Revenue: None. Possible savings from deferment or cancelation of state and local projects which are confronted with environmental problems.

Analysis:

This bill requires all state agencies and units of local government to prepare environmental impact reports on any project or program which could have a significant effect on the environment. The following specific requirements are included in the bill:

1. All state agencies shall include in any report on any proposed program a detailed statement on its environmental impact.
2. State officials when commenting on federal projects shall include a detailed statement on its environmental impact.
3. No state agency shall request or authorize funds for expenditure unless a detailed statement on environmental impact has been made.
4. State agencies which allocate state or federal funds to local governments shall require local government to submit detailed statements on environmental impact before releasing funds.

AB 2045 (am. 5-26-70)

LEGISLATIVE SERVICE

5. Cities and counties having conservation elements of a general plan shall find that any program to be carried out is in accord with the conservation element.

6. All other local governments shall make environmental impact reports on any program which may have a significant effect on the environment.

The environmental impact reports required by the above language are broad in scope. Specific consideration of alternatives, mitigation measures, long and short-term relationships and irreversible environmental changes are required. In addition state agencies are directed to review their statutes and regulations for needed revisions and to report these to the Governor and the Legislature by January, 1971.

The application of the general language of the bill is difficult to anticipate in the wide variety of circumstances and conditions to which it may apply. As a minimum, it will require substantially more gathering and evaluation of data than is the present practice. These costs could extend to both General Fund and special fund environmental activities which can be classified as programs or projects. Section 21105 states that for the purpose of taking any action necessary to protect the environment any money appropriated to the agency may be expended for such purpose. Presumably, this is not a reappropriation of funds but it is not clear how the above language affects present appropriation authorities.

It is probable that the bill will result in increased expenditures for data collection, studies, and evaluation of proposed programs and projects both of a support and capital outlay nature. In particular, future capital outlay projects may be more expensive if more costly alternatives are required or if mitigation measures are included. On the other hand, the bill may result in some delays of previously authorized projects until the environmental impact reports are prepared and some projects may be cancelled if satisfactory environmental alternatives are not feasible.

AB 2045 continued

The bill does not specify how the provisions of the bill will be executed through either administrative or legislative processes. It is possible that some of its more explicit provisions could be enforced through court actions brought by private persons.

21

ANALYSIS OF ASSEMBLY BILL NO. 2045 (Knox)
(Select Committee on Environmental Quality)
As Amended in Assembly June 23, 1970
1970 Session

Fiscal Effect:

Cost: Indeterminate state and local planning costs from general and special funds. Probable increased costs for state and local capital outlay projects.

Revenue: None. Probable savings from deferment or cancelation of state and local projects which are confronted with environmental problems.

Analysis:

This bill requires all state agencies and units of local government to prepare environmental impact reports on any project or program which could have a significant effect on the environment. The following specific requirements are included in the bill:

1. All state agencies shall include in any report on any proposed program a detailed statement on its environmental impact.
2. State officials when commenting on federal projects shall include a detailed statement on its environmental impact.
3. No state agency shall request or authorize funds for expenditure unless a detailed statement on environmental impact has been made.
4. State agencies which allocate state or federal funds to local governments shall require local government to submit detailed statements on environmental impact before releasing funds.

5. Cities and counties having conservation elements of a general plan shall find that any program to be carried out is in accord with the conservation element.
6. All other local governments shall make environmental impact reports on any program which may have a significant effect on the environment.

The environmental impact reports required by the above language are broad in scope. Specific consideration of alternatives, mitigation measures, long and short-term relationships and irreversible environmental changes are required. In addition, state agencies are directed to review their statutes and regulations for needed revisions and to report these to the Governor and the Legislature by January 1971.

The application of the general language of the bill is difficult to anticipate in the wide variety of circumstances and conditions to which it may apply. It will require substantially more gathering and evaluation of data than is the present practice. These costs could extend to both General Fund and special fund environmental activities which can be classified as programs or projects. Section 21105 requires all state agencies to request funds necessary to protect the environment.

Future capital outlay projects may be more expensive if more costly alternatives are required or if mitigation measures are included. On the other hand, the bill may result in some delays of previously authorized projects until the environmental impact reports are prepared and some projects may be cancelled if satisfactory environmental alternatives are not feasible.

The bill provides for enforcement of its provisions by authorizing any person to bring an action for injunction or mandatory relief against any state or local agency for failure to make the environmental impact reports required. These suits will result in increased costs for litigation.

ANALYSIS OF ASSEMBLY BILL NO. 2045 (Knox)
(Select Committee on Environmental Quality)
As Amended in Assembly July 9, 1970
1970 Session

Fiscal Effect:

Cost: Indeterminate state and local planning costs from general and special funds. Probable increased costs for state and local capital outlay projects.

Revenue: None. Probable savings from deferment or cancelation of state and local projects which are confronted with environmental problems.

Analysis:

This bill requires all state agencies and units of local government to prepare environmental impact reports on any project or program which could have a significant effect on the environment. The following specific requirements are included in the bill:

1. All state agencies shall include in any report on any proposed program a detailed statement on its environmental impact.
2. State officials when commenting on federal projects shall include a detailed statement on its environmental impact.
3. No state agency shall request or authorize funds for expenditure unless a detailed statement on environmental impact has been made.
4. State agencies which allocate state or federal funds to local governments shall require local government to submit detailed statements on environmental impact before releasing funds.

5. Cities and counties having conservation elements of a general plan shall find that any program to be carried out is in accord with the conservation element.
6. All other local governments shall make environmental impact reports on any program which may have a significant effect on the environment.

The environmental impact reports required by the above language are broad in scope. Specific consideration of alternatives, mitigation measures, long and short-term relationships and irreversible environmental changes are required. In addition, state agencies are directed to review their statutes and regulations for needed revisions and to report these to the Governor and the Legislature by January 1974.

The application of the general language of the bill is difficult to anticipate in the wide variety of circumstances and conditions to which it may apply. It will require substantially more gathering and evaluation of data than is the present practice. These costs could extend to both General Fund and special fund environmental activities which can be classified as programs or projects. Section 21105 requires all state agencies to request funds necessary to protect the environment.

Future capital outlay projects may be more expensive if more costly alternatives are required or if mitigation measures are included. On the other hand, the bill may result in some delays of previously authorized projects until the environmental impact reports are prepared and some projects may be cancelled if satisfactory environmental alternatives are not feasible.

The bill provides for enforcement of its provisions by authorizing any person to bring an action for injunction or mandatory relief against any state or local agency for failure to make the environmental impact reports required. These suits will result in increased costs for litigation.

Legislative Analyst
August 5, 1970

ANALYSIS OF ASSEMBLY BILL No. 2045 (Knox)
(Select Committee on Environmental Quality)
As Amended in Senate August 4, 1970
1970 Session

AB 2045 (am. 8-4-70)

Fiscal Effect:

Cost: Indeterminate state and local planning costs from general and special funds. Probable increased costs for state and local capital outlay projects.

Revenue: None. Probable savings from deferment or cancelation of state and local projects which are confronted with environmental problems.

Analysis:

This bill requires all state agencies and units of local government to prepare environmental impact reports. The following specific requirements are included in the bill:

1. All state agencies shall prepare a detailed statement on any proposed project which may have a significant effect on the environment.
2. State officials when commenting on federal projects shall include a detailed statement on its environmental impact.
3. No state agency shall request or authorize funds for expenditure unless a detailed statement on environmental impact has been made.
4. State agencies which allocate state or federal funds to local governments shall require local government to submit detailed statements on environmental impact before releasing funds.

5. Cities and counties having conservation elements of a general plan shall find that any program to be carried out is in accord with the conservation element.
6. All other local governments shall make environmental impact reports on any project or zoning change which may have a significant effect on the environment.

The environmental impact reports required by the above language are broad in scope. Specific consideration of alternatives, mitigation measures, long and short-term relationships and irreversible environmental changes are required. In addition, state agencies are directed to re-view their statutes and regulations for needed revisions and to report these to the Governor and the Legislature by January 1971. The proposed Office of Planning and Research is to coordinate the development and evaluation of the reports.

The application of the general language of the bill is difficult to anticipate in the wide variety of circumstances and conditions to which it may apply. It will require substantially more gathering and evaluation of data than is the present practice. These costs could extend to both General Fund and special fund environmental activities which can be classified as programs or projects. Section 21105 requires all state agencies to request funds necessary to protect the environment.

Future capital outlay projects may be more expensive if more costly alternatives are required or if mitigation measures are included. On the other hand, the bill may result in some delays of previously authorized projects until the environmental impact reports are prepared and some projects may be cancelled if satisfactory environmental alternatives are not feasible.

The bill provides for enforcement of its provisions by authorizing any person to bring an action for injunction or mandatory relief against any state or local agency for failure to make the environmental impact reports required. These suits will result in increased costs for litigation.



ANALYSIS OF ASSEMBLY BILL NO. ~~2045~~ (Knox)
(Select Committee on Environmental Quality)
As Amended in Senate August 4, 1970 &
As Amended by Leg. Counsel's Request 17324
1970 Session

Fiscal Effect:

Cost: Indeterminate state and local planning costs from general and special funds. Probable increased costs for state and local capital outlay projects.

Revenue: None. Probable savings from deferment or cancelation of state and local projects which are confronted with environmental problems.

Analysis:

This bill requires all state agencies and certain units of local government to prepare environmental impact reports under the general coordination of the Office of Planning and Research. The following specific requirements are included in the bill:

1. All state agencies shall prepare a detailed statement on any proposed project which may have a significant effect on the environment (impact report).
2. State officials when commenting on federal projects shall include a detailed statement on its environmental impact.
3. No state agency shall request or authorize funds for expenditure unless a detailed statement on environmental impact has been made.
4. State agencies which allocate state or federal funds to local governments shall require local government to submit detailed statements on environmental impact before releasing funds unless exempted formally by the Office of Planning and Research.

e



5. Cities and counties having conservation elements of a general plan shall find that any project to be carried out is in accord with the conservation element.
6. Counties having conservation elements of a general plan shall find that any zoning change is in accord with the plan.

The environmental impact reports required above are broad in scope. Specific consideration of alternatives, mitigation measures, long and short-term relationships and irreversible environmental changes are required. The proposed Office of Planning and Research is to coordinate the development and evaluation of the reports which are to be prepared in conjunction with appropriate state, regional and local agencies. In addition, state agencies are directed to review their statutes and regulations for needed revisions and to report these to the Governor and the Legislature by January 1971.

The application of the general language of the bill is difficult to anticipate in the wide variety of circumstance and conditions to which it may apply. It will require substantially more gathering and evaluation of data than is the present practice. These costs could extend to both General Fund and special fund environmental activities which can be classified as projects. Section 21105 requires all state agencies to request funds necessary to protect the environment.

Future capital outlay projects may be more expensive if more costly alternatives are required or if mitigation measures are included. On the other hand, the bill may result in some delays of previously authorized projects until the environmental impact reports are prepared and some projects may be cancelled if satisfactory environmental alternatives are not feasible.

Legislative Analyst
August 19, 1970

ANALYSIS OF ASSEMBLY BILL NO. 2045 (Knox)
(Select Committee on Environmental Quality)

As Amended August 14, 1970
1970 Session

AB 2045 (As Am. 8/14/70)

Fiscal Effect:

Cost: Indeterminate state and local planning cost from general and special funds. Probable increased costs for state and local capital outlay projects.

Revenue: None. Probable savings from deferment or cancelation of state and local projects which are confronted with environmental problems.

Analysis:

This bill requires all state agencies and certain units of local government to prepare environmental impact reports under the general coordination of the Office of Planning and Research. The following specific requirements are included in the bill:

1. All state agencies shall prepare a detailed statement on any proposed project which may have a significant effect on the environment (impact report).
2. State officials when commenting on federal projects shall include a detailed statement on its environmental impact.
3. No state agency shall request or authorize funds for expenditure unless a detailed statement on environmental impact has been made.
4. State agencies which allocate state or federal funds to local governments shall require local government to submit detailed statements on environmental impact before releasing funds unless exempted formally by the Office of Planning and Research.



5. Cities and counties having conservation elements of a general plan shall find that any project to be carried out is in accord with the conservation element.
6. Counties having conservation elements of a general plan shall find that any zoning change is in accord with the plan.

The environmental impact reports required above are broad in scope. Specific consideration of alternatives, mitigation measures, long and short-term relationships and irreversible environmental changes are required. The proposed Office of Planning and Research is to coordinate the development and evaluation of the reports which are to be prepared in conjunction with appropriate state, regional and local agencies. In addition, state agencies are directed to review their statutes and regulations for needed revisions and to report these to the Governor and the Legislature by January 1971.

The application of the general language of the bill is difficult to anticipate in the wide variety of circumstances and conditions to which it may apply. It will require substantially more gathering and evaluation of data than is the present practice. These costs could extend to both General Fund and special fund environmental activities which can be classified as projects. Section 21105 requires all state agencies to request funds necessary to protect the environment.

Future capital outlay projects may be more expensive if more costly alternatives are required or if mitigation measures are included. On the other hand, the bill may result in some delays of previously authorized projects until the environmental impact reports are prepared and some projects may be cancelled if satisfactory environmental alternatives are not feasible.



APPENDIX C.

Declaration of John T. Knox

I, John T. Knox, declare:

1. I am a member of the Assembly, California Legislature, and am Chairman of the Committee on Local Government.

2. During the 1970 regular session of the legislature I was the principal author of Assembly Bill 2045, which as enacted is known as the Environmental Quality Act of 1970 and now appears as Public Resources Code, sections 21000 through 21151.

3. As the principal author I initiated the bill, had it drafted, explained the bill in the four committees of the Assembly and Senate to which the bill was referred (Assembly Natural Resources and Conservation, Assembly Ways and Means, Senate Governmental Organization, Senate Finance), and explained the bill on the floor of the Assembly. Substantially all the work done by a legislator in passing a bill is done by the principal author. I did this for AB 2045.

4. It was my intent that the requirement of an environmental impact report extend to the situation where a state or local public agency by lease, permit, funding or comparable entitlement for use was authorizing or facilitating a private undertaking as long as there was a significant impact upon the environment. This includes situations such as zoning changes, conditional use permits and building permits. I communicated this intent to the other legislators in the course of the legislative process described in paragraph 3 above.

I declare under penalty of perjury that the foregoing is true and correct. Executed at Sacramento, California, February, 1972.

/s/ John T. Knox
JOHN T. KNOX

California Legislature

Assembly General Research Committee

MEMBERS

GEORGE W. MILIAS
CHAIRMAN
JOHN V. BRIGGS
GORDON DUFFY
JOHN FRANCIS FORAN
WILLIAM M. KETCHUM
JOHN T. KNOX
CARLEY V. PORTER
PETER F. SCHABARUM
PETE WILSON

SPECIAL CONSULTANT
ROBERT L. JONES

ASSEMBLY SELECT COMMITTEE ON ENVIRONMENTAL QUALITY

ROOM 436, STATE CAPITOL
445-5098

September 11, 1970

Honorable Ronald Reagan
Governor of California
State Capitol
Sacramento, California 95814

Dear Ron:

It is respectfully requested that you sign the following four bills recommended by the Assembly Select Committee on Environmental Quality.

✓ AB 2045 (Knox) Environmental Quality Act of 1970.
This bill places a charge on all state and local government agencies to consider the impact of their projects on the environment prior to action instead of after damage may have been done.

AB 2070 (Wilson) Office of Planning and Research.
This bill abolishes the present State Office of Planning and ties planning and implementation together by establishing a unit in the Governor's Office to provide staff assistance in comprehensive environmental planning, land use and the establishment of an improved environmental monitoring system.

AB 2167 (Russell) State Lands with Environmental Values. This bill would require the State Lands Commission and the Resources Agency to identify state lands with unique environmental values and take actions to assure permanent protection of such areas.

AB 2433 (Miliias) Membership on Boards and Commissions.
This bill adds persons with environmental knowledge and interests to certain boards and commissions whose activities can result in significant environmental changes.

LEGISLATIVE INTENT SERVICE (800) 666-1917



Honorable Ronald Reagan
September 11, 1970
Page 2

You will shortly receive a letter from Assemblyman Wilson regarding conflicts between AB 2070 (Wilson) and AB 624 (Schabarum) and AB 1436 (Wilson) with recommendations which I believe will satisfactorily resolve the conflicts.

The above Assembly Select Committee bills were strongly supported by all major conservation organizations including the Planning and Conservation League, Sierra Club, California Wildlife Federation and the National Audubon Society.

I know of no opposition to these bills. We worked closely with your staff and agency personnel on all of these bills throughout the legislative session.

Sincerely,

GEORGE W. MILIAS

GWM:egb



July 26, 1971

Mr. Geoffrey Wandesforde-Smith
Assistant Professor, Political Science
and Environmental Studies
University of California
Davis, California 95616

Dear Mr. Wandesforde-Smith:

Assemblyman Knox has requested me to reply to your recent letter requesting a legislative history of AB 2045.

AB 2045 was recommended by the special Select Committee on the Environment. The only background document pertaining to this measure is the 1970 report of the Select Committee, a copy of which is enclosed.

There was no particular ground swell of public opinion behind this measure. It was merely an attempt to adapt the policy of the National Environmental Policy Act of 1969 to the State of California and to the various local governments.

If you have any additional questions, I would be pleased to meet with you or to correspond with you further.

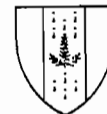
Very truly yours,

THOMAS H. WILLOUGHBY
Committee Consultant

THW:tm
Enclosure

ENVIRONMENTAL LAW SOCIETY
STANFORD LAW SCHOOL
STANFORD, CALIFORNIA 94305

FEB 18 1971



February 16, 1971

Hon. John T. Knox
State Capitol Building
Sacramento, California 95814

Dear Assemblyman Knox:

Thank you for sending me a copy of the Environmental Quality Committee's March 1970 report, and the chaptered copies of your A.B. 2045. After studying these and other materials I have some questions which you can perhaps answer.

The Committee expressed concern on page 20 of its report that without a constitutional amendment, legislative enactments would not apply to all governmental agencies in California. Since no constitutional amendment was passed, is there a question whether the Environmental Quality Act of 1970 applies to certain agencies?

A.B. 2045 was amended several times by both the Assembly and the Senate. I am particularly interested in three of the amendments. Why was A.B. 2045 amended on June 23 by the addition of Chapter 6. Enforcement? Subsequently, on August 14, the chapter on enforcement was deleted by the Senate. Again, why was this done? Can you tell me which Senator or Senators proposed that amendment, as well as another August 14 amendment which added to Section 21150 the words "unless exempted by formal procedures developed under the provisions of Section 21103?"

Finally, has the legislature begun to receive environmental impact reports along with the budget requests of state agencies? If so, how may I obtain copies of such reports?

I certainly appreciate your help.

Sincerely,

Lloyd W. Lowrey, Jr.
Lloyd W. Lowrey, Jr.



February 24, 1971

Mr. Lloyd W. Lowrey, Jr.
Environmental Law Society
Stanford Law School
Stanford, California 94305

Dear Mr. Lowrey:

This will acknowledge your recent letter in regard to AB 2045.

The concern expressed in the Committee's report in regard to a constitutional amendment was a general concern related to the "municipal affairs" authority of charter cities. The Committee felt that in some situations a charter city might successfully argue that the regulations which the Legislature sought to impose were restrictions upon their constitutional authority to conduct "municipal affairs". Obviously, the Legislature does not have the constitutional authority to limit a charter city's authority to conduct strictly "municipal affairs". Thus, the suggestion was made of a constitutional amendment to overcome this deficiency.

I believe, however, that the Environmental Quality Act will apply to all agencies for the reason that it establishes a statewide policy and, on its face, does not purport to give the state any authority over strictly municipal affairs.

The Senate amendments to AB 2045 were worked out to resolve several objections to this bill which were holding up its passage. They were not proposed by any specific Senator as such.

Finally, since the provisions of AB 2045 did not go into effect until late November, 1970, there has not been time to evaluate the environmental impact reports submitted by state agencies. I fully intend to make such an evaluation, however, after we have had a little more experience under the new law.

Very truly yours,

JOHN T. KNOX

JTK:Wm



STATE OF CALIFORNIA
OFFICE OF LEGISLATIVE COUNSEL

COPY

Sacramento, California

AUG 6 1970

Honorable Victor V. Veysey
Assembly Chamber

Environmental Quality (A.B. 2045) - #14900

Dear Mr. Veysey:

In our opinion under the above request number we stated that a change in zoning by a county government would be a "program" covered by the requirements of Section 21151 of the Public Resources Code as proposed by Assembly Bill No. 2045. In this regard, the change in zoning under the provisions in question must have a significant effect on the environment before a finding or an impact report is required by Section 21151, and thus not all zoning changes would have to be accompanied by a report or finding.

Very truly yours,

George H. Murphy
Legislative Counsel

By
Gerald Ross Adams
Deputy Legislative Counsel

GRA:lh


Two copies to Honorable John T. Knox,
pursuant to Joint Rule 34.

LEGISLATIVE INTENT SERVICE (800) 666-1917



STATE OF CALIFORNIA
OFFICE OF LEGISLATIVE COUNSEL

COPY


Sacramento, California
JUL 16 1970

Honorable Victor V. Veysey
Assembly Chamber

Environmental Quality (A. B. 2045)
#14900

Dear Mr. Veysey:

You have asked the following question regarding Assembly Bill No. 2045 as amended in Assembly June 23, 1970.

QUESTION

Would a change in zoning within a county by a county government be a "program" covered by the requirements of Section 21151 of the Public Resources Code as proposed by A. B. 2045.

OPINION AND ANALYSIS

Section 21151 of the Public Resources Code as proposed by A. B. 2045 provides:

"21151. The legislative body of all cities and counties which have an officially adopted conservation element of a general plan shall make a finding that any program they intend to carry out, which may have a significant effect on the environment, is in accord with the conservation element of the general plan. Local governmental units without an officially adopted conservation element shall make environmental impact reports on any program they intend to carry out which may have a



Honorable Victor V. Veysey - p. 2 - #14900

significant effect on the quality of the environment. All other local governmental agencies shall make an environmental impact report on any program they intend to carry out which may have a significant effect on the environment and shall submit it to the appropriate local planning agency as part of the report required by Section 65402 of the Government Code."

While the above provision requires a finding or an impact report on any "program" which may have a significant effect on the environment, the term "program" is not defined by the provision or by any other provision of A. B. 2045 and the term does not have any settled legal definition in respect to the subject in question.

However, the courts will look to a statute in its entirety to determine legislative intent whenever words of a statute are ambiguous or the meaning in doubt. (Korte v. U. S., 3 L. ed. 2d 301) and, in this regard, Section 21001 of the Public Resources Code as proposed by A. B. 2045 provides, in pertinent part:

"21001. The Legislature further finds and declares that it is the policy of the state to:

* * *

"(g) Require governmental agencies at all levels to consider qualitative factors as well as economic and technical factors and long-term benefits and costs, in addition to short-term benefits and costs and to consider alternatives to proposed actions affecting the environment." (Emphasis added.)

We think that one possible construction of the term "program" is that it is being used in the statute in question with respect to actions by the legislative bodies of cities and counties as stated in the above provision. If this is found to be the case, then a change in zoning could be a "program" which might have a significant effect on the environment.



COPY

Honorable Victor V. Veysey - p. 3 - #14900

Therefore, it is our opinion that a change in zoning by a county government would be a "program" covered by the requirements of Section 21151 of the Public Resources Code as proposed by A.B. 2045.

Very truly yours,

George H. Murphy
Legislative Counsel

By
Gerald Ross Adams
Deputy Legislative Counsel

GRA:mn

Two copies to Honorable John T. Knox, pursuant to Joint Rule 34.

(800) 666-1917

LEGISLATIVE INTENT SERVICE



OFFICE OF LIEUTENANT GOVERNOR
Sacramento, California
Contact:
Jim Woodworth
916 445-7760

FOR IMMEDIATE RELEASE

NO. 78

June 18, 1970

Lieutenant Governor Ed Reinecke, as chairman of the Environmental Policy Committee, today announced a new State requirement that applications for certain federal grants must contain an environmental impact statement.

In an attempt to include environmental considerations as an integral part of the review process for projects and grants under the Bureau of the Budget A-95 process, an environmental impact statement will be required from local, areawide, State and federal levels of government at the time applications are considered.

Reinecke, chief executive officer on Intergovernmental Relations for the Reagan Administration, said notice of this new requirement is being mailed to all jurisdictions involved.

The notice embodies the forthcoming recommended standards and criteria established by President Nixon's Council on Environmental Quality.

Over 50 federal grant programs including planning, facility construction and economic development are covered by this requirement. It offers the State of California the first real opportunity to effectively coordinate the Federal grant-in-aid programs utilized by State agencies and local governments.

Reinecke said "applications submitted are to be evaluated in terms of whether advantages to the public in proceeding with the project will outweigh the disadvantages to environment.

"Potential environmental impact will be assessed by the local agency seeking the federal grant assistance to avoid or minimize the



detrimental effects of the proposed project.

"This requirement will ensure a coordinated effort by all California governmental jurisdictions to be certain that environment continues to receive top priority consideration."

Reinecke said that environment includes "the total surroundings that influence life. While social and cultural factors contribute to one's environment, we most often think of the physical and biological factors as environment. These factors are man himself, his physical creations and waste products, and land, water, air, odor, noise, plants and animals."



Volume 1

Journal of the Assembly

Legislature of the State of California
1970 Regular Session
January Fifth to September Twenty-third



BOB MONAGAN
Speaker of the Assembly

W. CRAIG BIDDLE
Majority Floor Leader

CHARLES J. CONRAD
Speaker pro Tempore of the Assembly

JOHN J. MILLER
Minority Floor Leader

JAMES D. DRISCOLL
Chief Clerk of the Assembly



CALIFORNIA LEGISLATURE

1970 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Forty-first Legislative Day

Eighty-eighth Calendar Day

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, April 2, 1970

The Assembly met at 11 a.m.
Hon. Bob Monagan, Speaker of the Assembly, presiding.
Chief Clerk James D. Driscoll at the Desk.
Assistant Clerk Ray Monday reading.

Hon. Eugene A. Chappie Presiding

At 11:10 a.m., Hon. Eugene A. Chappie, 6th District, presiding.

ROLL CALL

The roll was called, and the following answered to their names:

Arklin, Badham, Bagley, Barnes, Bee, Belotti, Berryhill, Beverly, Biddle, Brathwaite, Briggs, Britschgi, Brown, Burke, Burton, Campbell, Chappie, Collier, Cory, Crandall, Crown, Cullen, Davis, Deddeh, Dent, Duffy, Dunlap, Fenton, Fong, Foran, Garcia, Gonsalves, Leroy F. Greene, Hayes, Hom, Harvey Johnson, Ray E. Johnson, Karabian, Ketchum, Knox, Lanterman, Lewis, MacDonald, MacGillivray, McCarthy, Miliias, Miller, Mobley, Moorhead, Moretti, Mulford, Murphy, Porter, Powers, Priolo, Quimby, Ralph, Roberti, Russell, Ryan, Schabarum, Sieroty, Stacey, Stull, Thomas, Townsend, Unruh, Vasconcellos, Veysey, Wakefield, Warren, Waxman, Wilson, Wood, Z'berg, Zenovich, and Mr. Speaker—77.

Quorum present.

PRAYER

Upon invitation of Acting Speaker Chappie, the following prayer was offered by the Honorable Earle P. Crandall, Member of the Assembly, 25th District:

Dear Heavenly Father, We are daily reminded by our great motto that it is our duty to make just laws.

Grant us the wisdom, sense of justice and the will to serve Thee as we carry out our duty to make just laws.—AMEN.

LEGISLATIVE INTENT SERVICE (800) 666-1917



**INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS**

The following bills were introduced, and read the first time:

Assembly Bill No. 2034: By Assemblyman Harvey Johnson—An act to amend Sections 4401, 4402, and 4505 of, to add Section 4403 to, and to repeal Section 4403 of, the Agricultural Code, and to amend Sections 19620, 19626, 19627, and 19630 of the Business and Professions Code, relating to fairs.

Held at Desk by order of the Speaker.

Assembly Bill No. 2035: By Assemblyman Harvey Johnson—An act to add Section 6023 to, and Part 5.2 (commencing with Section 11050) to, Division 2 of, the Revenue and Taxation Code, relating to vehicle air pollution tax.

Held at Desk by order of the Speaker.

Assembly Bill No. 2036: By Assemblyman Ray E. Johnson—An act to amend Section 24054 of the Education Code, relating to state college auxiliary organizations.

Held at Desk by order of the Speaker.

Assembly Bill No. 2037: By Assemblyman Ray E. Johnson—An act to amend Section 22825 of, and to add Sections 18053 and 18106 to, the Government Code, relating to state personnel.

Held at Desk by order of the Speaker.

Assembly Bill No. 2038: By Assemblyman Ray E. Johnson—An act to repeal Section 29121 of the Agricultural Code, relating to bees.

Held at Desk by order of the Speaker.

Assembly Bill No. 2039: By Assemblyman Deddeh—An act to add Section 4233 to the Business and Professions Code, relating to the practice of pharmacy.

Held at Desk by order of the Speaker.

Assembly Bill No. 2040: By Assemblyman Deddeh—An act to amend Sections 21654, 21655, 21658, and 22107, of the Vehicle Code, relating to vehicles.

Held at Desk by order of the Speaker.

Assembly Bill No. 2041: By Assemblyman Karabian—An act to add Section 21418 to the Public Utilities Code, relating to aircraft safety equipment.

Held at Desk by order of the Speaker.

Assembly Bill No. 2042: By Assemblyman Karabian—An act to add Section 21417 to the Public Utilities Code, relating to aircraft safety equipment.

Held at Desk by order of the Speaker.

Assembly Bill No. 2043: By Assemblyman Karabian—An act to add Section 21419 to the Public Utilities Code, relating to aircraft safety equipment.

Held at Desk by order of the Speaker.



Assembly Bill No. 2044: By Assemblyman Karabian—An act to add Article 4 (commencing with Section 1530) to Chapter 1 of Division 7 of the Military and Veterans Code, relating to the Civil Air Patrol.

Held at Desk by order of the Speaker.

Assembly Bill No. 2045: By Assembly Select Committee on Environmental Quality (Assemblymen Knox, Milias, Wilson, Porter, Briggs, Duffy, Foran, Monagan, and Schabarum)—An act to add Division 13 (commencing with Section 21000) to the Public Resources Code, relating to environmental quality.

Held at Desk by order of the Speaker.

Assembly Bill No. 2046: By Assemblyman Badham—An act to amend Sections 452, 1010, 1064, 1064.1, 3572, 3663, 3666, 5004, 5005 and 5136 of the Public Utilities Code, relating to highway carriers.

Held at Desk by order of the Speaker.

Assembly Bill No. 2047: By Assemblyman Powers—An act to add Chapter 9.7 (commencing with Section 7175) to Division 3 of the Business and Professions Code, relating to builders' control disbursement services.

Held at Desk by order of the Speaker.

Assembly Bill No. 2048: By Assemblyman Powers—An act to add Chapter 16 (commencing with Section 8900) to Division 3 of the Business and Professions Code, relating to professional analytical chemists and making an appropriation therefor.

Held at Desk by order of the Speaker.

Assembly Bill No. 2049: By Assemblyman Powers—An act to add Section 21336 to the Government Code, relating to Public Employees' Retirement System.

Held at Desk by order of the Speaker.

Assembly Bill No. 2050: By Assemblymen Unruh, Sieroty, and Z'berg—An act to add Sections 409 and 952.5 to the Agricultural Code, to amend Section 702 of, and to add Sections 105 and 1348.5 to, the Fish and Game Code, to amend Sections 11550, 16000, 16020, 65011.2, 65012, 65012.1, 65013.2, 65015.1, 65015.2, 65015.4, 65015.5, 65015.6, 65015.7, 65015.8, 65016.1, 65016.2, 65016.3, 65016.4, 65019.1, 65019.2, 65019.4, 65019.5, 65020.3, 65020.5, and 65020.9 of, to amend the heading of Part 14 (commencing with Section 16000) of Division 3 of Title 2 of, to amend the heading of Chapter 1.5 (commencing with Section 65011.1) of Title 7 of, and to amend the heading of Article 3 (commencing with Section 65013.1) of Chapter 1.5 of Title 7 of, to add Sections 8826.5, 16002, 16020.1, 65011.3, 66637, and 67100.5 to, to add Chapter 3 (commencing with Section 16040) and Chapter 4 (commencing with Section 16060) to Part 14 of Division 3 of Title 2 of, to repeal Sections 11558 and 65013.1 of, to repeal Chapter 3 (commencing with Section 16050) and Chapter 4 (commencing with Section 16080) of Part 14 of Division 3 of Title 2 of, and to repeal Article 4 (commencing with Section 65014.1) and Article 7 (commencing with Section 65017.4) of Chapter 1.5 of Title 7 of, the Gov-



Assembly Chamber, April 2, 1970

Mr. Speaker: Pursuant to Joint Rule No. 10.8, I request permission to introduce a resolution providing that the following bill may be heard in committee, and acted upon by the Assembly before 30 calendar days have elapsed:

Assembly Bill No. 1277.

VICTOR V. VEYSEY

Above request ordered transmitted to the Committee on Rules.

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bills were referred to committee:

<i>Assembly Bill No.</i>	<i>Committee</i>
2034	Governmental Organization
2035	Revenue and Taxation
2036	Education
2037	Public Employment and Retirement
2038	Agriculture
2039	Health and Welfare
2040	Transportation
2041	Transportation
2042	Transportation
2043	Transportation
2044	Transportation
2045	Natural Resources and Conservation
2046	Commerce and Public Utilities
2047	Commerce and Public Utilities
2048	Commerce and Public Utilities
2049	Public Employment and Retirement
2050	Natural Resources and Conservation
2051	Public Employment and Retirement
2052	Water
2053	Government Administration
2054	Health and Welfare
2055	Urban Affairs and Housing
2056	Health and Welfare
2057	Commerce and Public Utilities
2058	Education
2059	Criminal Procedure
2060	Health and Welfare
2061	Health and Welfare
2062	Water
2063	Governmental Organization
2064	Commerce and Public Utilities
2065	Government Administration
2066	Government Administration
2067	Education
2068	Government Administration
2069	Judiciary

LEGISLATIVE INTENT SERVICE (800) 666-1917



Volume 2

Journal of the Assembly

Legislature of the State of California

1970 Regular Session

January Fifth to September Twenty-third



BOB MONAGAN
Speaker of the Assembly

W. CRAIG BIDDLE
Majority Floor Leader

CHARLES J. CONRAD
Speaker pro Tempore of the Assembly

JOHN J. MILLER
Minority Floor Leader

JAMES D. DRISCOLL
Chief Clerk of the Assembly

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LEGISLATIVE INTENT SERVICE



CALIFORNIA LEGISLATURE

1970 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Seventy-ninth Legislative Day

One Hundred Forty-second Calendar Day

IN ASSEMBLY

Assembly Chamber, Sacramento.
Tuesday, May 26, 1970

The Assembly met at 11:30 a.m.
Hon. Bob Monagan, Speaker of the Assembly, presiding.
Chief Clerk James D. Driscoll at the Desk.
Assistant Clerk Ray Monday reading.

ROLL CALL

The roll was called, and the following answered to their names:

Arklin, Badham, Bagley, Barnes, Bee, Belotti, Berryhill, Beverly, Biddle, Brathwaite, Briggs, Britschgi, Brown, Burke, Campbell, Chappie, Collier, Conrad, Cory, Crandall, Crown, Cullen, Davis, Deddeh, Dent, Dunlap, Fenton, Fong, Foran, Garcia, Gonsalves, Bill Greene, Leroy F. Greene, Hayes, Harvey Johnson, Ray E. Johnson, Karabian, Ketchum, Lanterman, Lewis, MacDonald, MacGillivray, McCarthy, Miller, Moorhead, Moretti, Mulford, Murphy, Porter, Powers, Priolo, Quimby, Ralph, Roberti, Russell, Ryan, Schabarum, Sieroty, Stacey, Stull, Thomas, Townsend, Wakefield, Warren, Waxman, Wood, Z'berg, Zenovich, and Mr. Speaker—69.

Quorum present.

NAMES OF MEMBERS PLACED UPON MORNING ROLL CALL

Speaker Monagan was granted unanimous consent that the following Members, who are attending the following committee meetings, be excused, and their names added to the morning roll call:

Ways and Means—Messrs. Lanterman, Crown, Bagley, Barnes, Belotti, Britschgi, Collier, Conrad, Mrs. Davis, Messrs. Dent, Mulford, Porter, Ralph, Ryan, Schabarum, Warren, and Zenovich.

Rules Committee—Messrs. Chappie, Quimby, Gonsalves, and Ray E. Johnson.

Education Subcommittee—Mrs. Fong, Messrs. Russell, Leroy F. Greene, Lewis, Stull, and Dunlap.

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Amendment No. 4

On page 1, line 4, strike out "surname", and insert "name".

Amendment No. 5

On page 1, line 5, strike out "the father", and insert "either of the parents".

Amendment No. 6

On page 1, line 6, strike out "surname", and insert "name".

Amendment No. 7

On page 1, line 11, strike out "surname", and insert "name".

Amendment No. 8

On page 2, line 7, strike out "surname", and insert "name".

Amendment No. 9

On page 2, lines 7 and 8, strike out "the parent or", and insert "either of the".

Bill ordered reprinted, and to be re-referred to the Committee on Judiciary.

Assembly Bill No. 1291—An act to amend Sections 69580, 73075 and 73088 of the Government Code, relating to courts.

Bill read second time.

Consideration of Author's Amendments

The following amendments, pursuant to the Assembly Rules, were read, and adopted:

Amendment No. 1

On page 2, line 7, of the printed bill, as amended in Assembly May 14, 1970, after "Seven", insert "deputy".

Amendment No. 2

On page 2, line 8, strike out "Five", and insert "Four".

Amendment No. 3

On page 2, line 10, strike out "Three", and insert "Four".

Bill ordered reprinted, and to be re-referred to the Committee on Judiciary.

REPORTS OF STANDING COMMITTEES**Committee on Natural Resources and Conservation**

Assembly Chamber, May 26, 1970

Mr. Speaker: The Chairman of your Committee on Natural Resources and Conservation reports:

AB No. 2045

With author's amendments with the recommendation: Amend, and refer to the Committee on Natural Resources and Conservation.

MILIAS, Chairman



SECOND READING OF BILLS—AUTHOR'S AMENDMENTS

Assembly Bill No. 2045—An act to add Division 13 (commencing with Section 21000) to the Public Resources Code, relating to environmental quality.

Bill read second time.

Consideration of Author's Amendments

The following amendments, pursuant to the Assembly Rules, were read, and adopted:

Amendment No. 1

On page 3, lines 2 and 3, of the printed bill, strike out "keep all fish and wildlife populations at a self-perpetuating level", and insert "insure that fish and wildlife populations do not drop below self-perpetuating levels".

Amendment No. 2

On page 3, line 27, strike out "2100", and insert "21100".

Amendment No. 3

On page 3, line 51, after "request", insert ", or authorize for expenditure,".

Amendment No. 4

On page 4, line 2, after "request", insert "or authorization".

Amendment No. 5

On page 4, line 4, after the period, insert "Prior to the making of a detailed statement, the responsible state official shall consult with, and obtain comments from, any governmental agency which has jurisdiction by law or special expertise with respect to any environmental impact involved.

21104. The responsible state official shall include the environmental impact report, together with any comments received from other governmental agencies pursuant to Section 21103, as a part of the regular project report used in the existing review and budgetary process. It shall be available to the Legislature and to the general public.

21105."

Amendment No. 6

On page 4, line 8, strike out "21104.", and insert "21106."

Amendment No. 7

On page 4, line 19, after "commissions", insert a comma.

Amendment No. 8

On page 4, lines 20 and 21, strike out "to local governmental agencies for any program", and insert "on a project-by-project basis to local governmental agencies for land acquisition or construction projects".

Amendment No. 9

On page 4, line 26, strike out "All local governmental agencies shall conduct"; and strike out lines 27 and 28, and insert "The legislative



body of all cities and counties which have an officially adopted conservation element of a general plan shall make a finding that any program they intend to carry out, which may have a significant effect on the environment, is in accord with the conservation element of the general plan. Local governmental units without an officially adopted conservation element shall make environmental impact reports on any program they intend to carry out which".

Amendment No. 10

On page 4, line 29, after the period, insert "All other local governmental agencies shall make an environmental impact report on any program they intend to carry out which may have a significant effect on the environment and shall submit it to the appropriate local planning agency as part of the report required by Section 65402 of the Government Code."

Bill ordered reprinted, and to be re-referred to the Committee on Natural Resources and Conservation.

REPORTS OF STANDING COMMITTEES

Committee on Government Administration

Assembly Chamber, May 26, 1970

Mr. Speaker: The Chairman of your Committee on Government Administration reports:

AB No. 689

With author's amendments with the recommendation: Amend, and refer to the Committee on Government Administration.

BRITSCHGI, Chairman

SECOND READING OF BILLS—AUTHOR'S AMENDMENTS

Assembly Bill No. 689—An act to add Chapter 7.5 (commencing with Section 8680) to Division 1 of Title 2 of the Government Code, relating to natural disaster assistance.

Bill read second time.

Consideration of Author's Amendments

The following amendments, pursuant to the Assembly Rules, were read, and adopted:

Amendment No. 1

In line 2 of the title of the printed bill, strike out "the Government Code", and insert ", and to repeal Article 6 (commencing with Section 54150) of Chapter 5 of Part 1 of Division 2 of Title 5 of, the Government Code, and to repeal Sections 186.9, 186.95, and 186.96 of the Streets and Highways Code".

Amendment No. 2

On page 1, following line 10, insert
"8680.1. Unless the provision or context otherwise requires, the definitions contained in this article govern the construction of this chapter.



Senate Chamber, May 26, 1970

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted:

SJR No. 20

DARRYL R. WHITE, Secretary of the Senate
By Roy Gabriel, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following bills were read the first time:

Senate Bill No. 722—An act to amend Section 22601 and 22601.5 of the Education Code, relating to Trustees of the California State Colleges.

Held at Desk by order of the Speaker.

Senate Bill No. 921—An act to add Chapter 8 (commencing with Section 2800) to Division 2 of the Commercial Code, relating to retail sales.

Held at Desk by order of the Speaker.

Senate Bill No. 1092—An act to amend Section 15513 of the Corporations Code, relating to limited partnerships.

Held at Desk by order of the Speaker.

Senate Joint Resolution No. 20—Relative to pledge of allegiance to the Flag.

Held at Desk by order of the Speaker.

INTRODUCTION OF GUESTS

Speaker Monagan introduced Governor Vichien of Surim Province, Thailand, accompanied by his wife and J. Sivali, interpreter, of Thailand, the guests of Speaker pro Tempore Conrad, of the 57th Assembly District, whereupon the Members of the Assembly joined in welcoming them on their visit to the Assembly Chamber.

REQUEST FOR UNANIMOUS CONSENT

Speaker Monagan was granted unanimous consent that Assembly Bill No. 2045 be considered engrossed.

REQUEST FOR UNANIMOUS CONSENT TO TEMPORARILY SUSPEND THE RULES

Mr. Britschgi was granted unanimous consent that the Assembly Rules be temporarily suspended for the purpose of setting Assembly Bill No. 2524 for hearing in the Committee on Ways and Means.

WITHDRAWAL AND RE-REFERENCE OF BILLS

Speaker Monagan was granted unanimous consent that Assembly Bill No. 2020 be withdrawn from the Committee on Government Administration, and re-referred to the Committee on Education, and that Assembly Bill No. 2512 be withdrawn from the Committee on Agriculture, and re-referred to the Committee on Finance and Insurance.



CALIFORNIA LEGISLATURE

1970 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Eighty-first Legislative Day

One Hundred Forty-fourth Calendar Day

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, May 28, 1970

The Assembly met at 9:30 a.m.
Hon. Charles J. Conrad, Speaker pro Tempore of the Assembly,
presiding.
Chief Clerk James D. Driscoll at the Desk.
Assistant Clerk Ray Monday reading.

ROLL CALL

The roll was called.

Quorum Call of the Assembly

Mr. Stacey moved a quorum call of the Assembly.
Motion carried. Time, 9:32 a.m.
The Speaker pro Tempore directed the Sergeant at Arms to close
the doors, and to bring in the absent Members.

Speaker Presiding

At 9:37 a.m., Hon. Bob Monagan, 12th District, presiding.

PROCEEDINGS UNDER CALL OF THE ASSEMBLY
BY UNANIMOUS CONSENT
QUORUM PRESENT

At 9:46 a.m., Speaker Monagan declared a quorum of the Assembly
present.

The roll call was completed, and the following answered to their
names:

Arklin, Badham, Bagley, Barnes, Bee, Belotti, Berryhill, Beverly,
Brathwaite, Britschgi, Brown, Burke, Burton, Campbell, Chappie, Col-
lier, Conrad, Cory, Crandall, Cullen, Davis, Deddeh, Dent, Duffy, Dun-
lap, Fenton, Fong, Foran, Gonsalves, Bill Greene, Leroy F. Greene,
Hom, Harvey Johnson, Ray E. Johnson, Ketchum, Lanterman, Lewis,

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REPORTS OF STANDING COMMITTEES

Committee on Water

Assembly Chamber, May 27, 1970

Mr. Speaker: Your Committee on Water reports:

AB No. 1817

With amendments with the recommendation: Amend, and do pass, as amended.

PORTER, Chairman

Above bill ordered to second reading.

Committee on Health and Welfare

Assembly Chamber, May 27, 1970

Mr. Speaker: Your Committee on Health and Welfare reports:

AB No. 1579

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Ways and Means: Recommend Consent.

DUFFY, Chairman

Above bill ordered to second reading.

Assembly Chamber, May 27, 1970

Mr. Speaker: Your Committee on Health and Welfare reports:

AB No. 2213

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Ways and Means.

DUFFY, Chairman

Above bill ordered to second reading.

Committee on Government Administration

Assembly Chamber, May 28, 1970

Mr. Speaker: Your Committee on Government Administration reports:

AB No. 1460

AB No. 1674

With amendments with the recommendation: Amend, and re-refer to the Committee on Government Administration.

BRITSCHGI, Chairman

Above bills ordered to second reading.

Committee on Commerce and Public Utilities

Assembly Chamber, May 28, 1970

Mr. Speaker: Your Committee on Commerce and Public Utilities reports:

AB No. 312

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Ways and Means.

BADHAM, Chairman

Above bill ordered to second reading.



Assembly Chamber, May 27, 1970

Mr. Speaker: Your Committee on Water reports:

SCR No. 25

With amendments with the recommendation: Amend. be adopted, as amended, and be re-referred to the Committee on Ways and Means with recommendation: To Consent Calendar.

PORTER, Chairman

Above resolution ordered on file.

Committee on Natural Resources and Conservation

Assembly Chamber, May 28, 1970

Mr. Speaker: Your Committee on Natural Resources and Conservation reports:

AB No. 2045

AB No. 2433.

With the recommendation: Do pass, and be re-referred to the Committee on Ways and Means.

MILIAS, Chairman

Above bills re-referred to the Committee on Ways and Means.

Assembly Chamber, May 28, 1970

Mr. Speaker: Your Committee on Natural Resources and Conservation reports:

AB No. 2345

With amendments with the recommendation: Amend, do pass, as amended, and be re-referred to the Committee on Ways and Means.

MILIAS, Chairman

Above bill ordered to second reading.

Assembly Chamber, May 28, 1970

Mr. Speaker: Your Committee on Natural Resources and Conservation reports:

AJR No. 38

AJR No. 41

AJR No. 42

With the recommendation: Be adopted, and be re-referred to the Committee on Rules.

MILIAS, Chairman

Above resolutions re-referred to the Committee on Rules.

Assembly Chamber, May 28, 1970

Mr. Speaker: Your Committee on Natural Resources and Conservation reports:

ACR No. 132

With the recommendation: Be adopted.

MILIAS, Chairman

Above resolution ordered on file.

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1970 Regular Session
January Fifth to September Twenty-third



BOB MONAGAN
Speaker of the Assembly

CHARLES J. CONRAD
Speaker pro Tempore of the Assembly

W. CRAIG BIDDLE
Majority Floor Leader

JOHN J. MILLER
Minority Floor Leader

JAMES D. DRISCOLL
Chief Clerk of the Assembly



CALIFORNIA LEGISLATURE

1970 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Ninety-sixth Legislative Day

One Hundred Seventieth Calendar Day

IN ASSEMBLY

Assembly Chamber, Sacramento
Tuesday, June 23, 1970

The Assembly met at 11:30 a.m.

Hon. W. Craig Biddle, Majority Floor Leader of the Assembly, presiding.

Chief Clerk James D. Driscoll at the Desk.

Assistant Clerk Ray Monday reading.

ROLL CALL

The roll was called, and the following answered to their names:

Arklin, Badham, Bagley, Barnes, Bee, Belotti, Berryhill, Beverly, Biddle, Brathwaite, Briggs, Britschgi, Brown, Burke, Burton, Campbell, Chappie, Collier, Cory, Crandall, Crown, Cullen, Davis, Deddeh, Dent, Duffy, Dunlap, Fenton, Foran, Gonsalves, Bill Greene, Leroy F. Greene, Hayes, Harvey Johnson, Karabian, Ketchum, Knox, Lanterman, Lewis, MacDonald, MacGillivray, McCarthy, Miliias, Miller, Mobley, Moorhead, Moretti, Mulford, Murphy, Porter, Powers, Priolo, Quimby, Ralph, Roberti, Russell, Ryan, Schabarum, Sieroty, Stacey, Stull, Thomas, Townsend, Vasconcellos, Veysey, Wakefield, Warren, Waxman, Wilson, Wood, Z'berg, Zenovich, and Mr. Speaker—73.

Quorum present.

NAMES OF MEMBERS PLACED UPON MORNING ROLL CALL

Acting Speaker Biddle was granted unanimous consent that the following Members, who are attending the following committee meetings, be excused, and their names added to the morning roll call:

Conference Committee on Assembly Bill No. 525—Messrs. Lanterman, Porter, and Mulford.

Ways and Means—Messrs. Crown, Belotti, Britschgi, Collier, Mrs. Davis, Messrs. Dent, Schabarum, Deddeh, Townsend, and Chappie.

Natural Resources and Conservation—Messrs. Miliias, Wood, Monagan, Barnes, MacGillivray, Sieroty, Thomas, Wakefield, and Warren.



Assembly Chamber, June 22, 1970

Mr. Speaker: Your Committee on Education reports:

AB No. 337

AB No. 1379

AB No. 643

AB No. 2224

AB No. 1050

With the recommendation: Do pass, and be re-referred to the Committee on Ways and Means.

VEYSEY, Chairman

Above bills re-referred to the Committee on Ways and Means.

Assembly Chamber, June 22, 1970

Mr. Speaker: Your Committee on Education reports:

AB No. 451

AB No. 2146

AB No. 2268

AB No. 590

AB No. 2153

AB No. 2338

AB No. 1770

AB No. 2164

AB No. 2372

AB No. 2027

AB No. 2190

AB No. 2537

AB No. 2100

AB No. 2260

With the recommendation: Do pass.

VEYSEY, Chairman

Above bills ordered to second reading.

Committee on Ways and Means

Assembly Chamber, June 23, 1970

Mr. Speaker: The Chairman of your Committee on Ways and Means reports:

AB No. 2045

With author's amendments with the recommendation: Amend, and refer to the Committee on Ways and Means.

LANTERMAN, Chairman

SECOND READING OF BILLS—AUTHOR'S AMENDMENTS

Assembly Bill No. 2045—An act to add Division 13 (commencing with Section 21000) to the Public Resources Code, relating to environmental quality.

Bill read second time.

Consideration of Author's Amendments

The following amendments, pursuant to the Assembly Rules, were read, and adopted:

Set No. 1

Amendment No. 1

On page 4, line 12, of the printed bill, as amended in Assembly May 26, 1970, strike out the third comma; and in line 13, strike out "or authorize for expenditure, funds", and insert "funds, nor shall any state agency, board, or commission which authorizes expenditures of funds, other than funds appropriated in the Budget Act, authorize funds for expenditure".

Amendment No. 2

On page 4, strike out lines 29 to 32, inclusive, and insert "21105. All state agencies, boards, and commissions shall request in their budgets the funds necessary to protect the environment in relation to problems caused by their activities."



Set No. 2

Amendment No. 1

On page 5, after line 20, of the printed bill, as amended in Assembly May 26, 1970, insert

CHAPTER 6. ENFORCEMENT

21170. Any person may bring an action for injunction or mandatory relief against any state or local governmental agency for failure to make the findings and reports required under Sections 21100, 21101, 21102, 21104, 21150, and 21151.

The remedies prescribed by this section are the only legal remedies provided by this act."

Bill ordered reprinted, and to be re-referred to the Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES

Committee on Ways and Means

Assembly Chamber, June 23, 1970

Mr. Speaker: The Chairman of your Committee on Ways and Means reports:

AB No. 1579

With author's amendments with the recommendation: Amend, and re-refer to the Committee on Ways and Means.

LANTERMAN, Chairman

SECOND READING OF BILLS—AUTHOR'S AMENDMENTS

Assembly Bill No. 1579—An act to add Section 3154 to the Welfare and Institutions Code, relating to narcotics addicts.

Bill read second time.

Consideration of Author's Amendments

The following amendments, pursuant to the Assembly Rules, were read, and adopted:

Amendment No. 1

On page 1, line 6, of the printed bill, as amended in Assembly June 3, 1970, after "Corrections", insert "and the Narcotic Addict Evaluation Authority".

Amendment No. 2

On page 1, line 13, strike out "of the Welfare and Institutions Code".

Bill ordered reprinted, and to be re-referred to the Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES

Committee on Ways and Means

Assembly Chamber, June 23, 1970

Mr. Speaker: The Chairman of your Committee on Ways and Means reports:

AB No. 801

With author's amendments with the recommendation: Amend, and refer to the Committee on Ways and Means.

LANTERMAN, Chairman



CALIFORNIA LEGISLATURE

1970 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Ninety-eighth Legislative Day

One Hundred Seventy-second Calendar Day

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, June 25, 1970

The Assembly met at 9:30 a.m.

Hon. Charles J. Conrad, Speaker pro Tempore of the Assembly,
presiding.

Chief Clerk James D. Driscoll at the Desk.

Assistant Clerk Ray Monday reading.

ROLL CALL

The roll was called.

Quorum Call of the Assembly

Mr. Bee moved a quorum call of the Assembly.

Motion carried. Time, 9:32 a.m.

The Speaker pro Tempore directed the Sergeant at Arms to close
the doors, and to bring in the absent Members.

Quorum Call of the Assembly Dispensed With

At 9:47 a.m., on motion of Mr. Biddle, and in the absence of any
objection, the quorum call of the Assembly was dispensed with.

The roll call was completed, and the following answered to their
names:

Arklin, Badham, Bagley, Barnes, Bee, Belotti, Berryhill, Beverly,
Biddle, Brathwaite, Briggs, Britschgi, Brown, Burke, Burton, Camp-
bell, Chappie, Collier, Conrad, Cory, Crandall, Crown, Cullen, Davis,
Deddeh, Dent, Duffy, Dunlap, Fenton, Fong, Foran, Gonsalves, Bill
Greene, Leroy F. Greene, Hayes, Hom, Harvey Johnson, Ray E. John-
son, Karabian, Ketchum, Knox, Lanterman, Lewis, MacDonald, Mac-
Gillivray, McCarthy, Miliias, Miller, Mobley, Moorhead, Moretti, Mul-
ford, Murphy, Porter, Powers, Priolo, Quimby, Ralph, Roberti, Russell,
Ryan, Schabarum, Sieroty, Stacey, Stull, Thomas, Townsend, Vascon-
cellos, Veysey, Wakefield, Waxman, Wilson, Wood, Z'berg, Zenovich,
and Mr. Speaker—76.

Quorum present.



June 25, 1970

*The Honorable Bob Monagan
Speaker of the Assembly
State Capitol*

Dear Mr. Speaker: I respectfully request that I be excused from Session on Thursday, June 25, 1970, on legislative business.

I shall be attending the Conference Committee on the Budget.

Respectfully,

CARLEY V. PORTER, Assemblyman,
Thirty-eighth District

The following communication was presented by the Chief Clerk, and ordered printed in the Journal:

June 24, 1970

*Mr. James D. Driscoll
Chief Clerk of the Assembly
State Capitol, Sacramento, California*

Dear Mr. Driscoll: Pursuant to the requirements of Section 62 of the Elections Code, I am enclosing herewith documents relating to ballot arguments, proof of publication, and election results pertaining to the amendments to the charter of the City of Sacramento.

Very truly yours,

EDWIN L. Z'BERG

Accompanying enclosures ordered filed with the Secretary of State.

The following communication was presented by the Chief Clerk from: T. F. Bagshaw, Secretary, California Highway Commission, Sacramento, dated June 23, 1970, relative to Assembly Concurrent Resolution No. 79, relative to Division of Highways San Diego Maintenance Station. Referred by the Speaker pro Tempore to the Committee on Transportation.

REFERENCE OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bills were referred to committee:

<i>Assembly Concurrent</i>	
<i>Resolution No.</i>	<i>Committee</i>
169-----	Rules

<i>Assembly Joint</i>	
<i>Resolution No.</i>	<i>Committee</i>
55-----	Rules
56-----	Rules

COMMUNICATIONS

Assembly Chamber, June 24, 1970

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 104—An act to amend and renumber the heading of Chapter 3 (commencing with Section 4530) of Title 3 of Part 5 of Division 4 of, to add Title 1.5 (commencing with Section 4350) to

LEGISLATIVE INTENT SERVICE (800) 666-1917

Assembly Chamber, June 25, 1970

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

AB No. 150

And reports the same correctly re-engrossed.

JAMES D. DRISCOLL, Chief Clerk

Above bill ordered to third reading.

Assembly Chamber, June 25, 1970

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

AB No. 801

AB No. 1579

AB No. 1291

AB No. 2045

And reports the same correctly re-engrossed.

JAMES D. DRISCOLL, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, June 25, 1970

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

AB No. 181

AB No. 2389

AB No. 2534

AB No. 1796

AB No. 2390

AB No. 2535

And reports the same correctly engrossed.

JAMES D. DRISCOLL, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, June 25, 1970

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

AB No. 1618

AB No. 2024

And reports the same correctly engrossed.

JAMES D. DRISCOLL, Chief Clerk

Above bills re-referred to committees.

Assembly Chamber, June 25, 1970

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

AB No. 991

AB No. 2337

And reports the same correctly re-engrossed.

JAMES D. DRISCOLL, Chief Clerk

Above bills re-referred to committees.



CALIFORNIA LEGISLATURE

1970 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

One Hundred Sixth Legislative Day
One Hundred Eighty-fifth Calendar Day

IN ASSEMBLY

Assembly Chamber, Sacramento
Wednesday, July 8, 1970

The Assembly met at 9:30 a.m.
Hon. Charles J. Conrad, Speaker pro Tempore of the Assembly,
presiding.
Chief Clerk James D. Driscoll at the Desk.
Assistant Clerk Ray Monday reading.

ROLL CALL

The roll was called.

Quorum Call of the Assembly

Mr. Campbell moved a quorum call of the Assembly.
Motion carried. Time, 9:43 a.m.
The Speaker pro Tempore directed the Sergeant at Arms to close
the doors, and to bring in the absent Members.

Quorum Call of the Assembly Dispensed With

At 9:50 a.m., on motion of Mr. Campbell, and in the absence of any
objection, the quorum call of the Assembly was dispensed with.
The roll call was completed, and the following answered to their
names:

Arklin, Badham, Bagley, Barnes, Bee, Belotti, Berryhill, Beverly,
Biddle, Brathwaite, Briggs, Britschgi, Brown, Burke, Burton, Camp-
bell, Collier, Conrad, Cory, Crandall, Crown, Cullen, Davis, Deddeh,
Duffy, Dunlap, Fenton, Fong, Foran, Gonsalves, Bill Greene, Hayes,
Hom, Harvey Johnson, Ray E. Johnson, Ketchum, Knox, Lanterman,
Lewis, MacDonald, MacGillivray, McCarthy, Milias, Miller, Mobley,
Moorhead, Moretti, Mulford, Murphy, Porter, Powers, Priolo, Quimby,
Ralph, Roberti, Russell, Ryan, Schabarum, Sieroty, Stacey, Stull,
Thomas, Townsend, Vasconcellos, Veysey, Wakefield, Warren, Waxman,
Wilson, Wood, Z'berg, Zenovich, and Mr. Speaker—73.

Quorum present.

LEGISLATIVE INTENT SERVICE (800) 666-1917

Resolved, That such committee report its findings and recommendations to the Assembly on the date specified by the Rules Committee upon assignment of this resolution.

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules.

INTRODUCTION OF GUESTS

Speaker pro Tempore Conrad introduced the Honorable Jack E. Walker, Speaker of the House of Representatives of the State of Illinois, and his administrative assistants, Mrs. Jean Hemingway and Pat Cadigan, whereupon the Members of the Assembly joined in welcoming them on their visit to the Assembly Chamber.

COMMUNICATIONS

Assembly Chamber, July 8, 1970

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 398—An act to amend Section 1627.5 of the Business and Professions Code, relating to dentistry;

Assembly Bill No. 744—An act to amend Section 939 of the Education Code, relating to superintendents of school districts;

Assembly Bill No. 821—An act to amend Sections 30910, 30912, 30920, 30924, 30951, 30968, 30973, 30978, 31040, and 31041 of, to amend the heading of Chapter 4 (commencing with Section 30910) of Division 17 of, and to add Sections 30913.5, 30930.5, and 30930.6 to, the Streets and Highways Code, relating to the Gold Rush Parkway Authority;

And reports the same correctly enrolled, and presented to the Governor at 10 a.m., July 8, 1970.

JAMES D. DRISCOLL, Chief Clerk

REPORTS OF STANDING COMMITTEES

Committee on Health and Welfare

Assembly Chamber, July 8, 1970

Mr. Speaker: Your Committee on Health and Welfare reports:
SB No. 223

With the recommendation: Do pass, as amended.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bill be placed on the Consent Calendar.

DUFFY, Chairman

Above bill ordered to second reading.



Committee on Ways and Means

Assembly Chamber, July 8, 1970

Mr. Speaker: Your Committee on Ways and Means reports:

AB No. 1513

AB No. 1942

With the recommendation: Do pass, as amended.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bills be placed on the Consent Calendar.

LANTERMAN, Chairman

Above bills ordered to second reading.

Assembly Chamber, July 8, 1970

Mr. Speaker: Your Committee on Ways and Means reports:

AB No. 284

AB No. 2167

AB No. 818

AB No. 2212

AB No. 2045

With amendments with the recommendation: Amend, and do pass, as amended.

LANTERMAN, Chairman

Above bills ordered to second reading.

Assembly Chamber, July 8, 1970

Mr. Speaker: Your Committee on Ways and Means reports:

AB No. 1349

With the recommendation: That the bill be retained in committee, and that the subject matter be referred to the Committee on Rules for assignment to the proper committee for study.

LANTERMAN, Chairman

Subject matter of the above bill referred to the Committee on Rules.

Assembly Chamber, July 8, 1970

Mr. Speaker: Your Committee on Ways and Means reports:

AB No. 13

AB No. 729

AB No. 1512

AB No. 49

AB No. 778

AB No. 1576

AB No. 337

AB No. 1291

AB No. 1671

AB No. 368

AB No. 1307

AB No. 1780

AB No. 395

AB No. 1379

AB No. 1890

AB No. 447

With the recommendation: Do pass.

LANTERMAN, Chairman

Above bills ordered to second reading.

Assembly Chamber, July 8, 1970

Mr. Speaker: Your Committee on Ways and Means reports:

AB No. 2049

AB No. 2279

AB No. 2123

AB No. 2345

With the recommendation: Do pass.

LANTERMAN, Chairman

Above bills ordered to second reading.



CALIFORNIA LEGISLATURE

1970 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

One Hundred Seventh Legislative Day

One Hundred Eighty-sixth Calendar Day

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, July 9, 1970

The Assembly met at 11:30 a.m.

Hon. Charles J. Conrad, Speaker pro Tempore of the Assembly, presiding.

Chief Clerk James D. Driscoll at the Desk.

Assistant Clerk Ray Monday reading.

ROLL CALL

The roll was called, and the following answered to their names:

Arklin, Badham, Bagley, Barnes, Bee, Belotti, Berryhill, Beverly, Brathwaite, Briggs, Britschgi, Brown, Burke, Burton, Campbell, Collier, Conrad, Crandall, Crown, Cullen, Davis, Deddeh, Duffy, Dunlap, Fenton, Fong, Foran, Gonsalves, Bill Greene, Hayes, Hom, Harvey Johnson, Ray E. Johnson, Ketchum, Knox, Lanterman, Lewis, MacDonald, MacGillivray, McCarthy, Milias, Miller, Mobley, Moorhead, Moretti, Mulford, Murphy, Porter, Powers, Priolo, Quimby, Ralph, Roberti, Russell, Ryan, Schabarum, Sieroty, Stacey, Stull, Townsend, Vasconcellos, Veysey, Wakefield, Warren, Waxman, Wilson, Wood, Z'berg, and Zenovich—69.

Quorum present.

NAMES OF MEMBERS PLACED UPON MORNING ROLL CALL

Speaker pro Tempore Conrad was granted unanimous consent that the following Members, who are attending the meeting of the Committee on Ways and Means, be excused, and their names added to the morning roll call: Messrs. Lanterman, Crown, Bagley, Barnes, Belotti, Britschgi, Burton, Collier, Mrs. Davis, Messrs. Mulford, Porter, Ralph, Ryan, Schabarum, Veysey, Warren, Zenovich, and Wilson.



Senate Bill No. 1071—An act to amend Section 20806 of the Education Code, relating to school district taxation.

Held at Desk by order of the Speaker pro Tempore.

Senate Bill No. 1344—An act to amend Section 33670 of the Health and Safety Code, relating to community redevelopment.

Held at Desk by order of the Speaker pro Tempore.

**APPOINTMENT OF COMMITTEE ON CONFERENCE
CONCERNING SENATE BILL NO. 392**

The Speaker pro Tempore appointed Messrs. Badham, Porter, and Schabarum as a Committee on Conference concerning Senate Bill No. 392.

**REQUEST FOR UNANIMOUS CONSENT TO TEMPORARILY
SUSPEND THE RULES**

Mr. Ketchum was granted unanimous consent that the Assembly Rules be temporarily suspended for the purpose of setting Senate Bill No. 587 for hearing in a subcommittee of the Committee on Agriculture, on Monday, July 13, 1970.

**CONSIDERATION OF DAILY FILE
ASSEMBLY BILLS RETURNED TO SECOND READING FILE
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Assembly bills were this day on the second reading file:

Assembly Bills Nos. 1452 and 762 ordered to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 894—An act to authorize the assessment or re-assessment of property in disaster areas, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to the Consent Calendar.

Assembly Bill No. 1513—An act to amend Sections 1371 and 3396 of, and to add Sections 1371.5 and 3396.5 to, the Financial Code, relating to legal investments for savings banks.

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Ways and Means, were read, and adopted:

Amendment No. 1

In line 1 of the title of the printed bill, as amended in Assembly June 19, 1970, strike out "Sections 1371 and 3396 of, and", and insert "Section 3396 of,".

Amendment No. 2

In line 2 of the title, strike out "1371.5 and 3396.5 to", and insert "1371 and 1371.5 to, and to repeal Section 1371 of".



Assembly Bill No. 2045—An act to add Division 13 (commencing with Section 21000) to the Public Resources Code, relating to environmental quality.

Bill read second time.

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Ways and Means, was read, and adopted:

Amendment No. 1

On page 5, line 27, of the printed bill, as amended in Assembly June 23, 1970, strike out "legal".

Bill ordered reprinted, and returned to the second reading file.

Assembly Bill No. 2167—An act to add Chapter 4.5 (commencing with Section 6370) to Part 1 of Division 6 of the Public Resources Code, relating to state lands, and making an appropriation therefor.

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Ways and Means, were read, and adopted:

Set No. 1

Amendment No. 1

On page 3, lines 11 and 12, of the printed bill, as amended in Assembly June 9, 1970, strike out "General Fund in the State Treasury", and insert "State Environmental Fund".

Amendment No. 2

On page 3, after line 15, insert

"SEC. 3. Section 2 of this act shall become operative only if Assembly Bill No. 2199 is enacted by the Legislature at its 1970 Regular Session."

Set No. 2

Amendment No. 1

On page 3, line 7, of the printed bill, as amended in Assembly June 9, 1970, strike out "1972", and insert "1973".

Bill ordered reprinted, and returned to the second reading file.

Assembly Bill No. 2212—An act to add Chapter 2.5 (commencing with Section 65080) to Title 7 of the Government Code, relating to planning.

Bill read second time.

Consideration of Committee Amendments

The following amendments, proposed by the Committee on Ways and Means, were read, and adopted:

Amendment No. 1

In line 3 of the title of the printed bill, as amended in Assembly June 8, 1970, after "planning", insert ", and making an appropriation therefor".



CALIFORNIA LEGISLATURE

1970 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

One Hundred Eighth Legislative Day

One Hundred Eighty-seventh Calendar Day

IN ASSEMBLYAssembly Chamber, Sacramento
Friday, July 10, 1970

The Assembly met at 9:30 a.m.

Hon. Charles J. Conrad, Speaker pro Tempore of the Assembly, presiding.

Chief Clerk James D. Driscoll at the Desk.

Assistant Clerk Ray Monday reading.

ROLL CALL

The roll was called, and the following answered to their names:

Arklin, Badham, Bagley, Barnes, Bee, Belotti, Berryhill, Beverly, Brathwaite, Britschgi, Brown, Burke, Burton, Campbell, Collier, Conrad, Cory, Crandall, Crown, Cullen, Davis, Deddeh, Duffy, Dunlap, Fenton, Fong, Foran, Gonsalves, Bill Greene, Hom, Harvey Johnson, Ray E. Johnson, Ketchum, Knox, Lanterman, Lewis, MacDonald, MacGillivray, McCarthy, Miliias, Miller, Mobley, Moorhead, Moretti, Mulford, Murphy, Porter, Powers, Priolo, Quimby, Ralph, Roberti, Russell, Ryan, Schabarum, Sieroty, Stacey, Stull, Vasconcellos, Wakefield, Warren, Wilson, Wood, and Zenovich—64.

Quorum present.

NAMES OF MEMBERS PLACED UPON MORNING ROLL CALL

Speaker pro Tempore Conrad was granted unanimous consent that the following Members, who are attending the meeting of the Committee on Ways and Means, be excused, and their names added to the morning roll call: Messrs. Lanterman, Barnes, Britschgi, Burton, Collier, Mrs. Davis, Messrs. Mulford, Porter, Schabarum, Stull, Wakefield, Belotti, and Crown.

PRAYER

Upon invitation of Speaker pro Tempore Conrad, the following prayer was offered by the Honorable Newton R. Russell, Member of the Assembly, 62nd District:

Our Father, As we reflect here on our efforts, help us to be mindful that Thou art with us in everything we do. While we may not know the end results, we know You, in whose hand is history.



WHEREAS, The aircraft dealers must presently pay an inventory floor tax on the aircraft displayed at their dealerships, and as a result the dealers normally reduce their inventories and demonstrator aircraft stock when lien date (first Monday in March) approaches; and

WHEREAS, The aircraft buyer is deprived of being able to select from a full inventory of aircraft for the several months preceding lien day, which means a loss of sales tax to the state; and

WHEREAS, Statistics have shown that some aircraft owners escape the payment of taxes due to the difficulty of the county keeping complete and up-to-date records; and

WHEREAS, A more equitable system of taxation would be established if an inventory tax exemption were granted to aircraft dealers; now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly Rules Committee is hereby requested to assign to an appropriate committee for study the subject of an Inventory Tax Exemption for Aircraft, and that such committee shall consider legislation providing for the licensing of aircraft dealers who would then be required, as agents of the state, to furnish the counties with sales information on aircraft purchases; and be it further

Resolved, That such committee report to the Assembly its findings and recommendations on the date specified by the Rules Committee upon assignment of this resolution; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit a copy of the resolution to the Department of Aeronautics and to the State Board of Equalization.

Resolution read, and referred by the Speaker pro Tempore to the Committee on Rules.

COMMUNICATIONS

Assembly Chamber, July 10, 1970

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

ACR No. 167

And reports the same correctly engrossed.

JAMES D. DRISCOLL, Chief Clerk

Above resolution ordered to the Consent Calendar.

Assembly Chamber, July 10, 1970

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

AB No. 818

AB No. 1942

AB No. 284

And reports the same correctly re-engrossed.

JAMES D. DRISCOLL, Chief Clerk

Above bills ordered returned to second reading file.



Assembly Chamber, July 10, 1970

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

AB No. 1513	AB No. 2167
AB No. 2045	AB No. 2212

And reports the same correctly re-engrossed.

JAMES D. DRISCOLL, Chief Clerk

Above bills ordered returned to second reading file.

Assembly Chamber, July 10, 1970

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

AB No. 1030
AB No. 1041
AB No. 2253

And reports the same correctly re-engrossed.

JAMES D. DRISCOLL, Chief Clerk

Above bills re-referred to committees.

Assembly Chamber, July 10, 1970

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

AB No. 1299

And reports the same correctly engrossed.

JAMES D. DRISCOLL, Chief Clerk

Above bill re-referred to committee.

REPORTS OF STANDING COMMITTEES

Committee on Ways and Means

Assembly Chamber, July 9, 1970

Mr. Speaker: Your Committee on Ways and Means reports:

SB No. 262

With amendments with the recommendation: Amend, and do pass, as amended.

LANTERMAN, Chairman

Above bill ordered to second reading.

Assembly Chamber, July 9, 1970

Mr. Speaker: Your Committee on Ways and Means reports:

AB No. 591	AB No. 975	AB No. 1676
AB No. 718	AB No. 1031	AB No. 1990
AB No. 770	AB No. 1485	AB No. 2519
AB No. 942	AB No. 1646	

With amendments with the recommendation: Amend, and do pass, as amended.

LANTERMAN, Chairman

Above bills ordered to second reading.



of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Due to rapid growth of population in certain areas there is a critical need for cooperation between public agencies in the acquisition, construction, maintenance and operation of sanitary sewerage facilities. To meet this critical problem, it is imperative that this act go into effect immediately."

Amendment No. 5

On page 1, line 1, strike out "Section 6578 is added to the Government Code,"; and strike out lines 2 to 12, inclusive.

Bill ordered reprinted, and to be re-referred to the Committee on Local Government.

**REQUEST FOR UNANIMOUS CONSENT TO TEMPORARILY
SUSPEND THE RULES**

Mr. Wilson was granted unanimous consent that the Assembly Rules be temporarily suspended for the purpose of setting Assembly Bill No. 2131 for hearing in the Committee on Ways and Means, on Tuesday, July 14, 1970.

**CONSIDERATION OF DAILY FILE
ASSEMBLY BILLS RETURNED TO SECOND READING FILE
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Assembly bills were this day on the second reading file:

Assembly Bills Nos. 1513, 1942, 284, 818, 2045, 2167, and 2212.

Assembly Bills Nos. 284, 818, 2045, 2167, and 2212 ordered to third reading.

Assembly Bills Nos. 1513 and 1942 ordered to the Consent Calendar.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 2157—An act to amend Sections 1452, 1605, 1612, 1660, and 11105 of, to add Section 12931 to, and to repeal Sections 1606, 1607, 1613, 1614, and 1615 of, the Insurance Code, relating to insurance.

Bill read second time, and ordered to the Consent Calendar.

Assembly Bill No. 1826—An act to add Chapter 7 (commencing with Section 1000.1) to Division 4 of the Military and Veterans Code, relating to veterans' benefits, and making an appropriation therefor.

Bill read second time.

Consideration of Committee Amendments

The following amendment, proposed by the Committee on Ways and Means, was read, and adopted:

Amendment No. 1

In the heading of the printed bill, as amended in Assembly June 19, 1970, strike out "Assemblyman Mobley", and insert "Assemblymen Mobley, Arklin, Bagley, Barnes, Belotti, Brathwaite, Britshegi, Campbell, Chappie, Collier, Conrad, Crandall, Deddeh, Dent, Duffy, Fenton,



CALIFORNIA LEGISLATURE

1970 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

One Hundred Eleventh Legislative Day

One Hundred Ninety-second Calendar Day

IN ASSEMBLY

Assembly Chamber, Sacramento
Wednesday, July 15, 1970

The Assembly met at 9:30 a.m.
Hon. Charles J. Conrad, Speaker pro Tempore of the Assembly,
presiding.
Chief Clerk James D. Driscoll at the Desk.
Assistant Clerk Ray Monday reading.

Speaker Presiding

At 9:34 a.m., Hon. Bob Monagan, 12th District, presiding.

ROLL CALL

The roll was called.

Quorum Call of the Assembly

Mr. Biddle moved a quorum call of the Assembly.
Motion carried. Time, 9:46 a.m.
The Speaker directed the Sergeant at Arms to close the doors, and
to bring in the absent Members.

PROCEEDINGS UNDER CALL OF THE ASSEMBLY
BY UNANIMOUS CONSENT
QUORUM PRESENT

At 9:50 a.m., Speaker Monagan declared a quorum of the Assembly
present.

The roll call was completed, and the following answered to their
names:

Arklin, Badham, Bagley, Barnes, Bee, Belotti, Berryhill, Beverly,
Biddle, Brathwaite, Briggs, Britschgi, Brown, Burke, Burton, Camp-
bell, Chappie, Collier, Conrad, Cory, Crandall, Crown, Cullen, Davis,
Deddeh, Dent, Duffy, Dunlap, Fenton, Fong, Foran, Gonsalves, Bill
Greene, Leroy F. Greene, Hayes, Hom, Harvey Johnson, Ray E. Johnson,
Karabian, Ketchum, Knox, Lanterman, Lewis, MacDonald, Mac-
Gillivray, McCarthy, Milias, Miller, Mobley, Moorhead, Moretti, Mul-

LEGISLATIVE INTENT SERVICE (800) 666-1917

BILLS WITHDRAWN FROM INACTIVE FILE

The following bill was withdrawn from the inactive file, and placed upon the third reading file:

Assembly Bill No. 79, on request of Mr. Schabarum.

REQUEST FOR UNANIMOUS CONSENT TO SET BILLS FOR SPECIAL ORDER

Mr. Biddle was granted unanimous consent that Assembly Bills Nos. 2045, 2070, 2199, 2212, 2167, 2435, and 2345, and Assembly Concurrent Resolution No. 132 be made a special order of business for Friday, July 17, 1970, at 10 a.m.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP SENATE CONCURRENT RESOLUTION NO. 92

Mr. Crandall was granted unanimous consent to take up Senate Concurrent Resolution No. 92 without reference to committee or file.

Consideration of Senate Concurrent Resolution No. 92

Senate Concurrent Resolution No. 92—Relative to Byron C. Prouty. Resolution read, presented by Mr. Crandall, and adopted. Resolution ordered transmitted to the Senate.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP SENATE BILL NO. 1105

Mr. Hayes was granted unanimous consent to take up Senate Bill No. 1105, out of order, for purpose of amendment.

Consideration of Senate Bill No. 1105

Senate Bill No. 1105—An act to add Section 1906 to the Welfare and Institutions Code, relating to youth service bureaus, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Motion to Amend

Mr. Hayes moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, as amended in Senate May 12, 1970, strike out lines 7 to 9, inclusive.

Amendment read, and adopted.

Bill ordered reprinted, and to be returned to the third reading file.

**CONSIDERATION OF DAILY FILE
ASSEMBLY BILLS RETURNED TO SECOND READING FILE
PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Assembly bills were this day on the second reading file:

Assembly Bills Nos. 991, 575, 996, 517, 927, 1865, 2324, 1855, and 403.

Assembly Bills Nos. 991, 575, 996, 517, 927, 1865, 2324, and 403 ordered to third reading.

Assembly Bill No. 1855 ordered to the Consent Calendar.



CALIFORNIA LEGISLATURE

1970 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

One Hundred Thirteenth Legislative Day

One Hundred Ninety-fourth Calendar Day

IN ASSEMBLY

Assembly Chamber, Sacramento
Friday, July 17, 1970

The Assembly met at 9:30 a.m.

Hon. Charles J. Conrad, Speaker pro Tempore of the Assembly, presiding.

Chief Clerk James D. Driscoll at the Desk.

Assistant Clerk Ray Monday reading.

ROLL CALL

The roll was called.

Quorum Call of the Assembly

Mr. Collier moved a quorum call of the Assembly.

Motion carried. Time, 9:32 a.m.

The Speaker pro Tempore directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

Quorum Call of the Assembly Dispensed With

At 9:49 a.m., on motion of Mr. Collier, and in the absence of any objection, the quorum call of the Assembly was dispensed with.

The roll call was completed, and the following answered to their names:

Arklin, Badham, Bagley, Barnes, Bee, Belotti, Berryhill, Beverly, Biddle, Brathwaite, Briggs, Britschgi, Brown, Burke, Burton, Campbell, Chappie, Collier, Conrad, Cory, Crandall, Crown, Cullen, Davis, Deddeh, Dent, Duffy, Dunlap, Fenton, Fong, Foran, Gonsalves, Bill Greene, Leroy F. Greene, Hayes, Hom, Harvey Johnson, Karabian, Ketchum, Knox, Lanterman, Lewis, MacDonald, MacGillivray, McCarthy, Milias, Miller, Mobley, Moorhead, Moretti, Mulford, Murphy, Powers, Priolo, Roberti, Russell, Ryan, Sieroty, Stacey, Stull, Thomas, Townsend, Vasconcellos, Veysey, Wakefield, Warren, Waxman, Wilson, Wood, Z'berg, Zenovich, and Mr. Speaker—72.

Quorum present.



Assembly Bill No. 447—An act to amend Sections 7811, 7813, 7814, 7817, 7821, 7841, 7842, 7845, 7849, 7852, 7880, 7881, 7884, and 7887 of, and to add Section 7850.5 to, the Business and Professions Code, relating to geologists.

Bill read third time, and passed by the following vote:

AYES—Arklin, Badham, Bagley, Barnes, Bee, Belotti, Berryhill, Beverly, Biddle, Brathwaite, Briggs, Britschgi, Burke, Burton, Campbell, Chappie, Collier, Conrad, Cory, Crandall, Davis, Deddeh, Dent, Duffy, Dunlap, Fenton, Foran, Gonsalves, Leroy F. Greene, Hayes, Harvey Johnson, Karabian, Ketchum, Knox, Lewis, MacDonald, MacGillivray, Milias, Mobley, Moorhead, Mulford, Murphy, Powers, Priolo, Ryan, Sieroty, Stacey, Stull, Thomas, Vasconcellos, Wakefield, Waxman, Wilson, Wood, Z'berg, and Mr. Speaker—56.

NOES—None.

Bill ordered transmitted to the Senate.

Assembly Bill No. 1291—An act to amend Sections 69580, 73075 and 73088 of the Government Code, relating to courts.

Bill read third time, and passed by the following vote:

AYES—Arklin, Badham, Bagley, Barnes, Bee, Belotti, Berryhill, Beverly, Biddle, Brathwaite, Briggs, Britschgi, Burke, Burton, Campbell, Chappie, Collier, Conrad, Cory, Crandall, Cullen, Davis, Deddeh, Dent, Duffy, Dunlap, Fenton, Foran, Gonsalves, Leroy F. Greene, Hayes, Harvey Johnson, Karabian, Ketchum, Knox, Lewis, MacDonald, MacGillivray, Milias, Mobley, Moorhead, Mulford, Murphy, Priolo, Ryan, Stacey, Stull, Thomas, Vasconcellos, Wakefield, Warren, Waxman, Wilson, Wood, Z'berg, and Mr. Speaker—56.

NOES—None.

Bill ordered transmitted to the Senate.

POINT OF ORDER

Mr. Biddle arose to the following point of order: That the hour for consideration of the special orders of business has arrived.

Ruling by Speaker pro Tempore

The Speaker pro Tempore ruled the point of order well taken.

REQUEST FOR UNANIMOUS CONSENT

Speaker pro Tempore Conrad was granted unanimous consent that television and press photographers be permitted on the floor of the Assembly.

CONSIDERATION OF SPECIAL ORDER— ASSEMBLY BILL NO. 2045

Assembly Bill No. 2045—An act to add Division 13 (commencing with Section 21000) to the Public Resources Code, relating to environmental quality.

Bill read third time, and presented by Mr. Knox.

The roll was called.



The names of the absentees were called, and the vote whereby Assembly Bill No. 1140 was refused passage reconsidered by the following vote:

AYES—Arklin, Belotti, Berryhill, Beverly, Britschgi, Brown, Burke, Burton, Cory, Crandall, Crown, Cullen, Davis, Deddeh, Dent, Duffy, Dunlap, Fenton, Fong, Foran, Bill Greene, Leroy F. Greene, Harvey Johnson, Knox, Lanterman, MacGillivray, McCarthy, Miliias, Miller, Mobley, Moretti, Murphy, Powers, Priolo, Roberti, Sieroty, Stull, Thomas, Vasconcellos, Waxman, Wilson, Wood, Z'berg, Zenovich, and Mr. Speaker—45.

NOES—None.

Assembly Bill No. 1140 passed on file, to retain its place on file.

**CALL OF THE ASSEMBLY DISPENSED WITH ON
ASSEMBLY BILL NO. 2345**

At 3:10 p.m., on motion of Mr. Knox, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called, and Assembly Bill No. 2345 passed by the following vote:

AYES—Bagley, Barnes, Bee, Belotti, Biddle, Brathwaite, Briggs, Britschgi, Brown, Burton, Conrad, Cory, Crandall, Crown, Dent, Dunlap, Fenton, Foran, Bill Greene, Leroy F. Greene, Karabian, Knox, MacDonald, McCarthy, Miliias, Miller, Moretti, Murphy, Powers, Roberti, Ryan, Sieroty, Stacey, Vasconcellos, Warren, Waxman, Wilson, Wood, Z'berg, Zenovich, and Mr. Speaker—41.

NOES—Badham, Berryhill, Beverly, Chappie, Collier, Cullen, Davis, Deddeh, Hayes, Hom, Ketchum, Lewis, MacGillivray, Mobley, Priolo, Stull, Thomas, and Wakefield—18.

Bill ordered transmitted to the Senate.

**CALL OF THE ASSEMBLY DISPENSED WITH ON
ASSEMBLY BILL NO. 2045**

At 3:11 p.m., on motion of Mr. Monagan, and in the absence of any objection, further proceedings under the call of the Assembly were dispensed with.

Assembly Bill No. 2045 passed by the following vote:

AYES—Bagley, Barnes, Belotti, Berryhill, Beverly, Biddle, Brathwaite, Britschgi, Brown, Burton, Campbell, Collier, Conrad, Cory, Crandall, Cullen, Davis, Deddeh, Dent, Duffy, Dunlap, Fenton, Fong, Foran, Gonsalves, Leroy F. Greene, Hayes, Hom, Ray E. Johnson, Karabian, Knox, Lanterman, Lewis, MacDonald, MacGillivray, McCarthy, Miliias, Miller, Moorhead, Moretti, Mulford, Murphy, Powers, Priolo, Roberti, Ryan, Sieroty, Stacey, Thomas, Townsend, Vasconcellos, Veysey, Warren, Waxman, Wilson, Wood, Z'berg, Zenovich, and Mr. Speaker—59.

NOES—Arklin, Badham, Burke, Chappie, Ketchum, Stull, and Wakefield—7.

Bill ordered transmitted to the Senate.



Volume 4

Journal of the Assembly

Legislature of the State of California
1970 Regular Session
January Fifth to September Twenty-third



BOB MONAGAN
Speaker of the Assembly

W. CRAIG BIDDLE
Majority Floor Leader

JAMES D. DRISCOLL
Chief Clerk of the Assembly

CHARLES J. CONRAD
Speaker pro Tempore of the Assembly

JOHN J. MILLER
Minority Floor Leader



CALIFORNIA LEGISLATURE

1970 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

One Hundred Thirty-eighth Legislative Day

Two Hundred Twenty-ninth Calendar Day

IN ASSEMBLY

Assembly Chamber, Sacramento
Friday, August 21, 1970

The Assembly met at 9:30 a.m.
Hon. Charles J. Conrad, Speaker pro Tempore of the Assembly, presiding.
Chief Clerk James D. Driscoll at the Desk.
Assistant Clerk Ray Monday, reading.

Speaker Presiding

At 9:40 a.m., Hon. Bob Monagan, 12th District, presiding.

ROLL CALL

The roll was called, and the following answered to their names:

Arklin, Badham, Bagley, Barnes, Bee, Belotti, Berryhill, Beverly, Biddle, Brathwaite, Briggs, Britschgi, Brown, Burke, Burton, Campbell, Chappie, Collier, Conrad, Cory, Crandall, Crown, Cullen, Davis, Deddeh, Dent, Duffy, Dunlap, Fenton, Fong, Foran, Garcia, Gonsalves, Bill Greene, Leroy F. Greene, Hayes, Hom, Harvey Johnson, Ray E. Johnson, Karabian, Ketchum, Knox, Lanterman, Lewis, MacDonald, MacGillivray, McCarthy, Miliias, Miller, Mobley, Moorhead, Moretti, Mulford, Murphy, Porter, Powers, Priolo, Quimby, Ralph, Roberti, Russell, Ryan, Schabarum, Sieroty, Stacey, Stull, Thomas, Townsend, Unruh, Vasconcellos, Veysey, Wakefield, Warren, Waxman, Wilson, Wood, Z'berg, Zenovich, and Mr. Speaker—79.

Quorum present.

PRAYER

The following prayer was offered by the Chaplain, Father Leo McAllister:

Father, Keep each of us ever aware of the eternal principle declared by King Solomon that "Righteousness exalteth a Nation". Let not the heritage of freedom of which we in these perilous times are the guardians be endangered by unloving critics or by uncritical lovers of our nation.



**PROCEEDINGS UNDER CALL OF THE ASSEMBLY
BY UNANIMOUS CONSENT
TEMPORARY SUSPENSION OF ASSEMBLY RULES**

Mr. Biddle was granted unanimous consent that the Assembly Rules be temporarily suspended for the purpose of placing a call of the Assembly on any matter before the House, and to permit the Assembly to conduct further business while under a call of the House.

MESSAGES FROM THE SENATE

Senate Chamber, August 21, 1970

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted:

ACR No. 180

DARRYL R. WHITE, Secretary of the Senate
By Roy Gabriel, Assistant Secretary

Above resolution ordered enrolled.

Senate Chamber, August 21, 1970

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day adopted as amended:

ACR No. 165

ACR No. 199

ACR No. 200

And respectfully requests your honorable body to concur in said amendments.

DARRYL R. WHITE, Secretary of the Senate
By Roy Gabriel, Assistant Secretary

Above resolutions ordered to unfinished business file.

Senate Chamber, August 21, 1970

Mr. Speaker: I am directed to inform your honorable body that the Senate amended, and on this day passed as amended:

AB No. 24

AB No. 1030

AB No. 1881

AB No. 292

AB No. 1165

AB No. 1922

AB No. 337

AB No. 1320

AB No. 1942

AB No. 338

AB No. 1416

AB No. 2045

AB No. 501

AB No. 1420

AB No. 2070

AB No. 602

AB No. 1512

AB No. 2109

AB No. 716

AB No. 1549

AB No. 2164

AB No. 770

AB No. 1625

AB No. 2167

AB No. 798

AB No. 1836

AB No. 2366

And respectfully requests your honorable body to concur in said amendments.

DARRYL R. WHITE, Secretary of the Senate
By Roy Gabriel, Assistant Secretary

Above bills ordered to unfinished business file.



CALIFORNIA LEGISLATURE

1970 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

One Hundred Thirty-eighth Legislative Day

Two Hundred Twenty-ninth Calendar Day

IN ASSEMBLY

Assembly Chamber, Sacramento
Friday, August 21, 1970

The Assembly met at 9:30 a.m.

Hon. Charles J. Conrad, Speaker pro Tempore of the Assembly, presiding.

Chief Clerk James D. Driscoll at the Desk.

Assistant Clerk Ray Monday reading.

Speaker Presiding

At 9:40 a.m., Hon. Bob Monagan, 12th District, presiding.

ROLL CALL

The roll was called, and the following answered to their names:

Arklin, Badham, Bagley, Barnes, Bee, Belotti, Berryhill, Beverly, Biddle, Brathwaite, Briggs, Britschgi, Brown, Burke, Burton, Campbell, Chappie, Collier, Conrad, Cory, Crandall, Crown, Cullen, Davis, Deddeh, Dent, Duffy, Dunlap, Fenton, Fong, Foran, Garcia, Gonsalves, Bill Greene, Leroy F. Greene, Hayes, Hom, Harvey Johnson, Ray E. Johnson, Karabian, Ketchum, Knox, Lanterman, Lewis, MacDonald, MacGillivray, McCarthy, Miliias, Miller, Mobley, Moorhead, Moretti, Mulford, Murphy, Porter, Powers, Priolo, Quimby, Ralph, Roberti, Russell, Ryan, Schabarum, Sieroty, Stacey, Stull, Thomas, Townsend, Unruh, Vasconcellos, Veysey, Wakefield, Warren, Waxman, Wilson, Wood, Z'berg, Zenovich, and Mr. Speaker—79.

Quorum present.

PRAYER

The following prayer was offered by the Chaplain, Father Leo McAllister:

Father, Keep each of us ever aware of the eternal principle declared by King Solomon that "Righteousness exalteth a Nation". Let not the heritage of freedom of which we in these perilous times are the guardians be endangered by unloving critics or by uncritical lovers of our nation.

LEGISLATIVE INTENT SERVICE (800) 666-1917



House Resolution No. 75, as Amended

By Assemblyman Bill Greene:

House Resolution No. 75

Relative to apprenticeship programs

WHEREAS, Serious questions have been raised as to the adequacy of the state's apprenticeship program and its ability to meet current needs; now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly Committee on Rules is hereby requested to assign to an appropriate committee the subject of apprenticeship training for interim study; and be it further

Resolved, That the chairman of the committee may, with the consent of the Speaker of the Assembly, appoint an advisory group of persons expert in the subject of apprenticeship to inform and advise the committee; and be it further

Resolved, That such committee report its findings and recommendations to the Assembly on the date specified by the Rules Committee upon assignment of this resolution which shall not be later than the fifth legislative day of the 1972 Regular Session.

Resolution, as amended, re-referred to the Committee on Rules and the subject matter to be referred to the Committee on Rules for assignment to the proper committee for study.

CONSIDERATION OF DAILY FILE (RESUMED)**UNFINISHED BUSINESS (RESUMED)****CONSIDERATION OF SENATE AMENDMENTS**

Assembly Bill No. 1817—An act to add Sections 71699 and 71700 to the Water Code, relating to municipal water districts.

The question being: Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1817?

Senate Amendments of July 2, 1970**Amendment No. 1**

On page 1, line 4, of the printed bill, as amended in Assembly June 3, 1970, after the first "any", insert "water".

Amendment No. 2

On page 1, line 11, after "service", insert ", provided two-thirds of the voters voting at an election within the district have approved the incurrence of the indebtedness and, provided further, that the district has water available and is ready, able, and willing to serve such land".

Amendment No. 3

On page 2, line 6, strike out "two-thirds", and insert "a majority".

Amendment No. 4

On page 2, line 8, after "service", insert "within that portion of the district".



Collier, Conrad, Cory, Crandall, Crown, Cullen, Davis, Deddeh, Dent, Fenton, Fong, Foran, Gonsalves, Bill Greene, Leroy F. Greene, Hayes, Hom, Harvey Johnson, Ray E. Johnson, Karabian, Ketchum, Knox, Lanterman, Lewis, MacDonald, MacGillivray, McCarthy, Miliias, Miller, Mobley, Moorhead, Moretti, Mulford, Murphy, Porter, Powers, Priolo, Quimby, Ralph, Roberti, Russell, Ryan, Stacey, Stull, Thomas, Townsend, Vasconcellos, Veysey, Wilson, Wood, Zenovich, and Mr. Speaker—67.

NOES—None.

Above bill ordered enrolled.

Assembly Bill No. 1942—An act to add Chapter 3 (commencing with Section 800) to Division 1 of the Public Resources Code, relating to powerplant siting, and making an appropriation therefor.

The question being: Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1942?

Amendment No. 1

On page 2, line 6, of the printed bill, as amended in Assembly July 9, 1970, after "energy", insert ", geothermal resources, and such other energy sources as are currently under development".

Amendment No. 2

On page 2, line 25, strike out "nuclear".

Amendment No. 3

On page 2, line 35, strike out "nuclear".

The roll was called, and the Assembly concurred in the above Senate amendments by the following vote:

AYES—Arklin, Badham, Bagley, Barnes, Bee, Belotti, Berryhill, Beverly, Biddle, Brathwaite, Briggs, Britschgi, Brown, Burke, Burton, Campbell, Chappie, Conrad, Cory, Crandall, Crown, Cullen, Deddeh, Dent, Duffy, Fenton, Fong, Foran, Gonsalves, Bill Greene, Leroy F. Greene, Hayes, Hom, Harvey Johnson, Ray E. Johnson, Karabian, Ketchum, Knox, Lanterman, Lewis, MacDonald, MacGillivray, McCarthy, Miliias, Miller, Mobley, Moorhead, Moretti, Mulford, Murphy, Porter, Priolo, Quimby, Ralph, Roberti, Russell, Ryan, Sieroty, Stull, Thomas, Vasconcellos, Veysey, Warren, Wilson, Wood, Zenovich, and Mr. Speaker—67.

NOES—None.

Above bill ordered enrolled.

Assembly Bill No. 2045—An act to add Division 13 (commencing with Section 21000) to the Public Resources Code, relating to environmental quality.

The question being: Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 2045?



CALIFORNIA LEGISLATURE

1970 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

One Hundred Thirty-ninth Legislative Day

Two Hundred Sixtieth Calendar Day

IN ASSEMBLY

Assembly Chamber, Sacramento
Monday, September 21, 1970

At 3 p.m., in accordance with the provisions of Article IV, Section 3(a) of the Constitution, and Senate Concurrent Resolution No. 95, the Assembly was called to order.

Hon. Bob Monagan, Speaker of the Assembly, presiding.
Chief Clerk James D. Driscoll at the Desk.
Assistant Clerk Ray Monday reading.

ROLL CALL

The roll was called, and the following answered to their names:

Arklin, Badham, Bagley, Barnes, Bee, Belotti, Berryhill, Beverly, Biddle, Brathwaite, Britschgi, Brown, Burke, Burton, Campbell, Chappie, Conrad, Cory, Crandall, Crown, Cullen, Davis, Deddeh, Dent, Duffy, Dunlap, Fenton, Fong, Garcia, Gonsalves, Leroy F. Greene, Hayes, Hom, Harvey Johnson, Ray E. Johnson, Karabian, Ketchum, Knox, Lanterman, Lewis, MacDonald, MacGillivray, Miliias, Miller, Mobley, Moorhead, Moretti, Mulford, Murphy, Porter, Powers, Priolo, Quimby, Ralph, Roberti, Russell, Ryan, Schabarum, Sieroty, Stacey, Stull, Townsend, Unruh, Vasconcellos, Veysey, Wakefield, Warren, Waxman, Wilson, Wood, Z'berg, Zenovich, and Mr. Speaker—73.

Quorum present.

PRAYER

The following prayer was offered by the Chaplain, Father Leo McAllister:

Father, As we begin this special veto session it might be well for us to reflect on these words from Ecclesiasticus:

“Do not refrain from speech at an opportune time,
and do not hide your wisdom;
for wisdom shall be recognised in speech,
and instruction by what the tongue utters.
Do not contradict the truth,
rather blush for your own ignorance.

LEGISLATIVE INTENT SERVICE (800) 666-1917

Sept. 21, 1970

ASSEMBLY JOURNAL

8353

Veto Message—Assembly Bill No. 1050 (Item Veto)

Governor's Office, Sacramento
September 21, 1970

*The Honorable Members of the Assembly
State Capitol, Sacramento, California*

Greetings: I eliminated the \$176,000 and \$500,000 appropriations contained in Assembly Bill No. 1050.

The \$176,000 appropriation is already contained in Senate Bill 948 (Chapter No. 1558). There will be insufficient funds derived from the Environmental Protection Program Fund during the 1970-71 fiscal year to implement the internship program.

I approved the bill with these deletions.

Respectfully,

RONALD REAGAN, Governor

Veto Message—Assembly Bill No. 1333 (Item Veto)

Governor's Office, Sacramento
September 21, 1970

*The Honorable Members of the Assembly
State Capitol, Sacramento, California*

Greetings: I am reducing the appropriation contained in Assembly Bill No. 1333 from \$4,175,024 to \$2,505,015.

I regret that our present tight fiscal situation will not permit the full 5% increase provided in this bill. This bill will provide a deserved 3% increase in addition to the 5% increase received by members of the Patrol on July 1.

I approved the bill with this reduction.

Respectfully,

RONALD REAGAN, Governor

RECEIPT OF VETO MESSAGES

September 21, 1970

This will acknowledge receipt of letters stating the Governor's reason for deleting or reducing appropriations in Assembly Bills Nos. 592, 685, 1050, and 1333 delivered to me by Isabel Gassett.

R. BRIAN KIDNEY, Acting Chief Clerk

Above bills ordered to unfinished business file.

COMMUNICATIONS

Assembly Chamber, August 24, 1970

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Bill No. 80—An act to add Section 39051.2 to the Health and Safety Code, relating to air pollution, and declaring the urgency thereof, to take effect immediately;

Assembly Bill No. 81—An act to add Section 39051.1 to the Health and Safety Code, relating to air pollution, and declaring the urgency thereof, to take effect immediately;



Assembly Bill No. 698—An act to amend Sections 11540.1 and 11543.5 of the Business and Professions Code, relating to subdivision maps;

Assembly Bill No. 734—An act to add Section 25611.5 to the Business and Professions Code, relating to alcoholic beverages;

Assembly Bill No. 971—An act to add Section 18102 to, to amend Sections 17301, 17303.5, and 17926 of, and to repeal Sections 17303.6, 17303.7, 18102 as amended by Chapter 1113 of the Statutes of 1969, and 18102 as added by Chapter 784 of the Statutes of 1969 of, the Education Code, relating to financial support of the public schools, and declaring the urgency thereof, to take effect immediately;

Assembly Bill No. 1155—An act to amend Section 5200 of the Elections Code and Sections 54775, 54783, 54796, 56068, 56132, 56133, 56234, 56250, 56260, 56263, 56275, 56276, 56315, 56442, and 56472 of, and to add Chapter 6.5 (commencing with Section 54725), Part 1, Division 2, Title 5, Sections 54776.3 and 54782.6, Article 4 (commencing with Section 54850), Chapter 6.6, Part 1, Division 2, Title 5, and Section 56261.1 to, and to repeal Chapter 7 (commencing with Section 54800), Part 1, Division 2, Title 5 and Section 56134 of, the Government Code, and to repeal Section 5202 of the Elections Code, and Section 91.5 of Chapter 25 of the Statutes of 1907, relating to local agency formation commissions;

Assembly Bill No. 1162—An act to amend Section 2 of Chapter 1068, Statutes of 1968, relating to consumer protection;

Assembly Bill No. 1234—An act to add Section 5500.5 to the Financial Code, relating to savings and loan associations;

Assembly Bill No. 1304—An act to amend Sections 980 and 987.16 of the Military and Veterans Code, relating to veterans;

Assembly Bill No. 1512—An act to add Section 216 to the Streets and Highways Code, relating to freeways;

Assembly Bill No. 1927—An act to amend Section 69994.6 of the Government Code, relating to court reporters;

Assembly Bill No. 1981—An act to amend Sections 25605 and 27005 of the Corporations Code, to amend Sections 8709 and 18610 of, and to repeal Sections 254, 5023, 8710, 8754, 8807, and 17417 of, the Financial Code, to amend Section 6254 of the Government Code, and to repeal Section 735 of the Insurance Code, relating to public records;

Assembly Bill No. 2045—An act to add Division 13 (commencing with Section 21000) to the Public Resources Code, relating to environmental quality;

Assembly Bill No. 2057—An act to amend Sections 12000, 12005, 12020, 12081, 12086, 12087, 12101, 12102, 12105, 12106, 12107, 12108, 12111, 12112, 12121, 12122, 12123, 12124, 12303, and 12351 of, to add Sections 12007, 12102.1, 12105.1, and 12105.2 to, and to repeal Sections 12302, 12304, and 12306 of, the Health and Safety Code, to amend Section 12303 of, and to add Sections 12303.1, 12303.2, 12303.3, 12303.4, 12303.5, and 12312 to, the Penal Code, and to amend Section 31600 of the Vehicle Code, relating to explosives, and declaring the urgency thereof, to take effect immediately;



Volume 3

Journal of the Senate

Legislature of the State of California

1970 Regular Session

January Fifth to September Twenty-third



HON. ED REINECKE
President of the Senate

HON. JACK SCHRADE
President pro Tempore

DARRYL R. WHITE
Secretary of the Senate



CALIFORNIA LEGISLATURE

1970 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED TWENTY-EIGHTH LEGISLATIVE DAY

TWO HUNDRED FOURTH CALENDAR DAY

IN SENATE

Senate Chamber
Monday, July 27, 1970

The Senate met at 9:30 a.m.
Hon. Ed Reinecke, President of the Senate, presiding.
Secretary Darryl R. White at the Desk.
Assistant Secretary J. Roy Gabriel reading.

QUORUM CALL OF THE SENATE

Senator Cusanovich moved a quorum call of the Senate.
Motion carried.
The President directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

PROCEEDINGS UNDER QUORUM CALL OF THE SENATE

ROLL CALL

The roll was called, and the following answered to their names:
Alquist, Beilenson, Bradley, Burgener, Burns, Carrell, Collier, Cologne, Coombs, Cusanovich, Danielson, Deukmejian, Dills, Dolwig, Dynamally, Grunsky, Harmer, Kennick, Lagomarsino, Marks, Marler, McCarthy, Mills, Moscone, Nejedly, Petris, Richardson, Rodda, Schrade, Sherman, Short, Song, Stevens, Stiern, Teale, Walsh, Way, Wedworth, and Whetmore—39.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Robert S. Romeis:
Almighty God, The Members of the Senate gather this morning to have another go at the tax bills. Give them prudence, give them patience, give them persistence; but most of all help them remember that they are dealing not merely with cold figures, but with warm issues that effect living men and women and children. Grant, O Lord, that whatever legislation results, it will not only tax the pocketbooks of the citizenry, but will also tax the conscience and concern of all the people of our state; through Christ, our Lord.—AMEN.



PLEDGE OF ALLEGIANCE TO THE FLAG

Senator McCarthy led the Senate in the pledging of allegiance to the Flag.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, July 17, 1970

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

AB 1942	AB 2167	AB 2345
AB 2045	AB 2199	AB 2435
AB 2070	AB 2212	

JAMES D. DRISCOLL, Chief Clerk of the Assembly
By Lawrence A. Murman, Chief Assistant Clerk

Assembly Chamber, July 21, 1970

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

AB 207

JAMES D. DRISCOLL, Chief Clerk of the Assembly
By Lawrence A. Murman, Chief Assistant Clerk

Assembly Chamber, July 22, 1970

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

AB 79

JAMES D. DRISCOLL, Chief Clerk of the Assembly
By Lawrence A. Murman, Chief Assistant Clerk

Assembly Chamber, July 22, 1970

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

AB 93	AB 1081	AB 1637
AB 178	AB 1252	AB 1944
AB 457	AB 1437	AB 2151
AB 575	AB 1550	AB 2314
AB 789	AB 1580	AB 2519
AB 991	AB 1628	AB 2534
AB 1029		

JAMES D. DRISCOLL, Chief Clerk of the Assembly
By Lawrence A. Murman, Chief Assistant Clerk

Assembly Chamber, July 22, 1970

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 113
ACR 132
ACA 2

JAMES D. DRISCOLL, Chief Clerk of the Assembly
By Lawrence A. Murman, Chief Assistant Clerk



CALIFORNIA LEGISLATURE

1970 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED THIRTY-FOURTH LEGISLATIVE DAY

TWO HUNDRED TWELFTH CALENDAR DAY

IN SENATE

Senate Chamber
Tuesday, August 4, 1970

The Senate met at 9 a.m.
Hon. Lou Cusanovich of the 23rd District, presiding.
Secretary Darryl R. White at the Desk.
Assistant Secretary J. Roy Gabriel reading.

QUORUM CALL OF THE SENATE

Senator Grunsky moved a quorum call of the Senate.
Motion carried.
The President directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

PROCEEDINGS UNDER QUORUM CALL OF THE SENATE

Hon. Ed Reinecke, President of the Senate, Presiding

ROLL CALL

The roll was called, and the following answered to their names:
Alquist, Beilenson, Bradley, Burgener, Collier, Coombs, Cusanovich, Danielson, Deukmejian, Dills, Dolwig, Dymally, Grunsky, Harmer, Kennick, Lagomarsino, Marks, Marler, McCarthy, Mills, Moscone, Nejedly, Petris, Richardson, Rodda, Schrade, Sherman, Song, Stevens, Stiern, Teale, Walsh, Way, Wedworth, and Whetmore—35.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Robert S. Romeis:
Dear God and Father, A great man once said, "The fewer words, the better prayer." In that spirit, O Lord, we humbly ask Thee to make our lives count for that which is right and just and good.—AMEN.

LEGISLATIVE INTENT SERVICE (800) 666-1917



Senate Bill 1132—An act to amend Section 31781.3 of the Government Code, relating to the County Employees Retirement Law of 1937; And reports that the same have been correctly enrolled, and presented to the Governor on the 4th day of August, 1970, at 10 a.m.

SCHRADE, Chairman

Committee on Governmental Organization

Senate Chamber, August 4, 1970

Mr. President: The Chairman of the Committee on Governmental Organization, to which were referred:

AB 2045

AB 2221

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SHERMAN, Chairman

SECOND READING OF BILLS—AUTHOR'S AMENDMENTS

Assembly Bill 2045—An act to add Division 13 (commencing with Section 21000) to the Public Resources Code, relating to environmental quality.

Bill read second time.

Consideration of Author's Amendments

Amendment 1

On page 3, line 42, of the printed bill, as amended in Assembly July 9, 1970, strike out "program", and insert "project".

Amendment 2

On page 4, line 23, after the period, insert "The Office of Planning and Research shall coordinate the development of objectives, criteria, and procedures to assure the orderly preparation and evaluation of environmental impact reports required by this division. 21104."

Amendment 3

On page 4, line 28, strike out "21104", and insert "21105".

Amendment 4

On page 4, line 31, strike out "21103", and insert "21104".

Amendment 5

On page 4, line 34, strike out "21105", and insert "21106".

Amendment 6

On page 4, line 37, strike out "21106", and insert "21107".

Amendment 7

On page 4, line 46, strike out "5", and insert "4".



Amendment 8

On page 5, line 8, strike out "program", and insert "project or change in zoning".

Amendment 9

On page 5, line 13, strike out "program", and insert "project".

Amendment 10

On page 5, line 21, strike out "6", and insert "5".

Amendment 11

On page 5, line 26, strike out "21104", and insert "21105".

Amendment 12

On page 5, line 28, strike out "act", and insert "division".

Amendments read, and adopted.

Bill ordered printed, and re-referred to the committee.

SECOND READING OF BILLS—AUTHOR'S AMENDMENTS

Assembly Bill 2221—An act to amend Sections 50, 80, 80.2, 82, 85.2, 651, 652, 658, and 664, as amended by Assembly Bill No. 315, of, to add Section 72.6 to, to repeal Section 80.4, of, and to repeal Section 72.6, as added by Assembly Bill No. 315, of, the Harbors and Navigation Code, to amend Section 5003.6, as added by Assembly Bill No. 315, of the Public Resources Code, to amend Section 84 of the Streets and Highways Code, to amend Section 11918, as amended by Assembly Bill No. 315, of the Water Code, and to amend Sections 9851, 9852, 9853, 9861, and 9901, as added by Assembly Bill No. 315, of, and to add Sections 9862.5 and 9872.5 to, the Vehicle Code, relating to the executive branch of the California state government.

Bill read second time.

Consideration of Author's Amendments**Amendment 1**

In line 24 of the title of the printed bill, as amended in Assembly June 29, 1970, strike out "80,".

Amendment 2

In line 25 of the title, after the third comma, insert "663.5,".

Amendment 3

In line 29 of the title, after the second comma, insert "to amend Section 5008, as amended by Assembly Bill No. 315, of, and".

Amendment 4

In line 31 of the title, after "of", insert a comma.

Amendment 5

In line 36 of the title, strike out "9853, 9861, and 9901", and insert "and 9853".

Amendment 6

In lines 37 and 38 of the title, strike out " , and to add Sections 9862.5 and 9872.5 to,".



CALIFORNIA LEGISLATURE

1970 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED FORTY-SECOND LEGISLATIVE DAY
TWO HUNDRED TWENTY-SECOND CALENDAR DAY

IN SENATE

Senate Chamber
Friday, August 14, 1970

The Senate met at 9 a.m.
Hon. Stephen P. Teale of the Third District, presiding.
Secretary Darryl R. White at the Desk.
Assistant Secretary J. Roy Gabriel reading.

QUORUM CALL OF THE SENATE

Senator Collier moved a quorum call of the Senate.
Motion carried.

The President directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

PROCEEDINGS UNDER QUORUM CALL OF THE SENATE

Senator Cusanovich Presiding

ROLL CALL

The roll was called, and the following answered to their names:

Alquist, Beilenson, Bradley, Burgener, Burns, Collier, Cologne, Coombs, Cusanovich, Danielson, Deukmejian, Dills, Dolwig, Dymally, Grunsky, Harmer, Kennick, Lagomarsino, Marler, McCarthy, Mills, Moscone, Nejedly, Petris, Richardson, Rodda, Schrade, Sherman, Short, Song, Stevens, Stiern, Teale, Walsh, Way, Wedworth, and Whetmore—37.

Quorum present.

PRAYER

Upon invitation of the President, the following prayer was offered by Rev. Philip W. Bergstresser of St. John's Lutheran Church, Sacramento:

O God, Our Father, Give strength of purpose to those who lead; enlighten those who sit in council; may we always put service before gain and righteousness above glory.—AMEN.

1960, Section 11.4, Budget Act of 1967, and Section 10, Budget Act of 1968, is appropriated to the Department of Finance for expenditure for the purposes of the Emergency Flood Relief Law (Article 6 (commencing with Section 54150), Chapter 5, Part 1, Division 2, Title 5, Government Code) for damage or destruction to public real property, other than the repair, restoration, or replacement of streets, roads, and bridges, by storm and flood or flood conditions, including damage or destruction by flood conditions arising from tidal waves, which occurred between November 1, 1968 and ~~September~~ *October* 1, 1969, and the local agency applies to the Department of Finance for an allocation of funds on or before December 31, 1969. The Legislature recognizes that federal legislation may be enacted appropriating additional funds for allocation to local agencies for the repair of local public facilities damaged or destroyed by storm and flood or flood conditions, in which case the expenditure of some portion of the money appropriated by this section may not be necessary.

The money appropriated by this section shall remain available for expenditure pursuant to the Emergency Flood Relief Law without regard to fiscal years."

Amendments read, and adopted.

Bill ordered printed, and re-referred to the committee.

Committee on Governmental Organization

Senate Chamber, August 14, 1970

Mr. President: The Committee on Governmental Organization, to which were referred:

AB 1466

AB 2435

Has had the same under consideration, and reports the same back with the recommendation: Be re-referred to the Committee on Rules for assignment to the proper committee for interim study.

SHERMAN, Chairman

Above bills re-referred to the Committee on Rules.

Senate Chamber, August 14, 1970

Mr. President: The Chairman of the Committee on Governmental Organization, to which was referred:

AB 2045

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SHERMAN, Chairman

SECOND READING OF BILLS—AUTHOR'S AMENDMENTS

Assembly Bill 2045—An act to add Division 13 (commencing with Section 21000) to the Public Resources Code, relating to environmental quality.

Bill read second time.



Consideration of Author's Amendments**Amendment 1**

On page 3, line 6, of the printed bill, as amended in Senate August 4, 1970, strike out "may", and insert "are found to".

Amendment 2

On page 4, line 27, after "shall", insert ", in conjunction with appropriate state, regional, and local agencies,".

Amendment 3

On page 5, line 11, after "shall", insert ", unless exempted by formal procedures developed under the provisions of Section 21103,".

Amendment 3.5

On page 5, line 15, strike out "body", and insert "bodies".

Amendment 4

On page 5, lines 17 and 18, strike out "or change in zoning".

Amendment 5

On page 5, line 20, strike out "Local governmental"; strike out lines 21 to 23, inclusive; and in line 24, strike out "on the quality of the environment", and insert "The legislative bodies of all counties which have an officially adopted conservation element of a general plan shall make a finding that any change in zoning they intend to carry out, which may have a significant effect on the environment, is in accord with the conservation element of the general plan".

Amendment 6

On page 5, line 26, strike out "program", and insert "project".

Amendment 7

On page 5, strike out lines 31 to 39, inclusive.

Amendments read, and adopted.

Bill ordered printed, and re-referred to the committee.

Committee on Governmental Organization

Senate Chamber, August 14, 1970

Mr. President: The Committee on Governmental Organization, to which were referred:

AB 2150

AB 2162

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

SHERMAN, Chairman

Above bills ordered to second reading.



CALIFORNIA LEGISLATURE

1970 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED FORTY-FOURTH LEGISLATIVE DAY
TWO HUNDRED TWENTY-SIXTH CALENDAR DAY

IN SENATE

Senate Chamber
Tuesday, August 18, 1970

The Senate met at 9 a.m.
Hon. Lou Cusanovich of the 23rd District, presiding.
Secretary Darryl R. White at the Desk.
Assistant Secretary J. Roy Gabriel reading.

QUORUM CALL OF THE SENATE

Senator Whetmore moved a quorum call of the Senate.
Motion carried.

The President directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

PROCEEDINGS UNDER QUORUM CALL OF THE SENATE
ROLL CALL

The roll was called, and the following answered to their names:

Alquist, Beilenson, Bradley, Burgener, Burns, Collier, Cologne, Coombs, Cusanovich, Danielson, Deukmejian, Dills, Dolwig, Dymally, Grunsky, Harmer, Kennick, Lagomarsino, Marler, Mills, Moscone, Nejedly, Petris, Richardson, Rodda, Schrade, Sherman, Short, Song, Stevens, Stiern, Teale, Walsh, Way, Wedworth, and Whetmore—36.

Quorum present.

PRAYER

Upon invitation of the President, the following prayer was offered by Rev. Robert L. Carlson of the Pioneer Congregational United Church, Sacramento:

Eternal God, We pray for the Senators of California. Give them strength to plough through the mountain of work that still faces them, the ability to hang loose rather than getting tied up in knots, and sensitivity to their opportunity to serve the people of this state, the poor and the powerless included; through Christ our Lord—AMEN.

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Committee on Governmental Organization

Senate Chamber, August 18, 1970

Mr. President: The Chairman of the Committee on Governmental Organization, to which was referred:

AB 2131

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SHERMAN, Chairman

SECOND READING OF BILLS—AUTHOR'S AMENDMENTS

Assembly Bill 2131—An act to amend Section 65302 of the Government Code, and to amend Section 6301 of, and to add Division 15 (commencing with Section 24001) to, the Public Resources Code, relating to coastal resources, and making an appropriation therefor.

Bill read second time.

Consideration of Author's Amendments**Amendment 1**

In lines 2 and 3 of the heading of the printed bill, as amended in Assembly July 17, 1970, strike out "and Porter", and insert "Porter, and Crandall".

Amendment 2

In line 4 of the heading, strike out "Coauthor: Senator Lagomarsino", and insert

"Coauthors: Senators Lagomarsino and Grunsky".

Amendment 3

On page 3, line 25, after "public", insert "and private".

Amendment 4

On page 4, line 8, strike out "land use"; strike out line 9; and in line 10, strike out "at the local level for the entire California coastal zone", and insert "plan and policy developed in accordance with state prescribed criteria, setting forth permissible uses of the coastal zone by text and, when appropriate, by maps and charts".

Amendment 5

On page 4, line 11, strike out "plan", and insert "standard".

Amendment 6

On page 4, lines 18 and 19, strike out "such a land use plan", and insert "the needed state plan for balanced conservation and development of the coastal zone".

Amendment 7

On page 4, line 39, after "Coastal", insert "Zone".

Amendment 8

On page 5, line 1, strike out "by resolution of the"; strike out lines 2 and 3; and in line 4, strike out "public purposes of this division", and insert "pursuant to Section 24027.5".



Senate Chamber, August 18, 1970

Mr. President: The Committee on Revenue and Taxation, to which was referred:

AB 1320

Has had the same under consideration, and reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Finance.

STIERN, Chairman

Above bill re-referred to the Committee on Finance.

Committee on Governmental Organization

Senate Chamber, August 18, 1970

Mr. President: The Committee on Governmental Organization, to which were referred:

AB 13

AB 501

AB 2045

Has had the same under consideration, and reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Finance.

SHERMAN, Chairman

Above bills re-referred to the Committee on Finance.

Senate Chamber, August 18, 1970

Mr. President: The Committee on Governmental Organization, to which was referred:

AB 1261

Has had the same under consideration, and reports the same back with the recommendation: Do pass and be placed on the Consent Calendar.

SHERMAN, Chairman

Above bill ordered to second reading.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Pursuant to Senator Cusanovich's motion of August 17, 1970, the following Assembly measures were given their second reading upon being reported from committee.

Assembly Bill 818—An act to add Section 1001.5 to the Public Utilities Code, to add Chapter 2 (commencing with Section 8650) to Division 7 of the Public Resources Code, to amend the heading of Division 7 of the Public Resources Code, and to add a chapter heading immediately preceding Section 8600 of the Public Resources Code, relating to thermal electric power plant siting.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Public Utilities and Corporations:



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ONE HUNDRED FORTY-SIXTH LEGISLATIVE DAY
TWO HUNDRED TWENTY-EIGHTH CALENDAR DAY

IN SENATE

Senate Chamber
Thursday, August 20, 1970

The Senate met at 9 a.m.
Hon. Lou Cusanovich of the 23rd District, presiding.
Secretary Darryl R. White at the Desk.
Assistant Secretary J. Roy Gabriel reading.

QUORUM CALL OF THE SENATE

Senator Lagomarsino moved a quorum call of the Senate.
Motion carried.
The President directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

PROCEEDINGS UNDER QUORUM CALL OF THE SENATE

Hon. Ed Reinecke, President of the Senate, Presiding

ROLL CALL

The roll was called, and the following answered to their names:
Alquist, Beilenson, Bradley, Burgener, Burns, Collier, Cologne, Coombs, Cusanovich, Danielson, Deukmejian, Dills, Dolwig, Dymally, Grunsky, Harmer, Kennick, Lagomarsino, Marks, Marler, McCarthy, Mills, Moscone, Nejedly, Petris, Richardson, Rodda, Schrade, Sherman, Short, Song, Stevens, Stiern, Teale, Walsh, Way, Wedworth, and Whetmore—38.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Robert S. Romeis:
Almighty God and Father, Today the tax bill comes up again for consideration. Guide these Senators as they cast their votes. Grant that when the results are tallied, they may not declare merely a victory for a political party, the strength of the majority, or the power of a minority; but rather may speak loudly and clearly of a stability of

REPORTS OF STANDING COMMITTEES

Senate Rules Committee

State Capitol, August 20, 1970

Mr. President: The Senate Rules Committee today appointed Senator Dennis E. Carpenter to the following committees:

- Agriculture
- Local Government
- Select Committee on Environmental Control
- Joint Committee on Educational Evaluation
- Joint Committee on Legislative Retirement

SCHRADE, Chairman

State Capitol, August 20, 1970

Mr. President: The Senate Rules Committee today added the following Members to the Select Committee on Salinity Intrusion in Agricultural Soils:

- Senator Nicholas C. Petris
- Senator Albert S. Rodda
- Senator Fred W. Marler, Jr.
- Senator Dennis E. Carpenter

SCHRADE, Chairman

Committee on Judiciary

Senate Chamber, August 20, 1970

Mr. President: The Committee on Judiciary, to which was referred:

AB 1416

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

COLOGNE, Chairman

Above bill ordered to second reading.

Committee on Industrial Relations

Senate Chamber, August 20, 1970

Mr. President: The Committee on Industrial Relations, to which was referred:

AB 1069

Has had the same under consideration, and reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Finance.

SHORT, Chairman

Above bill re-referred to the Committee on Finance.



Committee on Finance

Senate Chamber, August 20, 1970

Mr. President: The Committee on Finance, to which were referred:

- | | |
|---------|---------|
| AB 1030 | AB 1165 |
| AB 2493 | AB 1625 |
| AB 2045 | AB 501 |
| AB 2366 | |

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

GRUNSKY, Chairman

Above bills ordered to second reading.

Committee on Education

Senate Chamber, August 20, 1970

Mr. President: The Committee on Education, to which was referred:

ACR 180

Has had the same under consideration and reports the same back with recommendation: Be adopted but first be re-referred to the Committee on Finance.

RODDA, Chairman

Above resolution re-referred to the Committee on Finance.

Committee on Judiciary

Senate Chamber, August 20, 1970

Mr. President: The Committee on Judiciary, to which was referred:

AB 292

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

COLOGNE, Chairman

Above bill ordered to second reading.

Committee on Education

Senate Chamber, August 20, 1970

Mr. President: The Committee on Education, to which was referred:

AB 1549

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass as amended.

RODDA, Chairman

Above bill ordered to second reading.

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Senate Chamber, August 20, 1970

Mr. President: The Committee on Rules has examined:

Senate Bill 392—An act to add Section 53293 to the Government Code, relating to governmental engineering and survey services;

Senate Bill 636—An act to amend Section 25505.8 of the Education Code, relating to community colleges;

Senate Bill 997—An act to add Sections 100.11 and 100.12 to the Streets and Highways Code, relating to state highways;

Senate Bill 1253—An act to amend Sections 1132, 1132.5, 1140, 1141, 1142, 1144, 1145, 1148, 1154, 1303, 1304, 1307, 1323, 1342, 1343, 1345, 1356, 1421, 1422, 1442, 1442.3, 1443, 1461, 1462, 1463, and 1464 of, and to repeal Sections 1305, 1309, 1310, 1311, 1312, 1313, 1337, 1338, 1351, 1353, 1354, 1382, 1383, 1384, 1384.5, 1385, 1386, and 1444 of, to repeal Article 8 (commencing with Section 1401) and Article 9 (commencing with Section 1411) of Chapter 6 of Division 4 of, the Education Code, relating to school elections;

And reports that the same have been correctly enrolled, and presented to the Governor on the 20th day of August, 1970, at 4:30 p.m.

SCHRADE, Chairman

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Pursuant to Senator Cusanovich's motion of August 17, 1970, the following Assembly measures were given their second reading upon being reported from committee.

Assembly Bill 1416—An act to amend Sections 849 and 851.6 of the Penal Code, relating to arrests and detentions.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment 1

On page 2, line 7, strike out "is no ground", and insert "are insufficient grounds".

Amendment 2

On page 2, between lines 10 and 11, insert
 "(3) The person was arrested only for being under the influence of a narcotic, drug, or restricted dangerous drug and such person is delivered to a facility or hospital for treatment and no further proceedings are desirable."

Amendment 3

On page 2, strike out lines 11 through 36, inclusive.

Amendment 4

On page 2, line 37, strike out "(d)", and insert
 "(c)".



seventy-five dollars (\$1,801,175) to be expended for purposes of Title V of the Elementary and Secondary Education Act of 1965, as amended by Public Law 90-247 (90th Congress—1st Session) in accordance with the provisions of Article 2 (commencing with Section 576) of Chapter 6 of Division 2 of the Education Code, provided that such appropriation shall be allocated for expenditure only if and to the extent that federal grants are received by the state for expenditures for such purposes, as certified by the Director of Finance.

The appropriation made by this section is in lieu of, and supersedes, the appropriation made in Item 73.1 of the Budget Act of 1970 (Chapter 303, Statutes of 1970)."

Amendments read, and adopted.

Bill ordered printed and to third reading.

Assembly Bill 2045—An act to add Division 13 (commencing with Section 21000) to the Public Resources Code, relating to environmental quality.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Finance:

Amendment 1

On page 5, of the printed bill, as amended in Senate August 14, 1970, strike out lines 28 to 32, inclusive; and in line 33, strike out "general plan."

Amendment read, and adopted.

Bill ordered printed and to third reading.

Assembly Bill 2366—An act to add Chapter 4 (commencing with Section 300) to Division 1 of the Business and Professions Code, and to repeal Article 5 (commencing with Section 12050) of Chapter 1, Part 2, Division 3, Title 2 of the Government Code, relating to consumer affairs.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance:

Amendment 1

In line 1 of the title of the printed bill, as amended in Senate August 18, 1970, strike out "128,".

Amendment 2

In line 1 of the title, strike out "133, 134, 135, 136,".

Amendment 3

In line 7 of the title, after "professions", insert "including consumer affairs".



CALIFORNIA LEGISLATURE

1970 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED FORTY-SEVENTH LEGISLATIVE DAY
TWO HUNDRED TWENTY-NINTH CALENDAR DAY

IN SENATE

Senate Chamber
Friday, August 21, 1970

The Senate met at 9 a.m.
Hon. Jack Schrade, President pro Tempore of the Senate, presiding.
Secretary Darryl R. White at the Desk.
Assistant Secretary J. Roy Gabriel reading.

QUORUM CALL OF THE SENATE

Senator Whetmore moved a quorum call of the Senate.
Motion carried.
The President pro Tempore directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

PROCEEDINGS UNDER QUORUM CALL OF THE SENATE
ROLL CALL

Senator Cusanovich Presiding

The roll was called, and the following answered to their names:
Alquist, Beilenson, Bradley, Burgener, Burns, Carpenter, Collier, Cologne, Coombs, Cusanovich, Danielson, Deukmejian, Dills, Dolwig, Dymally, Grunsky, Harmer, Kennick, Lagomarsino, Marks, Marler, McCarthy, Mills, Moscone, Nejedly, Petris, Richardson, Rodda, Schrade, Sherman, Short, Song, Stevens, Stiern, Teale, Walsh, Way, Wedworth, and Whetmore—39.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Robert S. Romeis:
Gracious God and Father, On this last day of another legislative year, we give Thee thanks for Thy presence and Thy guidance during the days past. We know we have not done all things well. Forgive our failures—the things left undone, the matters considered too hastily, the ones with which we have deliberately dallied; forgive the anger that at times put an edge on our words, the pride that made us intolerant, the self-concern that made us narrow. But the things which have been

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APPOINTMENT OF COMMITTEE ON CONFERENCE

Mr. President: The Committee on Rules announces the appointment of Senators Harmer, Richardson, and Kennick as a Senate Committee on Conference concerning Assembly Bill 2460 to meet a like Committee of the Assembly.

COMMITTEE ON RULES
SCHRADE, Chairman

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, August 21, 1970

Mr. President: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to: Assembly Bill 1595.

And appointed Messrs. Hayes, Karabian and Harvey Johnson as a Committee on Conference to meet a like committee from the Senate.

JAMES D. DRISCOLL, Chief Clerk of the Assembly
By Lawrence A. Murman, Chief Assistant Clerk

APPOINTMENT OF COMMITTEE ON CONFERENCE

Mr. President: The Committee on Rules announces the appointment of Senators Bradley, Coombs, and Stiern as a Senate Committee on Conference concerning Assembly Bill 1595 to meet a like Committee of the Assembly.

COMMITTEE ON RULES
SCHRADE, Chairman

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following bill was read the first time:

Assembly Bill 1014—An act relating to State Teachers' Retirement Law, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

CONSIDERATION OF DAILY FILE (RESUMED)**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

Assembly Bill 2045—An act to add Division 13 (commencing with Section 21000) to the Public Resources Code, relating to environmental quality.

Bill read third time, and presented by Senator Sherman.

The roll was called, and the bill passed by the following vote:

AYES—Senators Alquist, Beilenson, Bradley, Burgener, Burns, Carpenter, Collier, Cologne, Coombs, Cusanovich, Danielson, Deukmejian, Dills, Dolwig, Dymally, Grunsky, Harmer, Kennick, Lagomarsino, Marks, Marler, McCarthy, Mills, Moscone, Nejedly, Petris, Richardson, Rodda, Schrade, Sherman, Short, Song, Stevens, Stiern, Teale, Walsh, Way, Wedworth, and Whetmore—39.

NOES—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 1165—An act to amend Sections 16605, 16611, 16616, 16616.1, 16620, 16630.5, 19699.22, 19699.23, 19699.24, 19699.25,



home serving six or fewer mentally disordered or otherwise handicapped persons, shall be considered a residential use of property for the purposes of zoning and the provisions of this section shall be applicable to chartered cities as well as general law cities.”

The other provisions of the bill would have created an Office of Facilities Licensing and Certification which would have had standard setting, licensing, and ratesetting duties and functions in regard to patient care facilities. Your question assumes that these provisions of the bill will be deleted.

It is our opinion that the provisions in question relate only to the matter of the location of the facilities in question for the purpose of zoning and not to other matters. Thus, the validity of imposition of conditions and requirements upon such facilities by cities and counties would be dependent upon whether such local regulation is otherwise affected by state law.

In this regard, Section 16016 of the Welfare and Institutions Code, governing the chapter on licensing of foster homes and similar institutions for children by the State Department of Social Welfare, authorizes cities and counties to prescribe standards of sanitation, health, and hygiene not in conflict with state regulation.

Very truly yours,

GEORGE H. MURPHY, Legislative Counsel
By Gerald Ross Adams
Deputy Legislative Counsel

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF
THE SENATE DISPENSED WITH**

On motion of Senator Schrade, further proceedings under the quorum call of the Senate were dispensed with.

DIED ON FILE

Subsequent to the declaration of the Constitutional Recess, the following bills died on file:

SB 115	SCA 11	AB 1001
SB 243	SCA 25	AB 2431
SB 297	SJR 14	ACA 14
SB 924	AB 858	

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, August 14, 1970

Mr. President: I am directed to inform your honorable body that the Assembly on this day refused passage of:

SB 296

JAMES D. DRISCOLL, Chief Clerk of the Assembly
By Lawrence A. Murman, Chief Assistant Clerk

Assembly Chamber, August 20, 1970

Mr. President: I am directed to inform your honorable body that the Assembly on this day refused passage of:

SB 562

JAMES D. DRISCOLL, Chief Clerk of the Assembly
By Lawrence A. Murman, Chief Assistant Clerk



Assembly Chamber, August 21, 1970

Mr. President: I am directed to inform your honorable body that the Assembly on this day refused passage of:

SB 543
SB 655
SB 949

JAMES D. DRISCOLL, Chief Clerk of the Assembly
By Lawrence A. Murman, Chief Assistant Clerk

Assembly Chamber, August 21, 1970

Mr. President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

AB 13	AB 903	AB 1881
AB 18	AB 933	AB 1883
AB 22	AB 979	AB 1886
AB 24	AB 1030	AB 1922
AB 96	AB 1050	AB 1927
AB 149	AB 1121	AB 1942
AB 211	AB 1146	AB 1965
AB 215	AB 1147	AB 2033
AB 219	AB 1165	AB 2045
AB 221	AB 1189	AB 2063
AB 292	AB 1304	AB 2070
AB 299	AB 1320	AB 2100
AB 337	AB 1331	AB 2109
AB 338	AB 1416	AB 2150
AB 416	AB 1420	AB 2162
AB 419	AB 1512	AB 2164
AB 451	AB 1522	AB 2167
AB 458	AB 1525	AB 2174
AB 501	AB 1538	AB 2180
AB 532	AB 1549	AB 2194
AB 538	AB 1560	AB 2203
AB 592	AB 1574	AB 2221
AB 598	AB 1599	AB 2240
AB 602	AB 1625	AB 2299
AB 604	AB 1633	AB 2300
AB 614	AB 1640	AB 2313
AB 716	AB 1655	AB 2341
AB 726	AB 1698	AB 2382
AB 734	AB 1707	AB 2394
AB 750	AB 1771	AB 2402
AB 770	AB 1782	AB 2404
AB 798	AB 1817	AB 2406
AB 810	AB 1826	AB 2425
AB 859	AB 1836	AB 2433
AB 873	AB 1859	AB 2493

JAMES D. DRISCOLL, Chief Clerk of the Assembly
By Lawrence A. Murman, Chief Assistant Clerk



ENROLLED BILL REPORT 8/27/70

AGENCY Transportation Agency	BILL NUMBER AB 2045
DEPARTMENT, BOARD OR COMMISSION Department of Public Works	AUTHOR Knox and others

SUBJECT:

Environmental Quality Act of 1970

ANALYSIS

A. Specific Findings:

Directs that all State agencies (and local agencies as well) consider the impact of their actions on the environment before going ahead with projects. Requires that, prior to authorizing funds for expenditure for any project which could have a significant effect on the environment, State commissions and departments, certify in their regular project report that environmental impact of the proposed action has been considered. The report must include comments regarding:

- (a) the environmental impact of the proposed action;
- (b) any adverse environmental effects which cannot be avoided if the proposal is implemented;
- (c) mitigation measures proposed to minimize the impact;
- (d) alternatives to the proposed action;
- (e) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long term productivity.

State officials are directed to consult with other governmental agencies with jurisdiction by law or special expertise regarding environmental impact before going ahead with projects. All State agencies and commissions are directed to review their present statutory authority for any inconsistencies with this legislation.

This Department does not in any way differ with the policy of this legislation. In fact, it is in accordance with recent Departmental Directives and legislative ratification is welcomed.

B. Financial Effect:

Some increase in costs.

LT:kb

8

RECOMMENDATION:			
Sign		14-1	
DEPARTMENT HEAD <i>J.R. Rouse</i>	DATE AUG 28 1970	AGENCY HEAD <i>OR</i>	DATE F-383

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ENROLLED BILL REPORT

AGENCY HUMAN RELATIONS	BILL NUMBER AB 2045
DEPARTMENT, BOARD OR COMMISSION PUBLIC HEALTH	AUTHOR Knox

Federal legislation, adopted last year, now requires Federal agencies to develop "environmental impact" reports on programs or projects which they propose to undertake. AB 2045 would impose similar requirements of the State and, to a considerable extent, on local government. This is a sound move.

No fiscal impact to the Department.

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PE-2

RECOMMENDATION: APPROVAL

DEPARTMENT HEAD <i>Louis T. Sawyer</i>	DATE 8/28/70	AGENCY HEAD <i>[Signature]</i>	DATE 284 AUG 31 70
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ENROLLED BILL REPORT

AGENCY DEPARTMENT OF FINANCE	AUTHOR Knox and others	BILL NUMBER AB 2045
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SUBJECT:

The bill would make various legislative findings and declarations concerning environmental quality. The bill further specifically requires:

1. All state agencies, to include in any report on any proposed project or in any request for funds for any project which could have a significant effect on the environment of the State, a detailed statement setting forth specified environmental information.
2. Such information in reports to the Federal Government on proposed Federal projects which may have a significant effect on the environment.
3. State agencies to review present authority and procedures to determine if any inconsistencies or deficiencies exist which would hinder compliance with requirements of the act and to make corrective proposals to the Governor and the Legislature by January 1971.
4. State agencies, boards, and commissions to require from local agencies, unless exempted, detailed statement setting forth such information prior to allocation of funds for projects which may have a significant effect on environment, other than funds solely for planning purposes.
5. Local agencies to conduct needed environmental impact studies and to make findings and reports on such studies.
6. All state agencies, boards, and commissions to request in their budgets the funds necessary to protect the environment in relation to problems caused by their activities.

The bill further provides that the Office of Planning and Research, which would be created by AB 2070, shall, in conjunction with appropriate state, regional, or local agencies, coordinate the development of objectives, criteria, and procedures to assure the orderly preparation and evaluation of environmental impact reports required by this act.

ANALYSIS:

A. Specific Findings

The bill would establish, in statute, California's policy for development in regard to environmental quality. This aspect of the bill is primarily of policy concern.

The fiscal aspects of the bill revolve around the planning and the preparation of justification for future projects. All entities of the State would be required to include in any report on any program they propose which could have a significant effect on the environment of the State, a detailed statement setting forth the following:

- (a) The environmental impact of the proposed action.

RECOMMENDATION

Sign the bill.

PE-3

DEPARTMENT REPRESENTATIVE <i>[Signature]</i>	DATE 3/3/70 3/10/70	DIRECTOR <i>[Signature]</i>	DATE 9-10-70
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- (b) Any adverse environmental effects which cannot be avoided if the proposal is implemented.
- (c) Mitigation measures proposed to minimize the impact.
- (d) Alternatives to the proposed action.
- (e) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.
- (f) Any irreversible environmental changes which would be involved in the proposed action should it be implemented.

The bill would include in Section 21106 the following provision:

"all state agencies, boards, and commissions shall request in their budgets the funds necessary to protect the environment in relation to problems caused by their activities."

Although seemingly insignificant, this provision is so general and unclear that it raises questions as to the intent. Does this provision mean that the future Governor's budgets must include funding to protect the environment against every conceivable effect that state programs might have on the environment regardless of how significant that effect might be? The value of placing such an unclear provision in statute is questionable.

B. Financial Effect

The Resources Agency indicates that compliance with the bill could result in an increase of 10-20 percent in the costs of investigation and planning functions. There is, however, no appropriation by the 1970-71 fiscal year and it is possible that added costs of investigation and planning could be absorbed.

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PE-4

ENROLLED BILL REPORT

AGENCY	RESOURCES	BILL NUMBER AB 2045
DEPARTMENT, BOARD OR COMMISSION	Water Resources	AUTHOR Assembly Select Committee on Environmental Quality

SUBJECT:

The bill makes various legislative findings and declarations concerning environmental quality. It requires state and local governmental agencies to prepare environmental impact reports, containing specified information on projects which may have significant effect on the environment. It requires state agencies to request funds in their budgets to protect the environment from problems caused by their activities, to review their present authority and procedures, and to propose to the Governor by January, 1971, any changes which are necessary to comply with the act. The bill further requires the State Office of Planning and Resources to be created by AB 2070, to coordinate in conjunction with appropriate state, regional, and local agencies, the development of policies and procedures for environmental impact reports.)

HISTORY, SPONSORSHIP, AND RELATED LEGISLATION:

This bill, entitled the Environmental Quality Act of 1970, was introduced by the Assembly Select Committee on Environmental Quality to enact one of their main recommendations. Other measures sponsored directly by the select committee are ACA 55, AB 2070, AB 2199, ACR 132, ACR 133, and AJR 37, 38, 41, 42 and 47.

ANALYSIS:

A. Specific Findings:

State agencies must prepare environmental impact reports in connection with the following activities if the activities on the following projects may have a substantial effect on the environment: projects by a state agency, federal projects on which the state prepares official comments, and budget requests for projects. Local agencies must prepare impact reports on projects which may have a significant effect on the environment if they receive federal or state funds for land acquisition or construction costs in connection with the project or if they do not have a conservation element in their general plan. Local zoning changes will not require impact reports.

B. Financial Effect:

Compliance with this bill will increase the cost of investigating and planning programs by ten to twenty percent.

Passed Assembly 7-17-70

Passed Senate 8-21-70

Ayes - 59
Noes - 7

Ayes - 39
Noes - 0

RECOMMENDATION:

I recommend you sign the bill.

PS-5

DEPARTMENT HEAD <i>Williamelli</i>	DATE SEP 1 1970	AGENCY HEAD <i>Richard Ford</i>	DATE SEP 3 1970
---------------------------------------	--------------------	------------------------------------	--------------------

LEGISLATIVE INTENT SERVICE (800) 666-1917

*J.M. [unclear]
9-1-70
Tower*

THOMAS C. LYNCH
ATTORNEY GENERAL

STATE OF CALIFORNIA



AB 2045
CHARLES A. O'BRIEN
CHIEF DEPUTY ATTORNEY GENERAL
T. A. WESTPHAL, JR.
CHIEF ASSISTANT ATTORNEY GENERAL
DIVISION OF CIVIL LAW
ARLO E. SMITH
CHIEF ASSISTANT ATTORNEY GENERAL
DIVISION OF CRIMINAL LAW

OFFICE OF THE ATTORNEY GENERAL

Department of Justice

ROOM 500, WELLS FARGO BANK BUILDING
FIFTH STREET AND CAPITOL MALL, SACRAMENTO 95814

August 27, 1970

Honorable Ronald Reagan
Governor, State of California
State Capitol
Sacramento, California 95814

Dear Governor Reagan:

Re: Assembly Bill 2045

This is in support of the above bill, one of the most important environmental measures passed by the 1970 Legislature. Assembly Bill 2045 makes significant declarations concerning the policy of the State of California with regard to the environment of its citizens. More importantly, it requires state agencies, boards, commissions, and local agencies carrying out state-administered projects to consider the environmental impact of those projects before carrying them out.

This bill, which is modelled after the National Environmental Policy Act of 1970, gives a needed focus to our State's environmental needs. At the same time, the guidelines it provides do not set up impracticable obstacles to the accomplishment of State projects and purposes.

We respectfully urge your favorable consideration.

Very truly yours,

THOMAS C. LYNCH
Attorney General

A handwritten signature in cursive script, appearing to read "Jan Stevens".

JAN STEVENS
Deputy Attorney General

JS:er

LEGISLATIVE INTENT SERVICE (800) 666-1917



PS-6

California Legislature

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JOHN T. KNOX
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PETE WILSON

Assembly General Research Committee

ASSEMBLY SELECT COMMITTEE ON ENVIRONMENTAL QUALITY

ROOM 436, STATE CAPITOL
445-9098

SPECIAL CONSULTANT
ROBERT L. JONES

September 11, 1970

Honorable Ronald Reagan
Governor of California
State Capitol
Sacramento, California 95814

Dear Ron:

It is respectfully requested that you sign the following four bills recommended by the Assembly Select Committee on Environmental Quality.

AB 2045 (Knox) Environmental Quality Act of 1970.
This bill places a charge on all state and local government agencies to consider the impact of their projects on the environment prior to action instead of after damage may have been done.

AB 2070 (Wilson) Office of Planning and Research.
This bill abolishes the present State Office of Planning and ties planning and implementation together by establishing a unit in the Governor's Office to provide staff assistance in comprehensive environmental planning, land use and the establishment of an improved environmental monitoring system.

AB 2167 (Russell) State Lands with Environmental Values. This bill would require the State Lands Commission and the Resources Agency to identify state lands with unique environmental values and take actions to assure permanent protection of such areas.

AB 2433 (Miliias) Membership on Boards and Commissions.
This bill adds persons with environmental knowledge and interests to certain boards and commissions whose activities can result in significant environmental changes.

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PE-7


Honorable Ronald Reagan
September 11, 1970
Page 2

You will shortly receive a letter from Assemblyman Wilson regarding conflicts between AB 2070 (Wilson) and AB 624 (Schabarum) and AB 1436 (Wilson) with recommendations which I believe will satisfactorily resolve the conflicts.

The above Assembly Select Committee bills were strongly supported by all major conservation organizations including the Planning and Conservation League, Sierra Club, California Wildlife Federation and the National Audubon Society.

I know of no opposition to these bills. We worked closely with your staff and agency personnel on all of these bills throughout the legislative session.

Sincerely,


GEORGE W. MILIAS

GWM:egb



ASSEMBLY BILL NO. 2045

1970 REGULAR SESSION

CHAPTER

1433

AUTHOR Select Commission on Environmental Quality

DATE RECEIVED 9/8 1970

LAST DAY TO ACT 9/20 1970

ACTION OF GOVERNOR 9/18 1970



LEGISLATIVE INTENT SERVICE (800) 666-1917

ENROLLED BILL MEMORANDUM TO GOVERNOR	DATE September 11, 1970
BILL NO. A. B. 2045	AUTHOR Assembly Select Committee on Environmental Quality

Vote—Senate

Ayes— Unanimous

Noes—

Vote—Assembly

Ayes— 59

Noes— 7 Arklin, Badham, Burke, Chappie, Ketchum, Stull, Wakefield

A. B. 2045 makes various legislative findings and declarations concerning environmental quality. It requires state and local governmental agencies to prepare environmental impact reports, containing specified information on projects which may have significant effect on the environment. It requires state agencies to request funds in their budgets to protect the environment from problems caused by their activities, to review their present authority and procedures, and to propose to the Governor by January, 1971, any changes which are necessary to comply with the act.

The bill further requires the State Office of Planning and Resources, to be created by A. B. 2070, to coordinate in conjunction with appropriate state, regional, and local agencies, the development of policies and procedures for environmental impact reports.

The bill was introduced by the Assembly Select Committee on Environmental Quality.

The Attorney General's Office urges approval.

The Departments of Public Health, Public Works, and Water Resources recommend approval.

The Department of Finance recommends approval.

Recommendation Approve	Legislative Secretary 	PE 292
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BERNARD CZESLA
CHIEF DEPUTY

J. GOULD
OWEN K. KUNS
RAY H. WHITAKER

KEHT L. DECHAMBEAU
ERNEST H. KUNZI
STANLEY M. LOURIMORE
SHERWIN C. MACKENZIE, JR.
EDWARD F. NOWAK
EDWARD K. PURCELL
PRINCIPAL DEPUTIES

ANN M. MACKAY
PRINCIPAL DEPUTY
LOS ANGELES OFFICE

3021 STATE CAPITOL
SACRAMENTO 95814

110 STATE BUILDING
LOS ANGELES 90012

Legislative Counsel of California

GEORGE H. MURPHY

Sacramento, California
September 4, 1970

Honorable Ronald Reagan
Governor of California
State Capitol
Sacramento, California

GERALD ROSS ADAMS
R. THOMAS ALLEN
DAVID D. ALVES
MARTIN L. ANDERSON
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BION M. GREGORY
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MARY-LOU SMITH
RUSSELL L. SPARLING
F. DAVID STEVENSON
JOHN T. STUDEBAKER
BRIAN L. WALKUP
THOMAS D. WHELAN
DAVID E. WHITTINGTON
JIMMIE WING
DEPUTIES

REPORT ON ENROLLED BILL

A. B. 2045

ASSEMBLY SELECT COMMITTEE ON ENVIRONMENTAL QUALITY. Adds Div. 13 (commencing with Sec. 21000), P.R.C., re environmental quality.

SUMMARY:

Makes various legislative findings and declarations concerning environmental quality. Requires all state agencies, boards, and commissions to include in any report on any proposed project which could have a significant effect on the environment of the state, a detailed statement setting forth specified information. Requires such report, together with any comments received from other governmental agencies, to be a part of the regular project report used in the existing review and budgetary process, and specified that it shall be available to the Legislature and general public. Requires such information in report to federal government on proposed federal projects which may have a significant effect on the environment and on which the state officially comments. Requires, as specified, such information to be included in request for, or authorization for expenditure of, funds by state agency, board, or commission for any project, other than a project involving only planning, which could have a significant effect on the environment. Requires such agencies to request in their budget funds necessary to protect the environment in relation to problems caused by its activities. Requires such agencies to review present authority and procedures to determine any inconsistencies or deficiencies

which would hinder compliance with requirements of act and to propose to Governor by January 1971, any measures necessary to comply with intent, policies, and procedures of act.

Requires state agencies, boards, and commissions to require from local agencies, unless exempted, detailed statements setting forth such information prior to allocation of funds for projects which may have a significant effect on environment, other than funds solely for planning purposes. Requires local governmental units or agencies to make environmental impact findings or reports, as specified.

Requires Office of Planning and Research to be created by AB 2070, to coordinate, in conjunction with appropriate state, regional, and local agencies, development of objectives, criteria, and procedures to assure orderly preparation and evaluation of environmental impact reports.

FORM: Approved.
CONSTITUTIONALITY: Approved.
TITLE: Approved.

George H. Murphy
Legislative Counsel

By 
Victor Kozielski
Deputy Legislative Counsel

VK:sac

Two copies to Honorable George W. Milias,
Chairman, Assembly Select Committee on
Environmental Quality, pursuant to
Joint Rule 34.

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AMENDED IN SENATE AUGUST 20, 1970
AMENDED IN SENATE AUGUST 14, 1970
AMENDED IN SENATE AUGUST 4, 1970
AMENDED IN ASSEMBLY JULY 9, 1970
AMENDED IN ASSEMBLY JUNE 23, 1970
AMENDED IN ASSEMBLY MAY 26, 1970

CALIFORNIA LEGISLATURE—1970 REGULAR SESSION

ASSEMBLY BILL

No. 2045

**Introduced by Assembly Select Committee on Environmental Quality
(Assemblymen Knox, Milias, Wilson, Porter, Briggs, Duffy, Foran,
Monagan, and Schabarum)**

April 2, 1970

REFERRED TO COMMITTEE ON NATURAL RESOURCES AND CONSERVATION

*An act to add Division 13 (commencing with Section 21000)
to the Public Resources Code, relating to environmental
quality.*

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

1 SECTION 1. Division 13 (commencing with Section 21000) is
2 added to the Public Resources Code, to read:

3
4 DIVISION 13. ENVIRONMENTAL QUALITY

5
6 CHAPTER 1. POLICY

7
8 21000. The Legislature finds and declares as follows:

9 (a) The maintenance of a quality environment for the
10 people of this state now and in the future is a matter of
11 statewide concern.

LEGISLATIVE COUNSEL'S DIGEST

AB 2045, as amended, Assembly Select Committee on Environ-
mental Quality (Assemblymen Knox, Milias, Wilson, Porter, Briggs,
Duffy, Foran, Monagan, and Schabarum) (N.R. & Con.). Environ-
mental quality.

Adds Div. 13 (commencing with Sec. 21000), P.R.C.

ENROLLED BILL REPORT

Form LU-5 (Rev. 5-70 2M)

AGENCY DEPARTMENT OF FINNCE	AUTHOR Knox and others	BILL NUMBER AB 2045
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SUBJECT:

The bill would make various legislative findings and declarations concerning environmental quality. The bill further specifically requires:

1. All state agencies, to include in any report on any proposed project or in any request for funds for any project which could have a significant effect on the environment of the State, a detailed statement setting forth specified environmental information.
2. Such information in reports to the Federal Government on proposed Federal projects which may have a significant effect on the environment.
3. State agencies to review present authority and procedures to determine if any inconsistencies or deficiencies exist which would hinder compliance with requirements of the act and to make corrective proposals to the Governor and the Legislature by January 1971.
4. State agencies, boards, and commissions to require from local agencies, unless exempted, detailed statement setting forth such information prior to allocation of funds for projects which may have a significant effect on environment, other than funds solely for planning purposes.
5. Local agencies to conduct needed environmental impact studies and to make findings and reports on such studies.
6. All state agencies, boards, and commissions to request in their budgets the funds necessary to protect the environment in relation to problems caused by their activities.

The bill further provides that the Office of Planning and Research, which would be created by AB 2070, shall, in conjunction with appropriate state, regional, or local agencies, coordinate the development of objectives, criteria, and procedures to assure the orderly preparation and evaluation of environmental impact reports required by this act.

ANALYSIS:

A. Specific Findings

The bill would establish, in statute, California's policy for development in regard to environmental quality. This aspect of the bill is primarily of policy concern.

The fiscal aspects of the bill revolve around the planning and the preparation of justification for future projects. All entities of the State would be required to include in any report on any program they propose which could have a significant effect on the environment of the State, a detailed statement setting forth the following:

- (a) The environmental impact of the proposed action.

RECOMMENDATION

Sign the bill.

DEPARTMENT REPRESENTATIVE

DATE

DIRECTOR

DATE

R.B.

[Signature]

5/3/70
5/10/70

[Signature]

9-10-70

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- (b) Any adverse environmental effects which cannot be avoided if the proposal is implemented.
- (c) Mitigation measures proposed to minimize the impact.
- (d) Alternatives to the proposed action.
- (e) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.
- (f) Any irreversible environmental changes which would be involved in the proposed action should it be implemented.

The bill would include in Section 21106 the following provision:

"all state agencies, boards, and commissions shall request in their budgets the funds necessary to protect the environment in relation to problems caused by their activities."

Although seemingly insignificant, this provision is so general and unclear that it raises questions as to the intent. Does this provision mean that the future Governor's budgets must include funding to protect the environment against every conceivable effect that state programs might have on the environment regardless of how significant that effect might be? The value of placing such an unclear provision in statute is questionable.

B. Financial Effect

The Resources Agency indicates that compliance with the bill could result in an increase of 10-20 percent in the costs of investigation and planning functions. There is, however, no appropriation by the 1970-71 fiscal year and it is possible that added costs of investigation and planning could be absorbed.

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ENROLLED BILL REPORT 8/27/70

AGENCY Transportation Agency	BILL NUMBER AB 2045
DEPARTMENT, BOARD OR COMMISSION Department of Public Works	AUTHOR Knox and others

SUBJECT:

Environmental Quality Act of 1970

ANALYSIS

A. Specific Findings:

Directs that all State agencies (and local agencies as well) consider the impact of their actions on the environment before going ahead with projects. Requires that, prior to authorizing funds for expenditure for any project which could have a significant effect on the environment, State commissions and departments, certify in their regular project report that environmental impact of the proposed action has been considered. The report must include comments regarding:

- (a) the environmental impact of the proposed action;
- (b) any adverse environmental effects which cannot be avoided if the proposal is implemented;
- (c) mitigation measures proposed to minimize the impact;
- (d) alternatives to the proposed action;
- (e) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long term productivity.

State officials are directed to consult with other governmental agencies with jurisdiction by law or special expertise regarding environmental impact before going ahead with projects. All State agencies and commissions are directed to review their present statutory authority for any inconsistencies with this legislation.

This Department does not in any way differ with the policy of this legislation. In fact, it is in accordance with recent Departmental Directives and legislative ratification is welcomed.

B. Financial Effect:

Some increase in costs.

LT:kb

RECOMMENDATION:

Sign

DEPARTMENT HEAD

DATE

AUG 28 1970

AGENCY HEAD

OR

LEGISLATIVE INTENT SERVICE (800) 666-1917

ENROLLED BILL REPORT

AGENCY HUMAN RELATIONS	BILL NUMBER AB 2045
DEPARTMENT, BOARD OR COMMISSION PUBLIC HEALTH	AUTHOR Knox

Federal legislation, adopted last year, now requires Federal agencies to develop "environmental impact" reports on programs or projects which they propose to undertake. AB 2045 would impose similar requirements of the State and, to a considerable extent, on local government. This is a sound move.

No fiscal impact to the Department.

LEGISLATIVE INTENT SERVICE (800) 666-7917

RECOMMENDATION:

APPROVAL

DEPARTMENT HEAD <i>Louis Taylor</i>	DATE 8/28/70	AGENCY HEAD <i>[Signature]</i>	DATE 299 PE
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ENROLLED BILL REPORT

AGENCY	RESOURCES	BILL NUMBER AB 2045
DEPARTMENT, BOARD OR COMMISSION	Water Resources	AUTHOR Assembly Select Committee on Environmental Quality

SUBJECT:

The bill (makes various legislative findings and declarations concerning environmental quality. It requires state and local governmental agencies to prepare environmental impact reports, containing specified information on projects which may have significant effect on the environment. It requires state agencies to request funds in their budgets to protect the environment from problems caused by their activities, to review their present authority and procedures, and to propose to the Governor by January, 1971, any changes which are necessary to comply with the act.) The bill further requires the State Office of Planning and Resources, to be created by AB 2070, to coordinate in conjunction with appropriate state, regional, and local agencies, the development of policies and procedures for environmental impact reports.)

HISTORY, SPONSORSHIP, AND RELATED LEGISLATION:

This bill, entitled the Environmental Quality Act of 1970, was introduced by the Assembly Select Committee on Environmental Quality to enact one of their main recommendations. Other measures sponsored directly by the select committee are ACA 55, AB 2070, AB 2199, ACR 132, ACR 133, and AJR 37, 38, 41, 42 and 47.

ANALYSIS:

A. Specific Findings:

State agencies must prepare environmental impact reports in connection with the following activities if the activities on the following projects may have a substantial effect on the environment: projects by a state agency, federal projects on which the state prepares official comments, and budget requests for projects. Local agencies must prepare impact reports on projects which may have a significant effect on the environment if they receive federal or state funds for land acquisition or construction costs in connection with the project or if they do not have a conservation element in their general plan. Local zoning changes will not require impact reports.

B. Financial Effect:

Compliance with this bill will increase the cost of investigating and planning programs by ten to twenty percent.

Passed Assembly 7-17-70

Passed Senate 8-21-70

Ayes - 59
Noes - 7

Ayes - 39
Noes - 0

RECOMMENDATION:

I recommend you sign the bill.

DEPARTMENT HEAD

W. G. S.elli

DATE

SEP 1 1970

AGENCY HEAD

Richard R. Field

PE 300

LEGISLATIVE INTENT SERVICE (800) 666-1917

THOMAS C. LYNCH
ATTORNEY GENERAL

STATE OF CALIFORNIA



AB 2045
CHARLES A. O'BRIEN
CHIEF DEPUTY ATTORNEY GENERAL
T. A. WESTPHAL, JR.
CHIEF ASSISTANT ATTORNEY GENERAL
DIVISION OF CIVIL LAW
ARLO E. SMITH
CHIEF ASSISTANT ATTORNEY GENERAL
DIVISION OF CRIMINAL LAW

OFFICE OF THE ATTORNEY GENERAL

Department of Justice

ROOM 500, WELLS FARGO BANK BUILDING
FIFTH STREET AND CAPITOL MALL, SACRAMENTO 95814

August 27, 1970

Honorable Ronald Reagan
Governor, State of California
State Capitol
Sacramento, California 95814

Dear Governor Reagan:

Re: Assembly Bill 2045

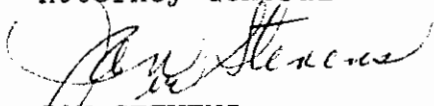
This is in support of the above bill, one of the most important environmental measures passed by the 1970 Legislature. Assembly Bill 2045 makes significant declarations concerning the policy of the State of California with regard to the environment of its citizens. More importantly, it requires state agencies, boards, commissions, and local agencies carrying out state-administered projects to consider the environmental impact of those projects before carrying them out.

This bill, which is modelled after the National Environmental Policy Act of 1970, gives a needed focus to our State's environmental needs. At the same time, the guidelines it provides do not set up impracticable obstacles to the accomplishment of State projects and purposes.

We respectfully urge your favorable consideration.

Very truly yours,

THOMAS C. LYNCH
Attorney General


JAN STEVENS
Deputy Attorney General

JS:er

PE 301

LEGISLATIVE INTENT SERVICE (800) 666-1917

1433

California Legislature

Assembly General Research Committee

MEMBERS

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PETE WILSON

SPECIAL CONSULTANT
ROBERT L. JONES

ASSEMBLY SELECT COMMITTEE ON ENVIRONMENTAL QUALITY

ROOM 436, STATE CAPITOL
445-9098

September 11, 1970

Honorable Ronald Reagan
Governor of California
State Capitol
Sacramento, California 95814

Dear Ron:

It is respectfully requested that you sign the following four bills recommended by the Assembly Select Committee on Environmental Quality.

AB 2045 (Knox) Environmental Quality Act of 1970.
This bill places a charge on all state and local government agencies to consider the impact of their projects on the environment prior to action instead of after damage may have been done.

AB 2070 (Wilson) Office of Planning and Research.
This bill abolishes the present State Office of Planning and ties planning and implementation together by establishing a unit in the Governor's Office to provide staff assistance in comprehensive environmental planning, land use and the establishment of an improved environmental monitoring system.

AB 2167 (Russell) State Lands with Environmental Values. This bill would require the State Lands Commission and the Resources Agency to identify state lands with unique environmental values and take actions to assure permanent protection of such areas.

AB 2433 (Milias) Membership on Boards and Commissions.
This bill adds persons with environmental knowledge and interests to certain boards and commissions whose activities can result in significant environmental changes.

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Honorable Ronald Reagan
September 11, 1970
Page 2

You will shortly receive a letter from Assemblyman Wilson regarding conflicts between AB 2070 (Wilson) and AB 624 (Schabarum) and AB 1436 (Wilson) with recommendations which I believe will satisfactorily resolve the conflicts.

The above Assembly Select Committee bills were strongly supported by all major conservation organizations including the Planning and Conservation League, Sierra Club, California Wildlife Federation and the National Audubon Society.

I know of no opposition to these bills. We worked closely with your staff and agency personnel on all of these bills throughout the legislative session.

Sincerely,


GEORGE W. MILIAS

GWM:egb

LEGISLATIVE INTENT SERVICE (800) 666-1917

Governor Ronald Reagan announced today the following bills have been signed:

- AB 49 - MacDonald
Chapter 1404 Provides that no resident hunting license may be issued unless the applicant presents evidence that he has held either a resident hunting license issued in a prior year, a certificate of competency in hunter's safety or a certification that the applicant has successfully completed a hunter's safety course in another state.
- AB 315 - Schabarum
Chapter 1428 Makes statutory changes necessary to conform the statutes to Governor's Reorganization Plan No. 2 of 1969.
- AB 339 - Fong
Chapter 1445 Requires that public hearing on the personnel commission annual budget be held not later than May 30 of each year, rather than during the month of May. The bill further provides that if the county superintendent of schools proposes to reject the budget as submitted, he shall, within 30 days after the commission's submission of the budget, hold a public hearing after giving notice to the commission and the governing board. After the hearing, the county superintendent may reject or, with a concurrence of the commission, amend the proposed budget.
- AB 820 - Russell
Chapter 1413 Designates the law relating to public school employee organizations, the Gordon H. Winton, Jr., School Employer-Employee Relations Act, or the Winton Act.
- AB 955 - Chappie
Chapter 1406 Provides that persons under the jurisdiction of the Department of the Youth Authority who attend regular community college attendance centers shall be deemed to be district residents for the purposes of computing average daily attendance. The bill also makes other changes in computing the average daily attendance for community colleges and authorizes the Board of Governors of California Community Colleges to utilize a system of attendance accounting and reporting on a districtwide basis.
- AB 973 - Townsend
Chapter 1446 Excludes from definition of dealer for purposes of the Vehicle Code, persons engaged exclusively in business of selling, purchasing, servicing, or exchanging racing vehicles or parts for racing vehicles, or trailers designed and intended by the manufacturer exclusively for carrying racing vehicles.
- AB 1055 - Ralph
Chapter 1429 Appropriates \$20,000 from General Fund to the Attorney General of California for purpose of carrying out study of police-community relations requested by House Resolution No. 153 of the 1969 Regular Session. The bill requires the Attorney General to report findings, conclusions, and recommendations to the legislature.
- AB 1153 - Deddeh
Chapter 1447 Requires employers whose employees belong to Public Employees' Retirement System to apply for disability retirement of any employee believed disabled. The bill prohibits separation of employees because of medical disabilities unless the employee waives the right to retire for disability at that time.



- AB 1404 - Belotti
Chapter 1448 Creates a Board of Pilot Commissioners for Humboldt Bay and Bar and prescribes organization, membership, powers, and duties of the board, to be operative only if Senate Bill 382 is not enacted.
- AB 1581 - Beverly
Chapter 1430 Requires that borrowers of loans secured by real property be notified in writing by lenders of late payment charges assessed against them. With respect to the first delinquency, the borrower must either be given six days from the date notice is sent to pay the delinquency or be notified of the date after which a late charge will be assessed. On subsequent delinquencies the borrower must either be notified that he will be charged unless payment is received by a certain date or be informed by a semi-annual statement of the total amount of late charges imposed in the previous six-month period.
- AB 1676 - Deddeh
Chapter 1424 Requires that the housing allowance paid to a recipient of aid to the disabled living with parents with a net income of less than \$15,000 be determined according to his parents' ability to provide such housing needs.
- AB 1760 - Chappie
Chapter 1431 Makes a series of amendments to the Vehicle Code provisions relating to the dismantling of vehicles by licensed automobile dismantlers. The bill also imposes a minimum penalty of \$50 on any person convicted of violating provisions prohibiting a person from abandoning a vehicle upon any highway or upon public or private property without the prescribed permission.
- AB 1763 - Chappie
Chapter 1449 Provides that the state architect shall be an advisory member of the Building Standards Commission. It requires the commission to adopt by reference, applicable national specifications, published standards and model codes where appropriate. The bill extends from 90 days to one year the period between amendments to the code.
- AB 1797 - Ryan
Chapter 1450 Clarifies the authority of the Board of Governors of the Community Colleges, the Department of Education, and the new Commission for Teacher Preparation and Licensing with respect to credentials. The bill also specifies the functions which may be performed by the holder of a community college instructor credential.
- AB 1860 - Chappie
Chapter 1432 Authorizes an allowance to a recipient of aid to needy disabled for attendant services when rendered by a responsible relative with whom the recipient is living when the Director of the Department of Social Welfare determines that such service is necessary to prevent the institutionalization of the recipient and cannot be obtained from any other person.
- AB 2045 - Assembly
Select Committee on Environmental Quality
Chapter 1433 Makes various legislative findings and declarations concerning environmental quality. It requires state and local governmental agencies to prepare environmental impact reports, containing specified information on projects which may have significant effect on the environment. It requires state agencies to request funds in their budgets to protect the environment from problems caused by their activities, to review their present authority and procedures, and to propose to the governor by January 1971, any changes which are necessary to comply with the act.



- AB 2057 - Foran
Chapter 1425
Revises provisions of state law relating to exempt transportation and use of explosives, enforcement, regulations, reports, permits, storage, possession and use of explosives, records, and penalties for violation.
- AB 2063 - Cullen
Chapter 1434
Provides that the Governor's Reorganization Plan No. 1 of 1970 shall become operative July 1, 1972.
- AB 2203 - Cullen
Chapter 1435
Removes the requirement that the governor submit reorganization plans to the Commission on California State Government Organization and Economy and the legislative counsel prior to submission to the legislature, and that the legislative counsel prepare a digest of the plan. The bill provides that a reorganization plan may be submitted at any time during a regular session. The bill further provides that a plan becomes effective after 60 calendar days of continuous session of the legislature, from the date of submission, or at a later date as the plan may unless either house makes the requisite finding and reference.
- AB 2300 - Wilson
Chapter 1436
Requires the Commission of Housing and Community Development pursuant to the State Housing Law to adopt rules and regulations imposing the same requirements as are contained in specified uniform industry codes. The bill requires a city or county to adopt ordinances or regulations imposing the same requirements contained in such industry uniform code within a specified period. It authorizes a city or county, in adopting such ordinances or regulations, after making express finding of need to adopt changes to make modifications of such requirements.
- AB 2433 - Milias
Chapter 1437
Provides for the State Mining and Geology Board, district oil and gas commissioners, district forest practice committees, the California Water Commission and State Board of Agriculture to have two public members who have an interest in and knowledge of the environment. The bill increases the membership of the State Mining and Geology Board, district forest practice committees, and the number of district oil and gas commissioners by two.
- AB 2464 - Sieroty
Chapter 1438
Prescribes the limitations on the leasing or cooperative development or operation of tide and submerged lands for the conduct of any oil and gas development or extraction within certain areas of the County of Los Angeles.
- SB 22 - Nejedly
Chapter 1415
Requires a doctor who knows, or has reasonable cause to believe, that a patient is suffering from pesticide poisoning or any disease or condition caused by a pesticide to report such fact to the local health officer. The local health officer is to report such cases to county agricultural commissioner, Director of Agriculture, and the State Director of Public Health.
- SB 48 - Nejedly
Chapter 1416
Provides that persons designated as security officers by the Bay Area Rapid Transit District are peace officers while engaged in the performance of their duties. The bill requires the District to adhere to standards for recruitment and training established by the Commission on Peace Officer Standards and Training.
- SB 293 - Rodda
Chapter 1412
Designates the law relating to public school employee organizations, the Gordon H. Winton, Jr., School Employer-Employee Relations Act, or the Winton Act.



- SB 322 - Beilenson
Chapter 1414 Revises the Health and Safety Code provisions relating to issuance of licenses to sell prophylactics; the sale, furnishing, or distribution of prophylactics which fail to meet specified standards; the persons to whom a licensed retailer may dispose of prophylactics; and the prophylactics which may be sold by a licensed retailer.
- SB 463 - Song
Chapter 1427 Prohibits licensees under the Furniture and Bedding Inspection Act from giving an unconditional guarantee of replacement without charge relating to the quality of an article of upholstered furniture or bedding which exceeds 5 years from the date of sale, except that the offering of a warranty which allows for a schedule of replacement charges based upon the period of use is not precluded.
- SB 527 - Carrell
Chapter 1439 Amends various provisions of the vehicle code relating to the registration of vehicles and vessels.
- SB 533 - Cologne
Chapter 1440 Provides that inheritance tax appraisers who have not passed specified qualification examinations shall not remain in office after June 30, 1971, as inheritance tax referees. The bill prohibits the appointment of persons as inheritance tax appraisers if they have not passed one of such examinations between the 61st day following final adjournment of the 1970 regular session of the legislature and June 30, 1971.
- SB 631 - Coombs
Chapter 1398 Permits the transfer of Cal-Vet loan balance to a smaller home, when housing needs diminish because of termination of necessity to provide housing for children or other dependents.
- SB 680 - Lagomarsino
Chapter 1441 Provides, with respect to cases where a motion to return property or suppress evidence is granted, and either the case is dismissed in the furtherance of justice or the people appeal in a misdemeanor case pursuant to specified provisions, that the defendant shall be released on his own recognizance, rather than only that he shall be released, if he is in custody, and not returned to custody unless proceedings are resumed in the trial court and he is lawfully ordered by the court to be returned to custody.
- SB 805 - Carrell
Chapter 1442 Defines "club" for purposes of a club license under the Alcoholic Beverage Control Act as including nonprofit social luncheon club meeting specified requirements. The bill exempts from the prohibition against the sale of alcoholic beverages near a university any on-sale licensee off of the grounds or campus of Stanford University.
- SB 872 - Rodda
Chapter 1420 Creates in the Department of Education a Bureau of Indian Education headed by the Indian Coordinator. It also creates American Indian Education Council and prescribes its composition and functions.
- SB 907 - Dymally
Chapter 1419 Requires the Regents of the University of California to review practices and procedures regarding employment and advancement of female employees of the university; and to review opportunity for qualified female employees to advance to executive positions within departments and divisions.
- SB 1089 - Sherman
Chapter 1417 Permits the Department of Aeronautics to cause to be examined, as well as to examine, downed aircraft transmitting devices submitted to it for approval by manufacturers, and requires such manufacturers to submit information required by department and fees, as determined by department, to defray costs of testing such devices.



SB 1265 - Coombs
Chapter 1443

Repeals the Retirement Systems Law and substitutes in its place the Retirement Systems Disclosure Law. The bill affects private retirement systems.

SB 1325 - Burgener
Chapter 1426

Specifies that a recipient of aid to the disabled living with parents with a net income of less than \$15,000 shall receive a housing allowance to be determined according to his parents' ability to provide such housing needs. The bill authorizes the Director of the Department of Social Welfare to establish a graduated schedule of housing allowances based on such income which may be modified to operate within appropriated funds. The bill appropriates \$1,800,000 for the 1970 fiscal year for such purposes and requires the director to adopt and modify housing schedule allowances to operate within such funds.

SB 1350 - Beilenson
Chapter 1421

Revises various provisions of state law relating to the control and security of explosives.

SB 1416 - Grunsky
Chapter 1444

Provides that any person who pickets or parades in or near a building which houses a court of this state with the intent to interfere with, obstruct, or impede the administration of justice or with the intent to influence any judge, juror, witness, or officer of the court in the discharge of duty is guilty of a misdemeanor.

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Assembly Committee

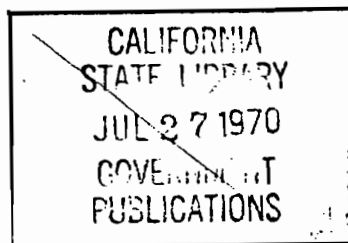
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Natural Resources and Conservation

ASSEMBLY P. O., STATE CAPITOL
(016) 445-8305

GEORGE W. MILIAS,
CHAIRMAN

October 2, 1969



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CONSERVATION
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CONSERVATION
MR. GEORGE B. ...
COMMISSIONER
MRS. GWYNETH ...
SECRETARY

To the Editor

Dear Sir:

I am enclosing the first of a series of columns dealing with the problems California is facing in the control and preservation of our natural resources.

During the past legislative session, the issues of conservation were brought into sharp focus in areas such as the controls over San Francisco Bay, pesticide controls, smog, and water quality control.

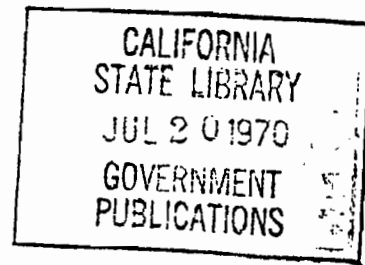
I am certain that there will be an increase in such issues during future sessions. Hopefully, the little I can do to express my beliefs on this important subject area through my Committee on Natural Resources and Conservation as well as by making the public aware of such issues through this column, will help to improve our dwindling natural environment.

It is my hope that this effort will be of interest to your readers and any suggestions you may offer will be appreciated.

Sincerely,

GEORGE W. MILIAS

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Enclosure



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California Legislature

Assembly Committee

on

Natural Resources and Conservation

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October 2, 1969

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WEEKLY COLUMN
FOR OCTOBER 5-11, 1969

(Editor's Note: This is the first in a series of columns by Assemblyman George Miliias, Chairman of the Committee on Natural Resources and Conservation of the California Legislature, dealing with issues facing the control of our natural environment.)

It is obvious to me that a definite environmental conscience is developing in California.

It has been building slowly for several years, but all signs point to a virtual groundswell of public disenchantment with existing environmental practices. Regardless of the efficiency and response of government--characteristics we demand and expect at all levels, it must begin to sift every function, program and policy with reference to environmental impact.

To do this, new environmentally sensitive decision-making entities are needed.

Like it or not, we are no longer a frontier society. Like it or not, there are limits to what our physical senses can tolerate in terms of sight, sound and olfactory irritants.

Like it or not, there are limits to the amount of air pollution we can take, just as there are limits to what we can



do to our natural environment, limits to the amount of open space we can put under asphalt, limits to the tolerance of the ocean for the wastes we place in it, and limits to the amount of development our remaining wilderness areas can take and still retain recreational value.

For too long, the frontier ethic has ruled our developmental policies, spawning the myth of the superabundance of natural resources.

We dare not fall victim to that kind of thinking. And we cannot afford to temporize on these issues any longer. The basic resources of our land, and the joy of living in it, are being exchanged for short-term accomplishments, commitments and profits.

The time has come to stop our lemming-like march to oblivion, to recognize the irreversibility and universality of resource destruction.

The old separations of authority among the private sector and city, county, state and federal governments are falling woefully short of being able to meet their responsibilities in terms of preserving remaining scenic and recreational values and ensuring environmental quality.

Each year that I have served as a legislator, the bell tolling for the environment has become louder and has rung more urgently.



This past session, there was almost an environmental bandwagon effect--next year, an election year, environmental quality can be made a principal, urgent campaign issue.

There is a growing tide of public opinion, and it is building with every smog-produced cough, every lost recreational opportunity, every stream killed by thoughtless and needless acts of men, every traffic jam, and with every report of dying pelicans, poisoned fish and ruined estuaries.

Public agencies combined with private conservation groups are obligated, in view of both the opportunities which now exist and the environmental disaster awaiting us, to launch upon this favorable tide unremitting warfare on the enemies of conservation.

end end



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WEEKLY COLUMN
FOR OCTOBER 12-18, 1969

(Editor's Note: This is the second in a series of columns by Assemblyman George Miliias, Chairman of the Assembly Committee on Natural Resources and Conservation of the California Legislature, discussing some of the important conservation issues facing Californians.)

Several significant accomplishments were made this year in the California Legislature in the area of conservation which illustrate the growing realization of California's needs for establishing firm environmental controls to protect our remaining natural resources.

One such measure extended the life of the San Francisco Bay Conservation and Development Commission which was created in 1965 to control arbitrary and damaging development of baylands.

The bill, despite opposition from various special interest groups, was not only approved, but the Commission's authority was expanded to include controls over a 100-foot onshore perimeter as well as retaining its authority over the south bay salt ponds.

In spite of fantastic expenditures by those who would pave the Bay, the Save the Bay movement prevailed. Purely and simply,



People Power, applied to a just cause, overcame the designs of land tycoons, major industrial complexes and even city hall itself.

San Francisco Bay has had a stay of execution. But the full pardon is yet to come, and will depend on the brilliance of planners, and on the swiftness with which we solve the population-pollution syndrome and find a practical way to reprocess solid wastes.

A second major achievement of the Legislature, and one which was the result of months of study and preparation, was the enactment of a beefed up water quality law which is considered the most comprehensive water quality control law in the nation.

Regional water boards, under the new law, will now have most of the authority they need to ensure adequate water quality standards, and it will be up to local citizens to demand the most from those who have the responsibility for setting and enforcing these standards.

In a non-legislative action this year, Governor Reagan ordered state agencies to halt further planning on the proposed Dos Rios Dam on the north coast, which, if approved, would have flooded acres of valuable farm and open space land to the detriment of local residents and our agricultural industry.

My Committee on Natural Resources and Conservation held for further study a proposed California-Nevada Interstate Water Compact because we felt that we should not be party to a total disregard for the rights of a small and powerless group of Paiute Indians whose



110,000 acre Pyramid Lake would lose its needed water supply to maintain an adequate level. The Committee also felt it would not be in the interest of California's citizens to contribute to the destruction of Pyramid Lake's exceptional recreation potential.

Other significant conservation accomplishments this year included new laws on boating safety, riding and hiking trails, parks and recreation policy questions, and a major series of bills and resolutions to correct the pollution of our beaches by seepage from offshore oil wells.

There was also major legislation on air pollution involving jet aircraft and other pollutants brought about by rapid urbanization.

Pesticide control also developed into a major legislative issue with introduction of several bills, one of which would have banned DDT and required closer supervision of all environmentally harmful pesticides. Although this bill finally died in committee, due to pressure from pesticide manufacturers and the agri-business complex, it probably helped passage of legislation to more closely regulate DDT as well as other dangerous and environmentally harmful substances.

All of the bills I have mentioned illustrate the growing awareness of the need for environmental controls. Many of these issues will be with us again next year when stronger legislation will surely be developed to further protect the quality of our environment.

end end



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WEEKLY COLUMN
FOR OCTOBER 19-25, 1969

(Editor's note: This is the third in a series of columns by Assemblyman George Milias, Chairman of the Assembly Committee on Natural Resources and Conservation of the California Legislature, discussing some of the important conservation issues facing Californians.)

Mounting concern over the use of persistent pesticides in industry as well as the backyard garden is developing nationwide, and a recent report showed that the killing of more than 15 million fish this year was attributed to pesticide pollution of our natural environment.

The California Legislature this year took a step forward in this area with passage of a bill which strengthens the power of the state Director of Agriculture to regulate the use of DDT and other poisons.

While the bill was a weaker alternative of two measures under consideration, it was a positive step. Hopefully, the new law will serve notice to agricultural interests that if firm controls are not placed on the industrial use of persistent pesticides, the Legislature will take stronger steps to halt the use of such poisons.

The bill which was killed in a legislative committee would have banned the use of DDT by January 1, 1972; however, strong lobbying on the part of the agricultural industry prevented the measure from becoming law.

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It is noteworthy that, although that bill was killed, most summaries of major 1969 legislation include references to the pesticide issue and "point proudly" to the minor bill as an example of the responsiveness of the Legislature on the issue of pesticides.

This awareness by lawmakers of the concern by the public shows how such issues can develop and increasing public pressures will do much to force the agricultural industry to find alternatives which can do the work of the more environmentally harmful pesticides such as DDT.

Not too long ago, the damaging effect of such pesticides was revealed to me in a report from the state Department of Fish and Game which disclosed that millions of fish and wildlife had been killed in California alone from pesticides and herbicides seeping into our waterways from adjacent farmlands.

In 1965, the report noted that more than 600,000 fish were destroyed after an excessive amount of copper sulfate was used to control algae in a lake in Santa Barbara County.

This year in California, herbicides and pesticides killed in excess of 30,000 fish in 11 counties.

While there are controls being established by the Department of Agriculture, the Legislature must determine whether these controls are sufficient and if the toll of our fish and wildlife continues to increase, I, personally shall call for an outright ban on the use of such poisons.

Nature has its own way of maintaining a balanced wildlife population without help from the poisonous instruments of mankind.

end end



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WEEKLY COLUMN
FOR OCT. 26-NOV. 1, 1969

(Editor's note: This is the fourth in a series of columns by Assemblyman George Miliias, Chairman of the Assembly Committee on Natural Resources and Conservation of the California Legislature, discussing some of the important conservation issues facing Californians.)

Comprehensive watershed management continues to be a major, unattained goal of both conscientious state officials and alarmed conservationists in California.

A few days ago, my Assembly Committee on Natural Resources and Conservation held interim hearings to determine the fate of one important aspect of proper watershed management, the anadromous fishery resource.

The problem in a nutshell is that man's activities in watersheds, such as diverting water into fields for agriculture, building dams for water storage, not to mention erosion and slides resulting from road building and logging, have virtually destroyed some streams and drastically altered others.

Salmon, steelhead, and other anadromous species (fish which live in the ocean but "run" upstream to spawn) are resources which belong to all the people.

Their habitat cannot be destroyed without endangering their commercial value and severely limiting the priceless recreation they provide. All factors relating to the preservation



of their economic, recreational and aesthetic values should be examined and necessary action taken.

Our hearings in San Francisco documented the need for tighter management of these resources and for more reliable research and for hard data upon which to base management policies.

In the meantime, the water needs of the state continue to increase, and plans are being made to further alter and in some cases disrupt habitat essential for the survival of these species.

Fortunately, our hearings also revealed that many problem areas have been identified and that programs are under way to halt the downward trend of the salmon, steelhead and striped bass population.

Because of unscreened water diversions, each year small salmon and steelhead on their way to the ocean are swept along with water diverted primarily for agricultural purposes, and estimated losses range up to ten million fingerling salmon annually.

Screen projects are now being established to prevent such major losses.

Another problem is that of a virus which has been killing millions of fish and nearly wiped out the 1968 salmon production at Feather River hatchery where of about thirteen million eggs taken, only 850,000 fish survived to fingerling size, representing a loss of over 90 per cent.

State agencies are working to prevent losses such as this.

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Other problems involve the mortality of salmon when numbers of undersized fish are hooked, then released by commercial fishermen, as well as the contamination of fish by persistent agricultural pesticides.

Research has shown that DDT, for example, can under certain conditions cause reproductive failures in fish.

Unless strict preventive measures are taken, the expected rise in the agricultural use of water, such as in the San Joaquin Valleys, could bring increasing amounts of DDT into the Delta.

These problem areas are now being pinpointed by the Legislature to determine whether state agencies have sufficient tools to control the drop in our fish population or whether additional legislation is necessary.



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WEEKLY COLUMN
FOR NOVEMBER 1-8, 1969

(Editor's note: This the fifth in a series of columns dealing with California's environmental and conservation problems, prepared by Assemblyman George Milias, Chairman of the Committee on Natural Resources and Conservation.)

California is faced with a serious dilemma in its efforts to prevent future occurrences of oil seepage off its coastline.

In recent discussions with the State Department of Conservation, I learned that state officials are officially prevented from observing federal oil drilling operations off the Santa Barbara coast. The site of the oil drilling is where California earlier this year witnessed one of the most damaging threats to its beaches and wildlife as thousands of barrels of crude oil escaped from a well being drilled and polluted miles of the coastline.

State officials have indicated that they had attempted to visit the oil drilling stations but were turned away.

The reason, I discovered, was that the State Attorney General's Office has filed two \$500 million lawsuits--one against Union Oil and its three co-lease holders on the offending drilling platforms and one against the United States Department of the Interior for damages sustained to state property from the disaster.

This litigation, apparently, has precluded state inspectors from observing the current work of the oil companies in the federal lease area, and has inhibited vitally needed exchange of data.

The available information they have shows that there is still oil seepage in the area at the rate of about 10 to 15 barrels a day which is seeping out of the sea floor.

Efforts have been made to contain the oil and to skim the ocean surface of any loose oil. However, at least three barrels daily are escaping.

While this is a nominal amount, we still have no assurance that California is free of the threat of more oil pollution and certainly the state should be working diligently with the oil companies and the federal government to halt such a threat.

The oil companies have continued drilling activities off the Santa Barbara coast with estimates showing about 15 new wells in addition to the five in existence at the time of the major oil leak.

Not only is the lawsuit preventing the state from participating in supervision of the drilling, but since the Department of the Interior is a defendant in the lawsuit, the department is refusing to pass on the studies of its Federal Water Pollution Control Administration on the ecological impact of the spill, because they feel the state might use such information in its lawsuit as grounds for proving the damages.

Some federal and state officials have indicated that the lawsuit, if lifted, would permit the state to participate more actively in the prevention of future oil escape disasters.

In any event, we are now in a paradoxical situation in which nobody seems to be winning, least of all the people of Santa Barbara who will bear the brunt of failure by the State of California to ensure application of the highest possible drilling safety standards beyond its three-mile jurisdiction.



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WEEKLY COLUMN
FOR NOVEMBER 9-15, 1969

(Editor's Note: This is the sixth in a series of columns dealing with California's environmental and conservation problems, prepared by Assemblyman George Milias, Chairman of the Committee on Natural Resources and Conservation.)

One of California's greatest natural resources, its magnificent coastline and beaches, is almost inaccessible to the public.

Recent reports show that, of the 1,051 miles of public beaches, only 400 miles are still available for public use and only 90 miles of beach suitable for swimming are publically owned.

A rapidly increasing population, combined with increased leisure time have placed a premium on the recreational opportunities afforded by coastal beaches, parks, estuaries and near-shore areas.

That situation coupled with the greatly increased popularity and demand for all types of water and beach-related recreation, such as swimming, surfing, skin diving, water skiing, and sailing has posed a special problem for local and state governments.

Almost all of the public beach suitable for swimming is in Southern California, yet such areas are frequently adjacent to or encroached upon by unplanned and often unsightly private residences, oil drilling rigs, power plants, assorted commercial developments and military installations.



Also, pollution and litter are constant threats to the remaining accessible areas or coastline.

According to Governor Reagan's Advisory Commission on Ocean Resources, management of the coastline has been "in bits and pieces in the absence of basic information and on the basis of political pressure and whim or by just letting developments go on without governance or policy."

Unless immediate steps are taken, Californians may soon be deprived of those aesthetic, scenic and recreational qualities of beach and shore which they all desire to be available for enjoyment.

There is an immediate and desperate need to study the problem of beach access and coastline preservation, and the Legislature should consider the feasibility of establishing reasonable restraints upon new construction and development until acceptable comprehensive plans have been formulated to govern development and insure preservation of recreational opportunities.

In line with such a plan, a California Coastline Authority should be created to enforce a moratorium on construction and development, at least until completion of the Comprehensive Ocean Area Plan, and to oversee whatever development is permitted to insure that irreparable and irreversible damage will not be done to the remaining unspoiled areas.

end end



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WEEKLY COLUMN
FOR NOVEMBER 16-22, 1969

(EDITOR'S NOTE: This is the seventh in a series of columns dealing with California's environmental and conservation problems, prepared by Assemblyman George Miliias, Chairman of the Committee on Natural Resources and Conservation.)

One of the least publicized, yet critically important issues on environmental problems facing the Legislature is that of noise control.

While much has been said about air pollution and water pollution, and while major pieces of legislation to correct such inadequacies have been enacted into law, noise pollution should be ranked alongside air and water pollution as major problems of our environment.

Besides the nuisance factor, noise intrudes on privacy and in some cases can injure the health of an individual.

As we advance more and more into the age of super technology which has freed us from many of our problems, we are, however, paying the price of progress through the introduction of noise.

Vacuum cleaners, jet aircraft and even typewriters which have become a part of progress, necessary progress, have that noisy nuisance element.

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In many metropolitan areas in California, airports which perform a vital function, harbor the loud and thunderous jets which swoop down over schools, hospitals and homes causing serious noise problems for the student, the patient and the resident.

Even though some can rationalize and say there must be sacrifices in the name of progress, there is not any reason why we cannot bring that advanced technology to bear on the problems which it created.

Such concern has been evident not only by the California Legislature but also has been a concern of the federal government where noise abatement regulations have been developed for aircraft.

This past session, as an initial step in the control of indiscriminate noise, the Legislature approved a bill of mine which requires that any new auto, truck, or motorcycle sold in the state after January 1, 1973, must meet new stringent noise emission tests established by the Highway Patrol.

Also, the bill immediately requires lower on-highway noise emissions controls for trucks and motorcycles.

The new law is a small step toward the realization that motor vehicle noise should be viewed as a part of California's environment and thus subject to limitations.

The Legislature also approved another measure which sets strict controls over aircraft noise and which should reduce the noise problems created by airports bordering residential areas.

There must be a continuing program to curb unwarranted noise and continual studies and research to harness technology where it will work to aid, not hurt, people and their environment.



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COLUMN
November 25, 1969

(EDITOR'S NOTE: This is the eighth in a series of columns by Assemblyman George Milias, chairman of the Committee on Natural Resources and Conservation dealing with environmental issues facing California.)

Among the many unsolved and increasingly serious environmental problems facing California is how to manage the wide variety and growing volume of wastes produced by a rapidly expanding population and dynamic state economy.

Assuming that population growth estimates are realized and that public policy does not come to grips with the problem as it can now be defined, sewage wastes will more than double, solid wastes will increase fourfold and radioactive wastes will become a serious environmental problem as nuclear power production begins in many areas of the state.

The tendency of government to focus on short-term, single purpose solutions to immediate problems has resulted in major emphasis on the development of independently formulated and administered programs for the control of water and air pollution, and only limited attention has been given to the management of solid wastes.

There is a growing awareness, however, that increasing urbanization, competition for the land resource and the adverse impact of solid wastes on the environment have created a problem so serious that it can no longer be ignored.

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Unfortunately, the usual pattern of solid waste disposal is for a community to transport it beyond its immediate confines and discard it in the least expensive manner the public will tolerate, usually beginning with an open dump, progressing to a sanitary landfill, and culminating in incineration.

With the growing economic and social limitations on the availability of dumpsites and the increasing prohibitions on incineration, it is necessary that this traditionally casual method of dealing with solid wastes must give way to more rational techniques of dealing with public problems.

The Committee on Natural Resources and Conservation has been concerned with the management of solid wastes in a number of instances including its studies of filling San Francisco Bay and the control of junkyards along the interstate and primary highway system.

Hopefully, what will evolve from the legislative hearings will be development of an effective, long-term policy and program to include means of establishing and enforcing minimum statewide standards for disposition of solid wastes.

Also included should be a continuing plan of research in the technology and economics of solid waste re-use, conversion and disposal and the coordination of the management of solid wastes with regional land use planning and programs for the control of gaseous and liquid wastes.

Ultimately, the day will surely come when the depletion of many of our naturally occurring basic elements needed for industrial production and technology will require that we process garbage to salvage some of its useful components.

end end



From the Office of
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Column
December 8, 1969

(EDITOR'S NOTE: This is the ninth in a series of columns by Assemblyman George Miliias, chairman of the Committee on Natural Resources and Conservation dealing with environmental issues facing California.)

When California voters in 1960 approved the mammoth \$1.75 billion bond issue to start the State Water Project, one of the major selling points at the polls was the recreational features to be developed along the water project.

In effect, voters were told-- "If you approve the bond issue, we promise that we will build water-oriented recreation facilities along the route."

The bond issue proposal also detailed how the recreation funds were to be spent and called for \$130 million to be set aside for recreation projects.

There is a threat today, however, that since the state is unable to sell its remaining water project bonds, the priority for what funds are available will go strictly to the water project itself.

In recent correspondence from the director of the State Department of Water Resources, there is strong indication that recreation is being the first to suffer because of the financial crisis.

I hope that the department reconsiders its stand on this important feature of the State Water Project and permits some funds to be used for recreation development.

The department has already reported it plans to borrow \$100 million from the State General Fund at four \$25 million monthly



increments to fulfill its obligation to the water project.

There is no reason why a small percentage of that money could not be used for recreation. The Legislature, which authorizes the allocation of recreation grants, approved three such grants this year totalling some \$2.5 million.

The Department of Water Resources, however, has refused to abide by the Legislature's wishes.

This is a dangerous precedent to establish, especially in view of the fact that because of the financing problems involved with the State Water Project, the people may be asked to approve another major bond issue to continue financing of the project.

How then could the state ask the people to approve another bond issue when the state did not keep its promise on the past bond issue?

Ironically, the funds for recreation are an insignificant amount compared with what is required for the water project, yet, it was a major factor in approval of the bond issue.

Voters may not be so willing to accept another promise, unless we adhere to the promises we made in 1960.

end end



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COLUMN
December 22, 1969

(EDITOR'S NOTE: This is the tenth in a series of columns by Assemblyman George Milias, chairman of the Committee on Natural Resources and Conservation, dealing with environmental issues facing California.)

If each of the 20 million Californians together discarded one candy wrapper on the street at a given time, could you imagine what our streets would look like?

I'm sure you must at times feel that certain streets in your community must have been deluged with 20 million candy wrappers, because the problem of littering is still with us.

Thank goodness, there are not 20 million litterbugs in our state, however California does have its share, and it has become an increasingly alarming problem.

The cost of picking up litter has skyrocketed and the tax monies used for this purpose in California alone are now over \$50 million a year.

There have been recent proposals by various civic groups and lawmakers to increase the penalty for littering, and there has also been a proposal to use such fines to finance enforcement and educational programs in anti-littering.

One of the more formidable groups which has been active in curbing this problem is the California Anti-Litter League which has created and developed on-going, year-around programs in more than

--more--



300 cities from the Oregon border to Mexico.

The League is also working with 8,000 schools in California in anti-litter education which they feel is one of the prime methods to correct the problem.

I feel also that until local governmental agencies can develop more adequate programs of garbage disposal, the litter problem will continue to be with us.

It is not only the motorist who tosses a cigarette package or empty carton out of the car window who is the primary source of litter, but it is also the resident who has no access to a local garbage dump to unload the refuse and discards it along the road.

In its efforts to promote a more responsible citizenry in keeping California clean, the Anti-Litter League has proposed a six-point program whereby offenders would be ordered to pick up litter as well as be fined.

Other proposals include publicizing the campaign on state mail and industry papers and on various auto, fishing and boating licenses, and placing greater emphasis on conservation education in our schools.

My committee is also working with the League in seeking more improved methods of disposing of solid wastes in order to minimize its growing volume.

The final disposition of such wastes should be in proper containers, not on our highways, our parks or in our communities.

end end



From the Office of
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COLUMN
January 2, 1970

(EDITOR'S NOTE: This is the eleventh in a series of columns by Assemblyman George Milias, chairman of the Committee on Natural Resources and Conservation, dealing with California's environmental problems.)

Among the many letters I have received from Californians, none are more prominent than those discussing environmental controls. I recently received a number of letters which I consider highly significant since they were written by our young people who are also voicing serious concern over the future of California in the face of a threatened dissolution of our remaining natural resources.

Here then are excerpts from some of the letters (while the spelling may not be the finest, their thoughts are exemplary):

"Dear Sir:

"I don't want to die of air pollution please stop it before someone is killed of air pollution,

"Sincerely written,

"Bobby Bradley"

Another by Ken Bleisner noting that "air pollution kills people," says it also will "kill deers and cats and dogs," and "it will kill my friends."

"I like the boys in my room, but I do not like air pollution," Ken added.

Butch Hudgins writes "a week ago we went to the beach. When we were driving over a hill we couldn't see the water. In 50 years man is going to die. I think we will die before 50 years because al**334**

--more--



the fish and deer are being killed by man and pollution. We will starve if you don't do something about it."

"I would like for the pollution to stop so I can live longer," writes Eugene Masters. "We should start to make new projects under water, like a house with a dome over it so we will be away from the air pollution. But, the DDT kills off the fish and there will be no fish. Please do something."

A letter from Rickie Leach notes that he doesn't know "why the boys and girls should die over the grownups' stupidity. . . please quit cigarettes and don't drive cars and air planes."

And Dennis Hiatt suggests that "we should get some kids on TV and tell the grownups to stop the air pollution, smoking, littering and polluting the water. . . the main problem is cars' polluting the air. So, why can't we drive electric cars instead of gas cars?"

As frustrating as many of us become in our attempts to resolve some of our environmental problems, it is heartening indeed to suddenly be aware that youngsters such as the above fifth and sixth graders are acutely troubled with some of the problems that we "grownups" have created.

Perhaps if we do establish better ground rules to protect our environment, the youngsters of today will see to it that such standards are maintained when they take our place as leaders of our community.

(EDITORS: ATTACHED ARE SAMPLE LETTERS).

end

ATTACHMENTS



George W. MILIAS
State Assemblerman
State Capitol Sacramento
Calif 95814

Huff School
253 MARTINS
AVE Mount
VIEW Calif.
94040

Dec 10, 1964

Air pollution can kill I dont
know why the boys and girls
shout die over the groups stupidities
Please quit cigarettes and dont
drive cars and air plans

Sincerely Written
Rickie Leach
Leach



HUFF SCHOOL
253 MARTINS AVE.
MOUNTAIN VIEW, CALIF, 94040
DEC. 10, 1969

GEORGE W. MILIUS
STATE ASSEMBLEMAN
STATE CAPITOL, SACRAMENTO
CALIF, 95814

I would like for the Pollution
to stop so I can live longer,
In 50 years the earth will have
no people.
We should start to make
new projects under water,
like a house with a dome over it
so we will be a way from
the Air Pollution. But, the DDT
kills off the fish and there will be
no fish. Please do something

Sincerely Eugene Masters
MASTERS



114th SCA
AZS3 Negittins
MOUNTAIN VIEW
C 911-9400
REC: 12-17-7

George W. Milias
State Assembler
State Capitol Sacramento
Calif 95814

Dear Sir:
I do not like air pollution because
it kills people. Air pollution will
kill Deers and cats and dogs. I do not
like air pollution. It will kill
my friends. I like the boys in my room
but I do not like air pollution.
Please do something about it.

b5k-en-Bleisner
Kenneth Bleisner

LEGISLATIVE INTENT SERVICE (800) 666-1917

From the Office of
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Column

January 16, 1970

(EDITOR'S NOTE: This is the twelfth in a series of columns by Assemblyman George Miliias, chairman of the Committee on Natural Resources and Conservation, dealing with California's environmental problems.)

Plans for the creation of a National Wildlife Refuge in the rapidly urbanizing San Francisco Bay area is a dramatic step forward in man's growing battle to protect his environment.

Today when everybody is hopping onto the environmental quality bandwagon, a group of individuals has quietly but systematically put together a plan to preserve what wildlife is remaining in the South Bay area.

I look at such a plan both as a conservationist and as a resident of the area. My family was one of the early settlers of the area, and I can well remember my early boyhood roaming through the verdant Santa Clara Valley, as yet unspoiled by progress and where the fish and animal life still exceeded that of humanity.

Today, however, only a trace remains of some of the most beautiful and unique birdlife in the country. The swamps, sloughs and marshlands are being rapidly drained, polluted and destroyed by urban development.

With that continuing threat in mind, the Baylands Planning, Conservation, and National Wildlife Refuge Committee was



formed to propose the establishment of a National Wildlife Refuge in the South Bay to protect a large part of the natural habitat from urbanization.

Whatever successes for other wildlife refuges there are in other areas of California will be largely dependent upon what happens in South San Francisco Bay. If such a refuge is created, a major precedent will have been established and all California will benefit.

A paragraph in the committee's proposal dramatically summarizes what benefits Californians will reap if the refuge becomes a reality:

"The Bay is not just a habitat for birds and fish. It should be an important part of man's habitat too. Man need not establish residence on the bay, but he should be able to visit the shore often and find there a place to renew his relationship to nature and wildness. He should be able to enjoy and sense the elemental sweep of the bay--its gusty winds, its powerful tides, its calm or stormy water, its wild creatures. With too many houses, too many automobiles, too much garbage, too much air pollution, too much water pollution, man himself could become an endangered species. He needs the open water of the bay as a climate maker. He needs the oxygen manufactured in great volume by the grasses of the marshes. He needs relaxing outdoor pursuits to help him face the pressures of the work-a-day world."

end end



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COLUMN
January 26, 1970

(EDITOR'S NOTE: This is the thirteenth in a series of columns by Assemblyman George Miliias, chairman of the Committee on Natural Resources and Conservation, dealing with California's environmental problems.)

There are two highly critical factors which I feel will endanger any chance of success for California in the area of environmental control -- (1) political overkill caused by an influx of legislation dealing with pollution and ecology by politicians who view the problem as a natural for a campaign gimmick and (2) apathy on the part of local governments in developing their own programs of environmental protection.

The legislative halls today are literally polluted with proposals, plans, reports, resolutions, measures and speeches all purporting to establish firm guidelines for the protection and control of our environment.

More than one-half of the bills now in the legislative hopper have some relationship to environment.

And it wasn't too long ago when there were just a few of us who dared to mention the term environmental control or even knew what ecology meant.

Such is the game of politics. Last year it was campus unrest. The year before it was law and order. Fortunately, however, this megalomania has brought the cause of the conservationist into the limelight.



Unfortunately, it has produced considerable confusion. As chairman of the Assembly Committee on Natural Resources and Conservation and as head of a legislative task force studying environmental quality, you can be assured that I intend to separate the wheat from the chaff and recommend only those measures which have serious intent behind them and which will aid in the protection of our environment.

There is much that can be done in the field of environmental quality -- further protective measures for our fish and wildlife, the protection of our natural resources and our coastline and development of proper controls over air, water and noise pollution.

But much of what can be done need not emanate from the State Legislature. Local governments, historically, have dealt with many such problems through their own local legislative bodies.

However, because of some apathy displayed by local agencies, the state has moved into the picture.

This does not say much for home rule. I believe that good planning and proper land use in the protection of our environment can come from local governments.

The state as a coordinating agency can establish minimum guidelines, but it is up to local government to develop its own specific plans.

If not, the end result is state bureaucracy levying the controls and local government becoming totally subordinate on this important issue and, thus, further removed from the people.

end end



From the Office of
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COLUMN
February 2, 1970

(EDITOR'S NOTE: This is the fourteenth in a series of columns by Assemblyman George Miliias, chairman of the Committee on Natural Resources and Conservation, dealing with California's environmental problems.)

In speaking to the many groups representing both the public and private sector in California I sometimes felt that while there was a growing concern for environmental quality, the general public has little if any knowledge of our ecology or even ways in which they personally could help preserve what we have remaining of our natural environment.

This actually is a commonplace problem since our educational system has never emphasized conservation in the classroom. Our formal education has been developed through a system of laws wherein, the casting of a pop bottle out of a car might require attendance before the magistrate.

But nowhere in our curriculum do we learn about the problems of our environment, the effects of smog and water pollutants, the need for retention of our watersheds and our forestlands.

We know that plants absorb carbon dioxide and emit oxygen but no one teaches that without such plant life, man might not be able to exist.

We provide the tools to learn about our flora and fauna but we fail to show how the tools can be used to maintain a more healthy environment.



There is much to learn in the field of conservation and the protection of our natural resources and there is no time like the present to begin.

Conservation education must be reflected in virtually every course offering and presented in such a way that the teacher's sensitivity to his total environment is itself reflected.

Emphasis must be placed on teacher preparation and school districts should be encouraged, even prodded to grant release time for ongoing programs and workshops to acquaint teachers with materials, methods and issues.

The State Legislature has established such a program, however, there is the problem of funding. During this session, I intend to introduce legislation to finance conservation education programs.

This should be a top priority item for the 1970 session. Public support of such a program must be mobilized to ensure that local school boards avail themselves of every opportunity, every service and cut what corners may be necessary to meet conservation education requirements.

The only unfortunate issue in conservation education is that such courses will be limited to our younger people.

There are many of us adults who certainly could stand such teaching.

end end



From the Office of
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Sacramento, California 95814

COLUMN

FEBRUARY 10, 1970

(EDITOR'S NOTE: This is the fifteenth in a series of columns by Assemblyman George Miliias, chairman of the Committee on Natural Resources and Conservation, dealing with California's environmental problems.)

One of the most disturbing aspects of the current explosion of environmental and conservation issues is the tendency toward emotionalism, inaccuracy and radicalism.

Emotions, granted, are sometimes difficult to control upon seeing a 20-foot wide boil of crude oil churning the otherwise blue surface of Santa Barbara's coast.

Emotions respond to oil-fouled seabirds struggling to clean themselves, puzzled over their predicament; to insecticide-produced fish kills, disruptive procreative cycles of wildlife and to the felling of giant redwoods.

There is a place in the conservation movement for emotions, but passion must be forearmed with facts and a sense of what is practical and attainable.

Many of our environmental problems, such as freeway congestion, air pollution, industrial pollution and the loss of 500 acres each day of open space to subdivisions are problems which are radical in nature and may require radical solutions.

One element we don't need, however, is for political and student radicals to interject themselves between these vital problems and their solutions.

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It is inspiring and satisfying, however, to observe the way responsible, concerned students have taken up the environmental issues; but when radicals of either right or left attempt to utilize the conservation movement to "get" the establishment, then the movement is in trouble.

Like the wild duck which dives into the water in search of fish and becomes enmeshed in the weeds and mud, we also can lose our thrust in the direction of environmental quality and become tangled in the weeds of confusion if we fail to follow a well-organized, coordinated plan.

We need emotion as a factor, and we need responsible individuals from all philosophies as part of the army of conservationists but we especially need a proper perspective if we are to establish workable controls over the abuses of our environment.

end end



From the Office of
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Sacramento, California 95814

COLUMN

February 13, 1970

(EDITOR'S NOTE: This is the sixteenth in a series of columns by Assemblyman George Miliias, chairman of the Committee on Natural Resources and Conservation, dealing with California's environmental problems.)

The federal government is uptight with a bear named Smokey and the City of Folsom. The bear's name happens to be the same as that of the "forest fighter" who warns Americans about forest fire prevention. But by Act of Congress, that is the only such animal who can be named Smokey Bear.

The City of Folsom, located in the northeastern part of Sacramento County, has a rather unique zoo, particularly for a small city, in that its population includes unwanted, exotic pets and a number of animals who are trapped by county officials when found wandering in residential areas.

Like most zoos, this one has financial problems. There are patches on the cages and the grounds are not what they could be. But, it's a nice zoo and children enjoy their frequent visits. Folsom's zoo, however, has a larger problem - that of Smokey.

The bear was severely burned about six years ago in a Northern California forest fire. He was nursed back to health by veterinarians at the University of California at Davis and was then given to Folsom's zoo. What could be more natural than calling him Smokey?

--more--

There has been a significant impact on children visiting the zoo to actually see the dramatic result of a forest fire on animal wildlife. This, in my mind, was the basic purpose for the original Smokey Bear - to warn people about the need to protect their forests against carelessness which is responsible for over 90 percent of our forest fires.

Federal officials, however, sternly maintain that the City of Folsom has defied federal law, and demand a halt to the use of the name.

It is certainly encouraging that the federal government is on the job protecting the public against such flagrant flouting of federal authority.

Now if they would only exercise this same tenacious attitude and dedication to solving such "minor" problems as offshore oil drilling, inept management of Indian affairs, denial of public access to prime beach recreational areas under federal control, organized crime, and a host of other "trivial" problems which affect our daily lives.

Finally, the federal bureaucracy is letting us know they are on constant alert and ready to step in at a moment's notice to grapple with the many serious environmental and social problems facing our society.

I just hope the people of Folsom can survive this new federal interest in their problems.



From the Office of
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Sacramento, California 95814

COLUMN

March 13, 1970

(EDITOR'S NOTE: This is the seventeenth in a series of columns by Assemblyman George Miliias, chairman of the Committee on Natural Resources and Conservation, dealing with California's environmental problems.)

Of twenty-five environmental problems which constitute a threat to the health and safety of American citizens, apparently only one, smog, has the average citizen worried according to a recent report from a public opinion poll.

Topmost on the list are unsafe drugs and violent crimes. Smog ranks next followed by automobile accidents.

Perhaps this is why America's natural resources and its efforts to effect responsible conservation programs have been dwindling for so many years.

More people die from violent crimes and auto accidents than they do from smog or polluted water. Unsafe drugs have been exposed to our youngsters at an increasing rate and have generated more publicity than the exposure of DDT to our natural wildlife.

Naturally it would stand to reason that emotions have a lot to do with the conduct of our governmental agencies and conservation programs, and up to now this has not been an emotional issue.



But, why does it have to take a series of tragic deaths to spur government and the people to take remedial action to alleviate our environmental problems?

The poll which was taken by an independent research firm noted that while 67 percent of those interviewed had read about smog, only 43 percent were concerned.

In addition, of 57 percent of those who had read about water pollution, only 30 percent expressed concern, and of the 45 percent who had knowledge of DDT in animals and humans, only 21 percent were actually concerned.

Apparently the publicity is being generated, but there is relatively little concern for such problems or solutions to our environmental problems.

This then becomes the dilemma facing those of us who are sensitively concerned about our natural environment. In the face of much apathy in the past and still a residue of apathy at present, we find that the average citizen wants the emotional problems which he feels affects him directly solved first.

Those issues which may be irritating but do not immediately affect him physically or mentally can wait their turn at the taxpayer's treasury.

The question which must be resolved then is: If you feel enough funds must be spent to curb drug abuse, violent crimes and auto accidents, how much would you want to spend to halt air and water pollution and to stem the raping of our natural environment?

The answer isn't easy.



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COLUMN
March 20, 1970

(EDITOR'S NOTE: This is the eighteenth in a series of columns by Assemblyman George Milias, chairman of the Committee on Natural Resources and Conservation, dealing with California's environmental problems.)

Noise pollution continues to be one of California's major environmental problems brought about by monumental increases in vehicular traffic along the state's vast network of roads.

One of the major factors for this ever increasing annoyance is that local governments have not been using the legal tools provided by the State Legislature to enforce noise abatement laws.

There are a number of laws on the books now which allow local officials to crack down on the inconsiderate motorist who, either through negligence or willful disregard, turns his auto into a public nuisance.

I have authored several bills to lower the noise limits on California vehicles and intend to introduce additional legislation this year to cope with the noise problem.

The basis for this new legislation is contained in a report of a survey conducted by the California Highway Patrol. The report, which is being released this week, undertook the study to provide the necessary data for determining whether or not present passenger vehicle noise statutes are adequate.

-- more --

The report noted that during their 20-day survey of vehicle noise distribution only five of about 15,000 passenger vehicles exceeded statutory limits.

At first glance, such statistics would indicate that there is no significant noise problem. That is certainly not the case. What the report does actually bear out is the fact that our existing noise laws are not stringent enough.

The survey showed that in speed zones of 35 mph or less, the average vehicle noise was 68 decibels. In zones beyond 35 mph, the average vehicle noise was 71 on country roads and 74 on freeways.

Present law permits a maximum of 82 decibels below 35 mph and 86 decibels for over 35 mph.

If there is this disparity between the noise level of an average vehicle and that permitted under law, then why should we not change that law to more realistically reflect the actual noise conditions?

If such a law is not changed, it then gives those motorists who deliberately modify their autos the opportunity to continue the practice and still remain inviolate.

end end



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COLUMN
March 25, 1970

(EDITOR'S NOTE: This is the nineteenth in a series of columns by Assemblyman George Milias, chairman of the Committee on Natural Resources and Conservation, dealing with California's environmental problems.)

The plundering through urbanization of California's natural resources and its wildlife habitat is even threatening one of the state's few remaining recreational areas -- the California Desert.

This sprawling, starkly beautiful land stretches from the Sierra Nevada south some 240 miles to the border of Mexico. It ranges west from the Colorado River over 100 miles to metropolitan Los Angeles, containing more than 16 million acres of sagebrush flat and high desert mountains.

Within minutes of 10 million people, this vast panoramic wonderland could be the playground for those who are cramped in the urban boxes of metropolitan life.

The California Desert is a storehouse of wealth as well as a multitude of things. It has land for grazing, wildlife species, minerals, recreation areas and solitude.

But along with such attractions, there is an ever-increasing road and utility patchwork, pockmarks of mining operations, scars of substandard construction and the litter of debris from travelers and recreation enthusiasts.

--more--

As vast as the Desert is, it is still limited; its resources exhaustible unless a comprehensive program of land management is formulated and placed in operation.

The dictates and demands of our society require expansion from overcrowded urban areas. Scientific advances are providing necessary tools to turn wastelands into oases.

But in the headlong rush to meet such demands with newfound tools, we could turn this beautiful wilderness into a bigger and uglier ghetto than any we have ever created.

With the emphasis we are placing on environmental quality today, I am certain that we can understand and appreciate the pressures placed on the desert lands and provide wise management for their use.

To do less is to lose for tomorrow the great natural, scientific, economic and social values that are waiting in the California Desert.

And there will be nowhere else to turn to. We will have run out of places to destroy.

end end



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Environmental Bill of Rights

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1970 Regular Session commencing on the fifth day of January, 1970, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended by adding Article XXIX thereto, to read:

Article XXIX

Environmental Quality

SECTION 1. It is hereby declared to be the policy of the State of California and a matter of statewide concern to develop and maintain a high quality environment in order to assure for the people of the state, now and in the future, clean air, pure water, freedom from excessive noise, and enjoyment of scenic, historic, natural, and aesthetic values.

The Legislature shall enact legislation to implement the provisions of this article, and, notwithstanding any other provision of this Constitution, may make such legislation applicable to any state agency, to any chartered or general law city, city and county, or county, and to any district or other local agency.

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California Assembly Select Committee
on Environmental Quality
March, 1970



Assembly General Research Committee
Speaker Bob Monagan

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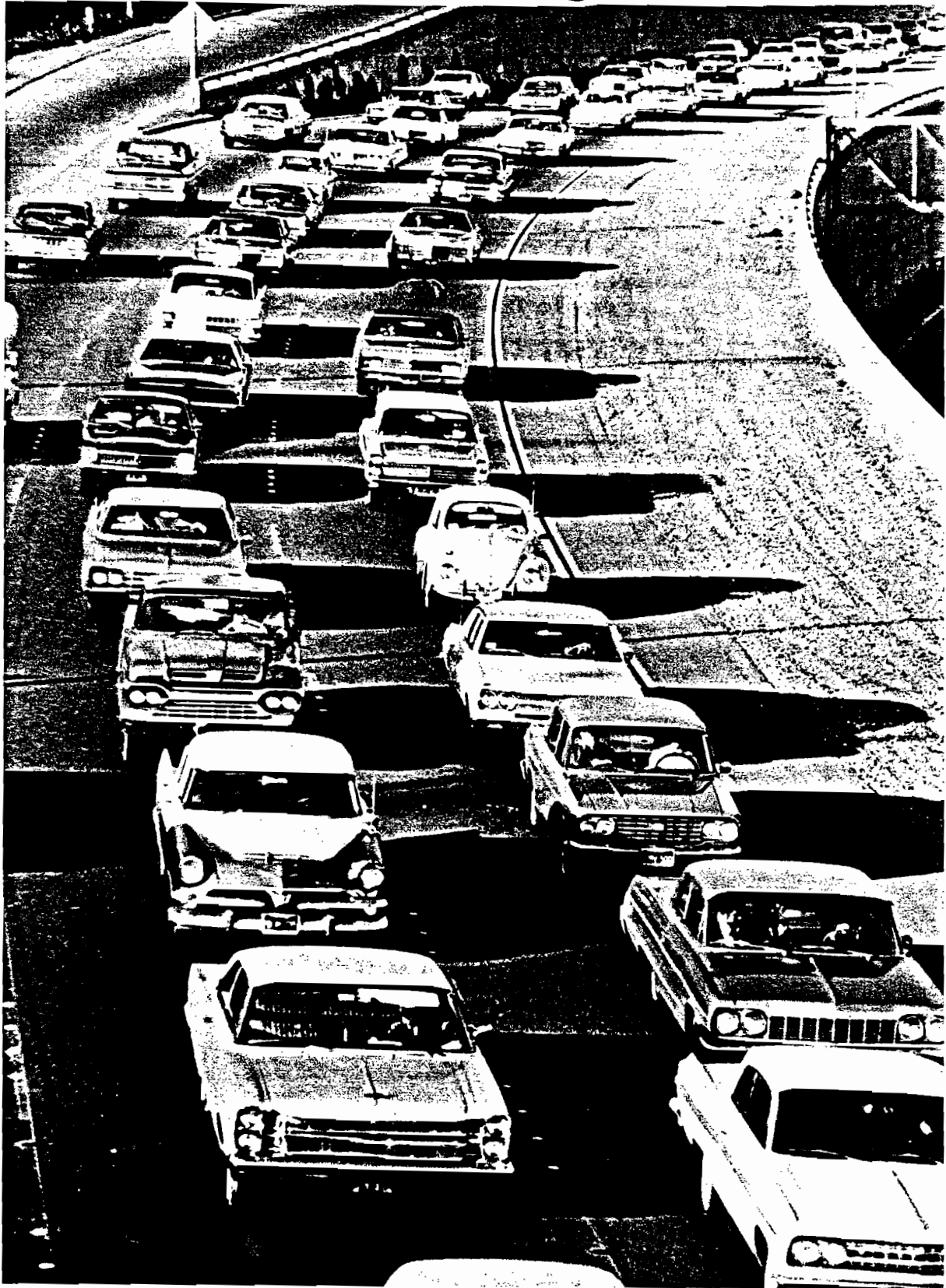


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BOB MONAGAN
SPEAKER

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California Legislature

Assembly General Research Committee

ASSEMBLY SELECT COMMITTEE ON
ENVIRONMENTAL QUALITY

ROOM 436, STATE CAPITOL
445-9098

March 16, 1970

Honorable Bob Monagan
Speaker of the Assembly
State Capitol
Sacramento, California

Dear Mr. Speaker:

In accordance with your direction, the Select Committee on Environmental Quality, appointed on January 7, 1970, has prepared an Environmental Bill of Rights and developed a plan of action for the Assembly which will safeguard the quality of the state's environment.

The report proposes the development of an orderly process to ensure that the future growth of California is conducted with environmental protection as a major consideration.

The report makes 34 major recommendations proposing Assembly action during the 1970 Legislative Session. The Select Committee will introduce a Bill of Rights Constitutional Amendment, an Environmental Quality Act and legislation to revamp the state planning function. Action on the other recommendations in this report should be taken as soon as possible by the appropriate policy committees.

Respectfully submitted,

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FOREWORD

Growing concern about California's environment prompted appointment of the Assembly Select Committee on Environmental Quality. Because environmental problems relate to the interests of a number of Assembly permanent standing committees, the Speaker appointed as members of the Select Committee the chairmen of seven standing committees, the chairman of a joint committee and an Assembly subcommittee chairman. This membership provided the broad understanding and expertise needed to develop a comprehensive environmental program. Speaker Monagan, because of his interest in the committee's work, attended all committee meetings.

The staff work on this report represents a team effort. Committee consultants, Office of Research staff, along with representatives of the Legislative Analyst, the Legislative Counsel's Office and various department staff, worked closely with Bob Jones, the Special Consultant to this Committee, to develop this report.

Albert J. Lipson, Chief Consultant to the Assembly, provided valuable leadership and spent many hours assisting in the report preparation. Many members of the Assembly Office of Research helped on the report. Joan Gibson Reid performed an important editorial role; Frederick G. Styles drafted the section of the report on state planning. Stephen Holloway assisted in the preparation of the financial section. All of them made other significant contributions to this report. The Office of Research clerical staff and the Assembly duplicating unit performed admirably in meeting many short deadlines.

The staff consultants to the committee members provided valuable advice on numerous occasions. Thomas Willoughby, consultant to the Assembly Committee on Local Government, drafted the regional planning section of the report. Consultants to the Assembly Committee on Ways and Means assisted. Assemblyman William T. Bagley, chairman of the Assembly Committee on Revenue and Taxation, and David Doerr, the committee coordinator spent considerable time helping on revenue and taxation matters.

A. Alan Post, the Legislative Analyst, Donald W. Benedict and other members of the Analyst's staff gave helpful guidance. George Murphy, Legislative Counsel, Ray Whitaker, Principal Deputy Counsel, Jan S. Stevens, Deputy Attorney General, and staff members of the California Constitution Revision Commission provided important legal advice.

James D. Stokes, on loan from the Department of Fish and Game's Planning Unit, helped organize the report and prepared material for it.

The committee, operating under a short deadline to develop a comprehensive environmental quality program, thanks all contributors for their assistance.

The committee endorses the report and recommends action by the Assembly during the 1970 Session on the many report recommendations.

CONCLUSIONS AND RECOMMENDATIONS

This report was prepared by the Assembly Select Committee on Environmental Quality in response to the charge of Speaker Bob Monagan. Based on the committee's assessment of major environmental problems confronting California, 34 recommendations, covering a wide range of state actions, are presented. Certain conclusions, however, emerged from the Committee's study which are fundamental to the state's efforts to preserve and enhance the quality of the California environment. These conclusions are:

1. California citizens have a right to expect that actions of government and private individuals will not impair their health, welfare or their enjoyment of the state's natural amenities. These rights should be ensured by constitutional guarantees in the form of an Environmental Bill of Rights. The rights should be further ensured by a clear declaration of environmental policy by the California Legislature.
2. The continued quality of the California environment is clearly dependent on the state's taking a positive role in influencing population growth and distribution, land use patterns and the control of environmental degradation. To provide the Governor and the Legislature with the information necessary to make these decisions, the state planning process should be revised. The operation of a continuous environmental monitoring system should also be made a part of the state planning process.
3. Correcting current problems and ensuring the continued quality of the California environment will require a greatly expanded public investment. Further, it calls for new attitudes regarding limitations on individual action and on levels of public services and facilities. Immediate action should be taken to establish a large and continuing source of money to be placed in an environmental fund for state environmental programs. Studies should be instituted to investigate alternative tax policies which will have a positive environmental influence on the future development of the state.
4. The cities and counties lack jurisdictional authority and legal responsibility for dealing with many critical environmental problems. The state should take action leading to the formation of regional planning agencies and the preparation of regional environmental protection and enhancement plans.
5. Unrestrained use of the automobile threatens to affect both the health of millions of California's citizens and the natural resources of the state. The State Constitution should be amended to permit the revenue derived from highway user taxes to be used to support alternative modes of travel and to combat pollution caused by the automobile.
6. Research should be undertaken immediately to determine if current air pollution controls will be effective in preventing a critical threat to public health in the future. Such research should forecast the pollution level posed by continued population growth, urban concentration, and dependence on the automobile as the principal mode of transport.
7. The coastal zone of California contains irreplaceable resources of state and national significance. Immediate action should be taken to identify and protect these resources. Pending the preparation of a statewide coastal area plan, control should be exercised over public and private developments which may adversely affect the unique environmental values of the coastal zone.
8. Federal and state agencies should show leadership in environmental protection. A number of state and federal agencies are not considering the consequences of their actions on the environment. In some instances, public agencies are actually in violation of established state water quality standards. Immediate action should be taken to ensure compliance by public agencies with statewide environmental quality objectives and standards.

Following is a summary of the recommendations contained in this report. They propose a comprehensive

approach for dealing with critical, immediate and long-range environmental problems.

Environmental Bill of Rights

We recommend that the 1970 Legislature adopt an Environmental Bill of Rights as a constitutional amendment to be placed on the November ballot. (See Appendix A for text of the amendment.) The Bill of Rights would:

1. Declare it to be the policy of the State of California to develop and maintain a quality environment in order to assure for the people of the state, now and in the future, clean air, pure water, freedom from excessive noise, and enjoyment of scenic, historic, natural and esthetic values.
2. Authorize the Legislature to take all actions necessary to carry out this policy.

Environmental Quality Act of 1970

We recommend that the Legislature adopt the Environmental Quality Act of 1970 requiring all state and local agencies to consider the impact of their activities on the environment. (See Appendix B for text of the act.) The act would declare legislative intent and establish implementation procedures to carry out the proposed constitutional goals.

1. The act would provide that all state agencies:
 - a. Make environmental impact reports on any programs they propose which could have a significant effect on the environment, prior to requesting any funds other than planning funds;
 - b. Make environmental impact reports on any federal project prior to transmitting official comments to the federal government;
 - c. Expend funds to protect the environment from problems caused by their activities;
 - d. Review their statutory authority and recommend to the Legislature by January, 1971, changes necessary to assure full compliance of these statutes with legislative environmental policies.
2. The act would provide that local agencies:
 - a. Make environmental impact reports on programs which could have a significant effect on the environment, prior to receiving any funds other than planning funds from state agencies which allocate state or federal money.
 - b. Make environmental impact studies and consider alternative methods on any program they carry out which may have a significant effect on the environment.

Planning and Policy Development—State, Regional, Local

This report concludes that the solution to long-range environmental problems requires the development of an improved planning process at the state, regional and local level of government. This planning process should include consideration of the environment in the decision making in order to prevent degradation and enhance environmental quality. To achieve this objective we recommend the following actions be taken at the 1970 session.

1. The State Office of Planning should be abolished and replaced by a State Policy Development Office with clearly defined powers and duties. Funds for the new Office should be appropriated in the 1970-71 Budget.
 - a. The proposed State Policy Development Office should function as an independent staff unit reporting directly to the Governor.
 - b. With the assistance of other appropriate agencies the State Policy Development Office should develop an integrated environmental monitoring system which would highlight emerging environmental problems.

- c. A major product of the proposed State Policy Development Office should be a biennial report which the Governor would review, approve and forward to the Legislature as his "State of the California Environment" program. The first report should be presented to the Legislature at the 1971 session.
 - d. The proposed State Policy Development Office should conduct continuing oversight of environmental policy. Such oversight should include: (1) review of proposed state plans, programs and expenditures to assure their compliance with the Environmental Quality Act of 1970; and (2) establishment of criteria for federal grants designated for environmental purposes and coordination of the allocation of these grant funds to state and local agencies.
 - e. The proposed State Policy Development Office should give priority to the development of state-wide land use policy as a framework for state functional plans, such as water development and transportation, and as a guide to federal, regional and local plans and programs. Studies should be undertaken immediately to develop a statewide program for protecting unique land resources. The program should be presented to the Legislature in 1972.
 - f. The Secretaries of the Resources, Transportation, and Agriculture and Services Agencies should be charged with ensuring that long-range plans are prepared for the functions over which they have responsibility. The plans should be formally transmitted by the Governor to the Legislature no later than July 1, 1973.
 - g. The proposed State Policy Development Office should assist in the preparation of regional plans and coordinate the participation of state agencies in regional planning efforts. The Office should also be directed to review completed regional plans to determine their impact on statewide resources and environmental goals and policies.
2. Regional planning agencies should be required to be operational by January 1, 1971. Interim regional plans should be mandatory for each state designated region by July 1, 1972. Each regional plan should be required to include the following elements: environmental quality, open space, transportation and natural resources.
 3. The State Planning Act should be amended to require the inclusion of a "conservation element" as a mandatory part of the city and county general plan.
 4. The Committee recommends that the Assembly Committee on Local Government be assigned the task of developing legislation to implement recommendations 2 and 3 above.

Implementation and Oversight

To achieve environmental objectives will require specific program implementation and appropriate legislative assessment and oversight. We, therefore, recommend the following actions be taken at the 1970 session:

1. The Assembly should adopt a resolution establishing every two years, or as needed, an Environmental Policy Subcommittee of the General Research Committee. This subcommittee would conduct an evaluation of environmental goals and policies and their implementation.
2. The Legislature, after study by the Assembly Science and Technology Advisory Council, should develop a state policy that will establish population growth and density criteria consistent with environmental quality.
3. A constitutional amendment should be adopted allowing the use of gas tax monies for:
 - a. A balanced statewide transportation system including rapid transit;
 - b. Air pollution control; and
 - c. Prevention and mitigation of environmental damage caused by highways.

4. The Speaker should designate the appropriate Assembly committee to work with state agencies in studying community noise problems and recommend statewide standards and control of excessive noise.
5. The Speaker should designate an appropriate Assembly committee to define the state's role in solid waste management. The State Water Resources Control Board should be given statewide responsibility for solid waste management. The Department of Public Health should make public health recommendations to the Board.
6. The Conservation Education Service in the Department of Education should be adequately funded. Other environmental education recommendations made by the Advisory Committee on Environmental Education should be carried out. The need for improved education and research in the field of environmental health should be investigated by the appropriate legislative committee.
7. The membership of state boards and commissions having significant environmental responsibilities should be broadened to include public members with technical ability and interest in environmental quality.
8. The State Lands Commission, working with the Joint Committee on Public Domain, should:
 - a. Identify state lands of environmental quality and prohibit any further sale, lease or grant of these lands.
 - b. Require submission of a development plan by local agencies as a condition of future grants and secure review by appropriate state agencies prior to grant approval.
 - c. Determine exact boundaries of state lands of environmental quality.
 - d. On lands already granted, identify existing quality resources and arrange for returning them to the state or providing for a joint state-local jurisdictional or financial arrangement.

Funds should be appropriated to the State Lands Commission to carry out these responsibilities.
9. Congress should be memorialized to extend the 1920 Federal Mineral Act to the outer continental shelf lands. This extension would result in joint federal-state planning and management of these areas and a federal-state sharing of revenues from resources extraction. The revenue could provide an important additional source of funds for state and local environmental quality programs.
10. The Assembly Committee on Judiciary should consider and make recommendations for the subject of environmental "class action" suits and other legal issues related to the protection of the environment.
11. The Speaker should designate an appropriate Assembly Committee to develop legislation, including funding, to authorize demonstration areas in which test programs could be created to establish additional standards for improving environmental quality.
12. The Assembly Committee on Local Government should study the statutory authority of county, city government and special districts and make recommendations for statutory changes to assure compliance with legislative goals for a quality environment.

Environmental Priorities

In addition to identifying policy and establishing a system for coordinated implementation, there are actions which must be taken immediately to prevent further serious environmental degradation. These priority actions are based on the following criteria: (1) danger to health; and (2) irreversible environmental damage. In addition, state and federal government should point the way and take action to solve problems on lands under their jurisdiction and in their own programs. We recommend, therefore, the following actions be taken at the 1970 session:

1. The Committee requests that the State Air Resources Board, in cooperation with the Department



of Public Health, conduct an investigation to determine whether air pollution, in the light of current and projected controls, will cause mortality, morbidity, an increase in emphysema and other respiratory diseases or similar health problems requiring emergency state and local government action. A report should be submitted to the Assembly Committee on Health and Welfare and the Assembly Committee on Transportation by June, 1970.

2. Legislation should be adopted establishing a coastal authority to prepare a comprehensive plan and action program to protect the unique resources of the coastal zone. The authority should be given temporary development control powers similar to those of the San Francisco Bay Conservation and Development Commission.
3. An immediate moratorium should be declared by the State Lands Commission and the Legislature on leases, grants, or sales of state lands, the proposed use of which might be detrimental to environmental quality. The moratorium should remain in effect until the adoption of the policies recommended earlier incorporating greater environmental considerations.
4. The following state installations should be requested to stop polluting the water by their violation of state water quality standards:

Deuel Vocational Institution
North Coast Conservation Center (Redway)
Porterville State Hospital
San Quentin Prison
Veterans Home (Yountville)

This information, supplied by State Water Resources Control Board, has been updated as of March 30, 1970.

5. The appropriate state officials should be required to prepare and submit to the Legislature an environmental impact report on certain state programs now causing public concern. Immediate reports should be required on the following projects:

Upper Newport Bay land exchange
Peripheral canal
Freeway over Goleta Slough in Santa Barbara
Tijuana River estuary development

6. The President should be memorialized to provide permanent protection for unique resources on federal installations. Public access to beaches on military installations should also be provided.

7. The President should be memorialized to direct federal officials to cease pollution of state waters. The following installations are presently violating the state water quality standards:

Fort Ord
Hunters Point Shipyard
Klamath Air Force Base, Requa
Lemoore Naval Air Station
Los Alamitos Naval Air Station
McClellan Air Force Base
Mill Valley Air Force Base
Naval vessel waste in general including oil spills
Oakland Army Base
Quechan Indian Reservation
U.S. Army, Fort MacArthur
U.S. Marine Corps Air Station, El Toro
U.S. Naval Ordnance Laboratory, Corona
U.S. Naval Station and Shipyard, Long Beach

U.S. Navy, Alameda Naval Air Station
U.S. Navy, Concord Naval Weapons Station
U.S. Navy, Construction Battalion Center, Port Hueneme
U.S. Navy, North Island Naval Air Station
U.S. Navy, Mare Island
U.S. Navy, Point Molate
U.S. Navy, Salton Sea Test Base
U.S. Navy, San Clemente Island
U.S. Navy, San Nicholas Island
U.S. Navy, Skaggs Island
U.S. Navy, Yerba Buena Island
Vandenberg Air Force Base

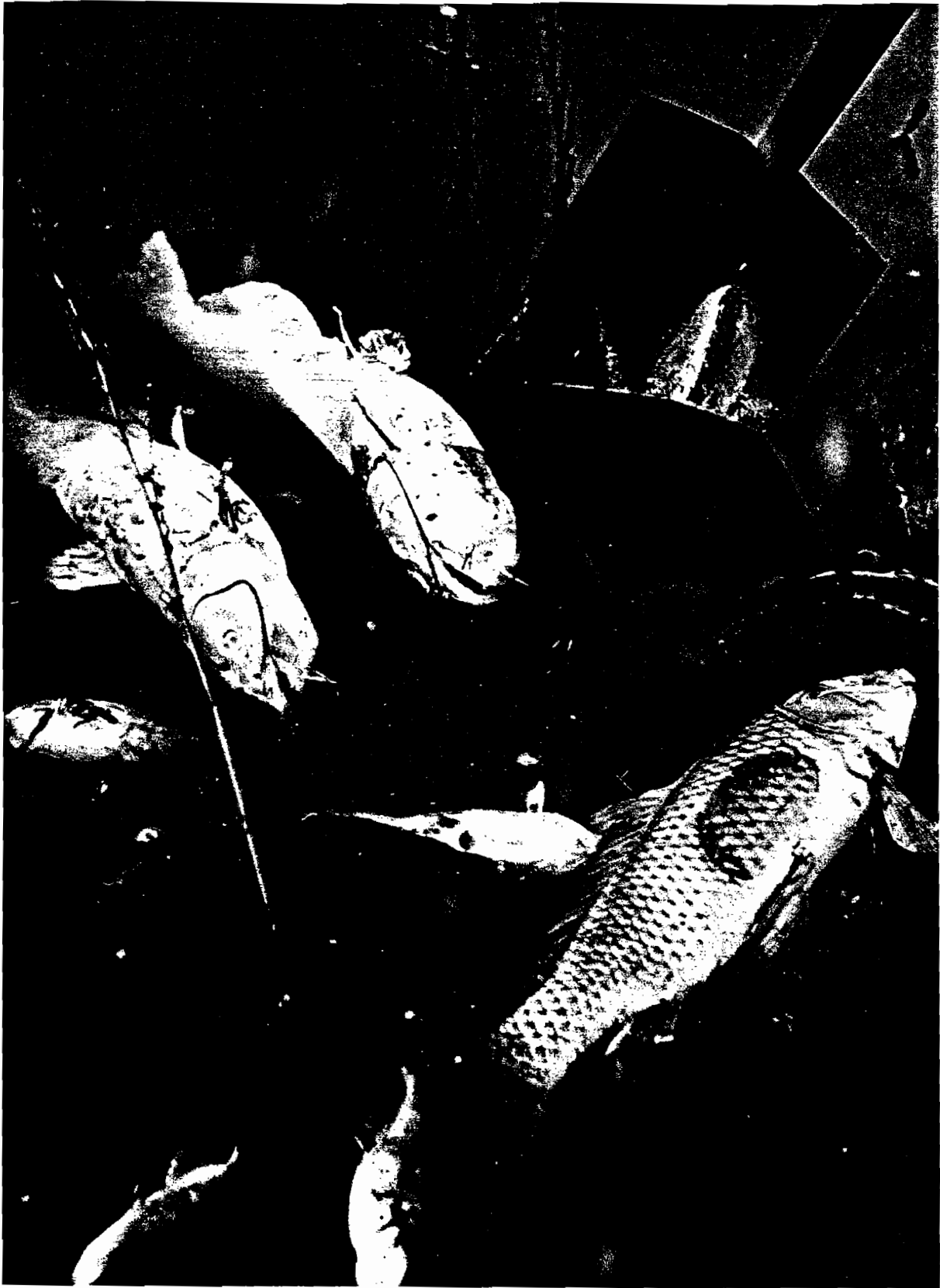
8. The President should be memorialized to direct the newly-created Council on Environmental Quality to prepare and submit the environmental quality impact reports required by the National Environmental Quality Act of 1969. Reports should be prepared on the following projects:

Federal oil leases in the Santa Barbara Channel
Channelization of the lower Colorado River
Dos Rios Project

Financing State Environmental Programs

We recommend that:

1. The state finance a \$300 million 5-year program to accelerate construction of waste water treatment facilities for correcting gross local water pollution.
2. The state finance \$5 million for solid waste research and development over the next two to three years. Additional state assistance would be based on a determination by the Legislature of the state's future role in solid waste management.
3. The state provide \$15 million over the next 5 years for air monitoring and research and development.
4. The Assembly Committee on Transportation study the issues of state motor vehicle emissions inspection, cost sharing for used car smog devices, and state assistance for local and regional control districts.
5. The state finance a \$250 million 5-year program to start acquiring additional key undeveloped beaches. Additional state assistance for open space lands would be based on a determination by the Legislature of the state's future role in open space, the role of regional and local government, and the methods to be used for protection of open space.
6. The Legislature establish an Environmental Fund as a source of continuous funding for critically needed environmental control programs. The Legislature should earmark at least \$100 million per year during the next two years for the Environmental Fund and increased amounts during succeeding years based upon policy decisions identified in this report.
7. Legislation be enacted to take effect when the voters approve the Environmental Bill of Rights, levying an excise tax on automobiles as the federal tax is eliminated and increasing temporarily the cigarette tax to pay for the environmental correction and protection costs. The excise and cigarette tax should be designed to raise \$100 million annually for the next two years. Revenue from these sources should be placed in a special environmental quality fund.
8. The Assembly Committee on Revenue and Taxation, with assistance from the appropriate state agencies, undertake a comprehensive study of alternative tax policies which would provide continuing revenue to pay environmental correction and protection costs and have an impact on pollution control, land use, and resource consumption consistent with a quality environment.





PREFACE

The growing concern of California's citizens and its leaders over the degradation of our environment prompted the appointment by Assembly Speaker Monagan on January 7, 1970 of an Assembly Select Committee on Environmental Quality. The Speaker's concern over the environment was voiced in a recent address to the Commonwealth Club in which he said, "We have come to recognize that our atmosphere is not infinite. We can run short of clean air, just as we can—and are—running short of clean water, green forests, and open space."

The charge given by the Speaker to the Select Committee was to propose an Environmental Bill of Rights and legislative actions to protect California's environment. This report, developed to meet the assignment, is the first major effort undertaken to develop a comprehensive environmental quality program.

The report lists the major reasons for environmental degradation, identifies the key policy issues and lays out an orderly process for assessing man's future activities in order to assure environmental protection and prevent environmental crises.

Many of the report recommendations can be acted upon immediately; others will require further study prior to action during the 1970 session. A few of the recommendations will need considerable study and legislative committee consideration extending beyond the 1970 session.

The report can be considered as the foundation for a long-range environmental plan to guide the California Assembly in its evaluation, policy development, oversight and control to assure a quality environment for California. It identifies specific policy issues which should be decided over the next several years to provide environmental quality control in California. The report does not identify or propose answers to *all* of our specific environmental problems. Many of these are already under study by various governmental units. We have in this report, however, taken a major first step: we have for the first time proposed a systematic approach for identifying these critical problems.

In another context, this report is just a beginning toward achieving environmental quality. We have much to learn in considering the impact of our future activities on the environment. New techniques, methods and controls must be developed to ensure that man's use of California's resources will be carried out with sensitivity and understanding.



INTRODUCTION

Such concern for the environment is not new among those who work with living resources or whose products are valued for their beauty. The biologist, the naturalist and the architect, however, have now been joined by others. Many persons are convinced that, unless we solve current environmental problems, ward off threatened ones and plan for a future quality environment, there will be no antidote for the toxins, no cures for the diseases, no place to seek a better environment and no place to hide from the existing one.

Man's environment is his total surroundings, the physical, biological, and cultural factors, both natural and man-made, which affect his health, senses and intellect. The major physical factors of the environment which must be considered are the land, water, air, climates, sound, odors, tastes and man-made structures. The biological factors of the environment are the animals and plants, both wild and domestic, native and introduced. Man himself is part of the biological environment. Cultural environmental factors are the characteristic features of a given stage of civilization, the architectural styles, human activities and the available services and amenities.

The quality of California's early natural environment cannot be questioned. In the beginning were salubrious climates, natural beauty and varied plant and animal life. Colonization by Spain in the mid-1700's marked the beginning of human impact on the state's environment. Statehood and the discovery of gold triggered population growth and development. Man's development of California improved the environment as well as damaged it. To a large degree, however, his impact on California was not planned. The changes, both good and bad, resulted from the pursuit of other goals. Significant was the pioneer ethic to subjugate nature rather than adjust to it. For the majority the goal was personal economic gain.

The recent concern over the state's threatened environment is largely due to a rapidly increasing population. Vast changes have been made in the lands and waters to accommodate growth.

In the past we were able to identify the individual corporation or government agency responsible for despoilation. Recently, however, as the perils have increased, the target of our wrath has become dif-fused and complex. Who is responsible when Ponderosa Pine in Southern California die from smog from Los Angeles, 80 miles away? Who caused the concentrations of lead and pesticides found in ocean fish?

As our understanding of the ecological effects of our actions has improved, we find we *all* are responsible—as government officials solving public problems, as developers and producers of goods and services and as citizens who consume the goods and use the services.

Most vexing to the individual is his inability to cope with the environmental problems. He knows his car is part of the smog problem, but he has no alternate means of transportation. He sees his contribution to the solid waste loads, but all his supplies come in little, nondegradable packages. Nowhere is concern greater than among the young, and no wonder, for it is in their lives that the direst forecasts fall due. There is a great cry for leadership behind which citizens can rally.

President Nixon has said, "The 1970's absolutely must be the years when America pays its debt to the past by reclaiming the purity of its air, its waters and our living environment. It is literally now or never."

Although current problems are great and serious damage has been done, California still has a quality environment which must be protected. We have the ability to enhance this environment and should do so. We must emphasize the activities that improve the healthfulness and beauty of our surroundings rather than the material products of our technology that, like the Roman circus, make us temporarily forget the deeper problems.

PROBLEMS OF THE ENVIRONMENT

Population increase and economic development in California cannot continue without consideration of the environmental impact of man's activities. What is good must be protected, what is bad must be prevented or corrected. The problem is how to plan and implement programs to preserve and enhance the quality environment, rescue the degraded environment, and protect areas that are threatened.

Not all environmental problems are known. Often where the problems have been identified, neither the

cause nor a feasible solution is known. In addition, there are interrelationships between problems that are unidentified; the solution to one problem may cause or intensify another.

The need to counter the impact of a degraded environment is important. The prime need, however, is to prevent environmental problems. It is far better, for example, to control the source of air pollution than to develop more facilities for treating respiratory diseases. Significant expenditure of public resources will be required to reclaim degraded environments. Significant resources will also have to be expended by industry and consumers to correct immediate and prevent future environmental problems. This expenditure can only occur if the public is willing to support a basic reorientation of goals which will require us, individually and collectively, to consider *in advance* the environmental impact of our proposed actions.

Specific Problems

Among the many environmental problems in California, air pollution ranks as one of the most serious. It exists in much of the state, especially in the heavily populated areas, and is increasing both in area and intensity.

Air pollution injures man's possessions, interferes with his activities, offends his senses and degrades his environment. The most serious impact of air pollution is on man's health. It is known to be the cause of respiratory diseases and eye irritation.

Water pollution has been under attack in California for more than four decades. During this time the problems and threats have accelerated. Pollution from domestic sewage, agricultural fertilizers, pesticides and industrial wastes have degraded many waters. Since water is neither created nor destroyed, we must protect our quality waters and reclaim that water which has become polluted.

Noise can destroy man's enjoyment of an otherwise satisfying environment. When complaints reach politically significant levels, noise producing activities are moved to less populated areas. The result is a creeping growth of areas filled with undesirable noise.

Large quantities of solid waste degrade the environment by causing health problems, being unsightly and occupying space. An estimated 80 million tons of solid waste is produced annually in California. Its disposal, however, can also cause air or water pollution. Better methods of disposal must be developed and attacks must be made on the source of the problem as well.

Consideration of the problems of waste management illustrates the interrelationship of environmental problems. If waste products are burned, air pollution results. If severe controls are placed on burning, then serious water quality and solid waste disposal problems may result. The solution is to devise control measures which result in the least environmental degradation with consideration given to land use and water quality as well as air quality.

Lands, waters and open space in urban areas are being used for activities which are not dependent on the special qualities of these resources. Wetlands have been drained so that waterfowl and water associated mammals are decimated. Bays and estuaries, never plentiful along California's coast, are now being filled, polluted, dredged and rearranged.

Man's use of California land is wasteful. Prime agricultural land is studded with houses, open space is lost in cities, soils erode and hills are reshaped and even removed. Most of this damage is directly related to unplanned population growth. The use of the land must be planned with protection and enhancement of the environment a main objective.

The use of water is a good illustration of the interrelationship of environmental problems. Much of our agriculture, our lawns and gardens, our city parks and golf courses depend on the availability of irrigation water during the long, dry periods of our Mediterranean climate.

These benefits have not occurred without environmental changes, however, many of which are only now being recognized.

Storage reservoirs inundated key winter deer ranges; diversions reduced natural flows; siltation degraded spawning beds; and high water temperatures repulsed, and at times killed, salmon and steelhead trout.

This discussion has dealt with only some of the environmental problems. State government must develop a continuous process of identification and evaluation of all environmental problems.



MAJOR REASONS FOR ENVIRONMENTAL PROBLEMS

This section of the report highlights the major reasons for California's environmental crisis. We must agree on the causes of this crisis before we can take the required actions.

Lack of Environmental Goals

California has no overall objectives toward which government and its citizens can work. The management and development of California by government, corporations and private citizens is the sum of unplanned, uncoordinated and often cross-purpose pursuits. Each group seeks its own objectives, often with no regard for the consequences of its actions. This lack of goals and objectives has resulted in fragmented control measures which do not solve environmental problems.

Goals which would provide a quality California environment can serve as the basis for determining how society can protect the environment. The elected and citizen leaders can then obtain public consensus on attainment of these goals.

Improper Use and Application of Technology in California

The complexity of modern society has resulted in over-specialization and a concomitant loss in our ability to understand the interrelationships between fields of knowledge. Thus, we have applied our specialized

knowledge to achieve practical goals with little consideration of environmental problems.

In the private sector, competition requires firms to spend large sums on research and development. In 1969, \$19.2 billion was spent by industrial firms on research and development. Moreover, rapid technological advance increases the expected rate of obsolescence. Therefore, even higher rates of return are required in order to take into account this shorter obsolescence period. For example, if we develop the ability to take oil from the ocean floor, we carry out the project as soon as possible before even newer developments antique our methods. The rapid application of this knowledge, however, means that environmental ramifications will be considered only after the oil is extracted, if at all.

The public sector shows a similar inattention to the environmental effects of applied technology. Because government has the knowledge and ability to build dams, bridges and roads, it builds them, imposing short-run solutions irrespective of long-run environmental costs. Highway engineers may design roads with the prime objective of efficiency in moving goods and people, but with little or no consideration of land use, population distribution and other environmental factors.

By concentrating scarce scientific resources in defense-related fields, government fails to encourage environmental protection. The federal government supplies more than one-half of all industrial research and development funds, but five-sixths of this money goes to only two industries: 1) aircraft and missiles; and 2) electronic equipment and communications. Most effort is expended to increase a technological capability rather than to determine the environmental effects of its application.

As technology advances, our environment should improve rather than deteriorate; the opposite has occurred.

Population Growth and Distribution

The ability to reproduce has been the key to the survival of every species; it may prove the opposite for man.

The population of California has doubled since 1950 and now stands past 20 million. By 1989, if the present trend continues, there will be five people living in the same space that is now occupied by three people.

The population increase is not the result of natural population growth alone. Each year immigration and births swell California's population by 200,000. Each day the state loses approximately 170 acres of farmlands for houses, schools, roads, factories and public facilities. Instead of controlling population, we accommodate it by building more productive facilities.

Our environment is threatened not only by population growth, but also by the distribution of population. Californians regard "BosWash," the megalopolis on the Eastern seaboard, as an East Coast phenomenon. Unfortunately, a "slurb" stretching from San Francisco to San Diego is not far in the future. This concentration of people multiplies the problems of our major metropolitan centers. As an example, solid waste disposal was not regarded as a major problem a few years ago, but today we hear of cities planning to ship garbage by railroad to open spaces hundreds of miles away.

We are approaching the point of diminishing returns not because we cannot produce enough, but because what and how we produce is creating an environment unable to support human life. To improve the quality of our environment, we must exert greater influence over population growth and distribution.

Philosophy That All Growth Is Good

Economic growth has always been regarded as a major criterion of our economy's performance. Growth implies that our economy is well functioning and providing an ever greater benefit to society. By 1971, our gross national product (GNP), the total market value of all goods and services produced in a year, will be more than one trillion dollars. California's total output is greater than \$100 billion, an output surpassed by only six countries in the world. Does this growth in affluence mean we are better off than before? Not necessarily. Economic growth means that the goods and services produced for the market have increased, but it tells us nothing of the composition or quality of this output. More importantly, with respect to the environment, economic growth does not reflect the increase in those products which are not sold, such as smog and pollution. Paradoxically, if smog increases and, thus, the number of anti-smog devices sold increases, growth appears to have occurred. Clearly, we are not better off because of this spurious growth concept.

Many returns to investments appear profitable. When industry moves into a new area, the transportation, power, water and communications expand. This income and employment increase prompts even

more local growth. A single occurrence ordinarily would not cause irreparable harm, but when unplanned growth occurs at the rate it does in California, irreversible damage to the environment is the result. Streams are despoiled, air is polluted, and the land contaminated. Such growth provides only short-run economic gain and results in short-run economic loss as well. In 1969, smog caused a \$250 million loss to California agriculture. Thus, growth which ruins the environment also results in losses to seemingly unrelated sectors in the economy. Now the public is faced with paying the cost of correcting serious environmental problems caused by the activities of both government and private business. In many cases the original agencies or firms who caused the problem are no longer identifiable, available or legally responsible.

Government—Functionalization and Organization

To provide public services to its citizens, California has a state government, 58 county units, over 300 cities and approximately 4,000 special purpose districts. In addition, the federal government manages approximately half of the land area of the state, directly carries out major public works activities and infuses an estimated \$6 billion annually in grants and loans. Coordinating and integrating these governmental levels in order to develop a unified approach to public policy is a monumental task. Government at each level has been organized into functional units, each with its own objectives, which act on the environment only in pursuit of these objectives.

The water and highway development programs conducted by the major public works bureaucracies often demonstrate the environmental consequences of this functionalism.

No level of government has been charged with dealing comprehensively with environmental questions. The political forces representing special interests in environmental matters have been stronger collectively than the forces concerned with its quality.

The jurisdictional boundaries of government also present serious challenges in dealing with environmental problems. Recent studies by the Legislature and others have demonstrated that both the causes and solutions to most environmental problems are beyond the capacity or jurisdiction of any single local governmental unit. Actions taken within one governmental unit can have a serious environmental impact upon citizens in other areas. Studies of San Francisco Bay filling, water quality in the San Joaquin, Sacramento and San Francisco areas and pollution problems at Lake Tahoe have established that at least an area-wide approach must be taken to most environmental issues.

Lack of Legal and Judicial Precedent

Since man's main concern from the beginning of California's development has been the exploitation of resources to develop the economy, the bulk of the law and the weight of judicial precedent has tended to favor special interests.

California has developed laws, regulations and administrative means to apply the conservation philosophy of wise use to our natural resources, such as fisheries, timber, water and minerals. Because of our functional, special purpose approach, however, only the most direct damaging of resources is controlled by statutes or regulations. The indirect consequences are seldom identified.

The development of goals and statutes to maintain environmental quality will provide the necessary legal and judicial foundation.

Failure to Understand the Impact of Our Activities On the Environment

Man no longer enjoys the margin of error that space, time and relative lack of power once provided for his ecological miscalculations. These mistakes may be cumulative—and irreversible.

Further, man's ability to create adverse effects, even as he seeks to enhance the good life, may be greater than his ability to perceive, prevent and control these effects. The breakdown of one small element may illuminate the vulnerability of the entire environmental and technological system.

We must spend more of our research and development funds on finding out how we are changing our environment. A greater burden of proof must be placed on the corporation or governmental unit which intends to apply new technology so that the impact on the environment of new techniques and processes can be evaluated in advance. If the impact may have significant negative effects, then the implementation of new technology should be slowed until the environmental hazards are eliminated.

We must apply fully the knowledge we now have. Our ignorance is not half as vast as our failure to use what we now know.



ENVIRONMENTAL POLICY

California's environmental problems and the reasons for the state's environmental decline demonstrate the need for action based on constitutional goals and legislative policies. Without these goals and policies, our actions have resulted in fragmented efforts with little understanding of the consequences.

We must develop an orderly process that prevents environmental damage, better identifies the true costs and consequences of our public and private actions, and prevents over-commitment of our limited resources.

To develop this process we need constitutional goals and policies which establish legislative intent and the means to attain these goals. Implementation of these policies will require improving the planning process at all levels of government. In addition, organizational capability, evaluation and control must be improved. If legislative policies are implemented efficiently, all those whose activities influence California's environment will know what is expected of them and we will learn if they fulfilled their responsibilities.

This report does not provide answers to, or identify, all of the policy questions related to California's future growth, but it does propose ways of improving our ability to deal with these questions particularly in reference to environmental protection. For example, greater attention must be given to waste water reclamation if any free-flowing rivers are to remain in California. Our future power developments must be based on more than power needs alone. A new land ethic will be required providing that in using his land a citizen has trustee responsibilities not now considered. The resolution of these kinds of issues are dependent upon government leadership, greater public involvement and consideration of long-term consequences.

The application and use of a process which identifies the environmental impact of our future actions will minimize future damage. We will be able to identify and charge the total cost of any action to its beneficiary, and prevent long-term resource losses which can never be recovered for the benefit of man.

ENVIRONMENTAL BILL OF RIGHTS

A constitutional amendment (see Appendix A) is proposed to provide California citizens with a Bill of Rights establishing a goal of a quality environment. The amendment will give the voters an opportunity to indicate their views regarding the environment and will provide a sense of direction and purpose for California's leaders.

This Bill of Rights would declare it to be the policy of the State of California to develop and maintain a quality environment in order to assure for the people of the state, now and in the future, clean air, pure water, freedom from excessive noise, and enjoyment of scenic, historic, natural, and esthetic values.

The Bill of Rights would also direct the Legislature to attain these goals by enacting appropriate legislation.

The placing of the Bill of Rights in the Constitution will ensure that legislative enactments to protect the environment will apply to all governmental agencies in California including charter cities, the Public Utilities Commission, the University of California and all other agencies now exempt from full legislative control under existing constitutional provisions. In addition, a constitutional amendment will minimize potential litigation and expedite attainment of the goals.

The constitutional provision on the environment and subsequent legislative enactments will demonstrate the responsiveness and intent of the legislative branch to fulfill the needs of California's citizens.

The 1970 Legislature should adopt the proposed Environmental Bill of Rights as a constitutional amendment to be placed on the November 1970 ballot.

ENVIRONMENTAL QUALITY ACT OF 1970

A legislative enactment is needed to establish the intent of the Legislature to maintain a quality environment and to provide the statutory actions required to carry out this intent at every level of California government.

The proposed Environmental Quality Act of 1970 (see Appendix B) recognizes the need to provide an environment that at all times is healthful and pleasing to the senses and intellect of man and recognizes the need to better understand the relationship of man to his surroundings. The act recognizes that the capacity of the environment is limited and that every citizen has responsibilities to protect environmental quality.

The proposed legislative policy identifies the need to protect, rehabilitate and enhance the environment and recognizes some of the key attributes of good environmental quality. Government agencies are charged with developing improved methods to assure long-term environmental protection.

1. The act requires that all state agencies:
 - a. Make environmental impact reports on any programs they propose which could have a significant effect on the environment, prior to requesting any funds other than planning funds;
 - b. Make environmental impact reports on any federal project prior to transmitting official comments to the federal government;
 - c. Expend funds to protect the environment from problems caused by the agencies' activities;
 - d. Review their statutory authority and recommend to the Legislature by January 1971, changes necessary to assure full compliance of these statutes with legislative environmental policies.
2. The act would provide that local agencies:
 - a. Make environmental impact reports on programs which could have a significant effect on the environment, prior to receiving any funds other than planning funds from state agencies which allocate state or federal money.
 - b. Make environmental impact studies and consider alternative methods on any program they carry out which may have a significant effect on the environment.

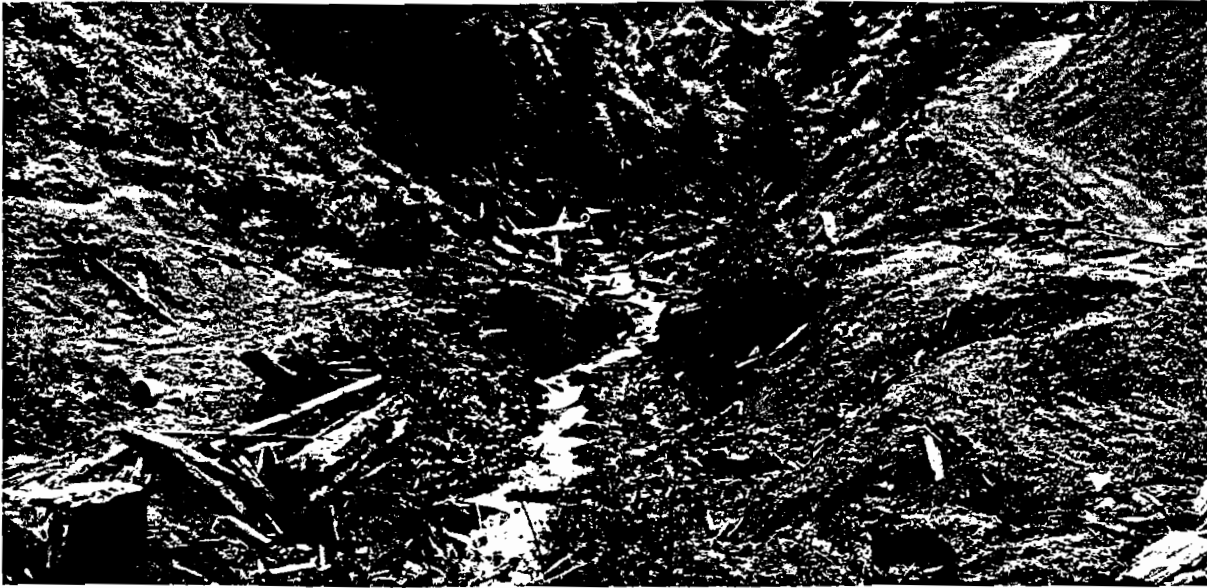
It should be recognized that the preparation of environmental impact reports by all levels of California government will not automatically prevent all environmental degradation. The impact reports, however, will provide the initial steps for applying an orderly process to the consideration of the relationship of man's activities to the environment. Almost every activity has some environmental impact—and despite our advanced technology we do not fully understand the real significance of the many actions we undertake. Our challenge, therefore, is to improve our ability to perceive and prevent those mistakes that may be cumulative and irreversible.

The proposed Environmental Quality Act recognizes fully the need to develop standards and procedures and the need for consideration of qualitative and long-term costs and benefits as well as economic and short-term considerations. Government is charged with developing such environmental standards and procedures.

The report recommends future action by both the executive and legislative branch to evaluate our progress and develop and recommend additional legislative policy based upon our experiences. The proposed Environmental Quality Act can be the basis for preventing ecological disasters while we improve our ability to create and maintain conditions under which man and nature can exist in productive harmony.

The Legislature should adopt the Environmental Quality Act of 1970.





PLANNING AND POLICY DEVELOPMENT STATE, REGIONAL, LOCAL

The planning process at all levels of government must be improved to give greater consideration to environmental questions. Concern for the environment must be incorporated into the regular planning process, not evoked as a result of damage done. This section of the report explores the shortcomings of the existing state planning process and recommends needed changes. The section contains recommendations on regional and local planning. Specific environmental planning activities that should begin immediately are also identified.

State Planning

The solution to long-range environmental problems requires an orderly and sustained planning process at the state, regional and local levels of government. The state planning function must be strengthened, particularly in relation to an expanded state environmental quality effort. Other aspects of the state's growth and development, however, such as economic development and urban problems, also need to be considered in any formal reorganization of the state planning function.

The California Government Code assigns to the State Office of Planning certain planning and coordination functions. The Office has been unsuccessful in carrying out the intent of the Legislature. Serious consideration has not been given to its findings and recommendations by the executive or legislative branches. The State Development Plan, the culmination of almost ten years of planning effort and considerable expenditure of federal and state funds, has yet to be endorsed as official state policy. The Legislature should act to correct the present situation by establishing a new unit of state government which can effectively take the lead in developing a policy framework within which state agency plans may be developed and within which conflicts in agency plans and programs may be resolved.

The present State Office of Planning should be abolished and replaced by the State Policy Development Office with a clear charge to recommend legislative and administrative programs and actions required to carry out environmental policy directives. Legislation creating the new Policy Development Office should be enacted during the 1970 session and funds to enable the Office to carry out the functions recommended in this report should be appropriated in the 1970-71 Budget.

In the past, state planning has been too remote from decision-making. Programs, policies and expenditures required to solve environmental problems must be initiated and supported by the Governor, and he must have knowledge of the consequences of alternate courses of action. Further, it is the Governor who is responsible for reconciling conflicts and duplication among state agencies. The proposed State Policy

Development Office should be readily accessible to the Governor as a major source of assistance in both these areas of executive responsibility.

The proposed State Policy Development Office should function as an independent staff unit reporting directly to the Governor.

Preservation of the state's environment depends on increased knowledge of the impact of public and private actions on our resources. As part of a statewide monitoring program, criteria should be developed which could be applied by state agencies in determining and reporting the impact of their programs and actions on the state's environment. The monitoring system proposed would not only assess air, water and solid waste pollution, as well as threats to public health from other sources, but also would consider gains or losses in preserving unique resources, such as fish and wildlife habitat, beaches and prime agricultural lands. The development of the monitoring system might well include identification of key "environmental indicators" which would signal degradation of the state's environment. The system could be developed by the proposed State Policy Development Office in cooperation with appropriate federal, state and local agencies. Inauguration of an environmental monitoring system should be a matter of high priority in an expanded statewide environmental protection program.

The proposed State Policy Development Office should develop an integrated environmental monitoring system which would highlight emerging environmental problems.

The Governor, and through him, the Legislature, should receive from the proposed State Policy Development Office continuous intelligence on matters which require prompt state action, for example, immediate threats to public health or to unique resources; timely state response to new federal policies; and the application of new technology to state problems. Every two years the Office should provide the Governor with a major report on the California environment. The report would form the basis for a formal environmental program which the Governor would present to the Legislature.

The proposed biennial report would raise major policy issues relating to the state's growth and development, present alternate courses of state action and recommend specific legislative and administrative policies and actions required to preserve the state's environmental quality. The report would also identify progress in the achievement of plans to guide individual state functions, such as fish and wildlife, parks and open space, transportation, and water development. The Governor's recommendations for new programs would be presented. If the biennial report is supplemented by recommendations concerning population growth, economic development, urban expansion and statewide land use policy, and supported by strong agency plans, the report should replace the present statutory requirements for a State Development Plan.

A major product of the proposed State Policy Development Office should be the preparation of a biennial report which the Governor would review, approve and forward to the Legislature as his "State of the California Environment" program. The first report should be presented to the Legislature at the 1971 session.

Within state government there is no effective process for identifying and resolving conflicts in the objectives of major state programs. This lack of a process for resolving conflicts is particularly evident in those programs which affect the quality of the environment. The state budget process is a key element in implementing environmental policy. Reflecting this fact, this report calls for the preparation of an "environmental budget" as part of the annual state budget. The State Policy Development Office should assist the Department of Finance in annually reviewing proposed programs and expenditures included within the environmental budget. The Office should determine that uniform criteria have been utilized to measure environmental impact. When conflicts among state programs are found, Agency Secretaries should be notified and an attempt made to resolve the problems. If such efforts are not successful, the findings and recommendations of the Policy Development Office should be transmitted to the Governor for reconciliation. The establishment of the proposed State Policy Development Office will thus strengthen the Governor's ability to carry out the role of final arbiter of program and policy conflicts.

Over \$6 billion in federal grant funds are allocated annually to state and local governments in California for programs related to environmental quality. The Federal Intergovernmental Cooperation Act of 1968, is designed to strengthen the coordination of federal grant programs and ensure that they are in accord with state and regional development goals. Assigning grant review and coordination to the State Policy Development Office will carry out the intent of this federal legislation, and improve the process by which priorities for funding are determined.

The proposed State Policy Development Office should conduct continuing oversight of environmental policy. Such oversight should include: (a) review of proposed state plans,

programs, and expenditures to assure their compliance with the Environmental Quality Act of 1970; and (b) establishment of criteria for federal grants designated for environmental purposes and coordination of the allocation of grant funds to state and local agencies.

The current State Development Plan emphasizes the necessity for statewide land use policy, but does not set forth such policy or identify the geographical areas requiring action. State agencies, however, have classified land, inventoried resources and plotted population distribution. Analyzing and synthesizing this information into a statewide system will require close cooperation by state agencies and a major coordination effort by the proposed State Policy Development Office. Within a short period of time, however, it should be possible to identify high priority areas and to develop a "crash program" to preserve them, using the full fiscal, regulatory and other powers of state government. The following kinds of lands and waters are illustrative of those which might be included within such a high priority state system. The common criteria is that the resource involved be of major significance to the state as a whole.

1. Areas of outstanding scientific, scenic and recreation value.
2. Areas which are required as habitat for significant fish and wildlife resources, including rare and endangered species.
3. Forest and agricultural lands which are judged to be of major importance in meeting future needs for food, fiber and timber.
4. Areas which provide green space and open areas in and around high density metropolitan development.
5. Areas which are required to provide needed access to coastal beaches, lakeshores, and riverbanks.
6. Areas which require special development regulation because of hazardous or special conditions, e.g., earthquake fault zones, unstable slide areas, flood plains, watersheds.
7. Areas which serve as connecting links between major public recreation and open space sites, e.g., utility easements, stream banks, trails, scenic highway corridors.
8. Areas of major historic or cultural interest.

The proposed State Policy Development Office should give priority to the development of statewide land use policy as a framework for state functional plans, such as water development and transportation, and as a guide to federal, regional and local plans and programs. Studies should be undertaken immediately to develop, in conjunction with appropriate state agencies, a statewide program of protecting unique land resources. The program should be formally presented to the Legislature at the 1972 session.

The programs of state agencies have a major impact on the state's environment, and the Agency Secretaries should be responsible for directing the attention of the Governor and the Legislature to long-term goals, needs and implementation measures in the areas over which they have jurisdiction.

At the present time, environmental conflicts between departments or between two agencies are negotiated by the Agency Secretaries. Such negotiation, however, seldom results in written policy which could guide future decisions and aid in developing public understanding and support.

The preparation of comprehensive agency plans would force the identification of key agency policy matters in planning, the formulation of objectives, the projection of demands and the establishment of criteria and programs. Comprehensive agency plans would also serve as major components of an overall state environmental program. The proposed State Policy Office should continually assess the needs for the preparation and revision of agency plans and should request that appropriate action be taken by the Agency Secretaries.

Responsibility for the basic planning work, however, should remain with the Agency Secretaries and Department Directors.

As suggested above, the State Policy Development Office should be charged with reviewing the functional plans submitted by Agency Secretaries to ensure that they do not conflict with other state plans and policies. This review should be completed prior to transmittal of such plans to the Legislature. As in the case of ongoing programs, the Governor should make the final determination when plan conflicts cannot be reconciled at the Agency level.

The Secretaries of the State Resources, Transportation, and Agriculture and Services Agencies should be charged with ensuring that long-range plans are prepared for the

functions over which they have responsibility. The plans should be guided by the environmental quality goals and objectives recommended in this report. The comprehensive agency plans should be formally transmitted by the Governor to the Legislature no later than July 1, 1973. The proposed State Policy Development Office should review the agency plans for conformance to state policy prior to their approval by the Governor.

As recommended in the following section, the state-designated planning regions should be activated and the preparation of regional plans, including strong environmental elements, made mandatory. The preparation of these plans should include participation by state agencies, such as the Departments of Fish and Game, Water Resources, Parks and Recreation, and the Division of Highways which have expertise and technical knowledge not readily available to regional agencies and which operate programs which exert a major influence on regional development. The State Policy Development Office should review regional planning programs to assure that regional plans are consistent with statewide environmental goals. A project in one region, such as the San Joaquin master drain, should not create environmental quality problems in other regions.

The proposed State Policy Development Office should assist in the preparation of regional plans, including coordinating the participation of state agencies in regional planning efforts. The office should also review completed regional plans to determine their impact on statewide resources and environmental goals and policies.

Regional Planning

California's topography and geography cordon off the state into watersheds, air basins, river basins, bays and coastal zones. In addition, each part of the state is beset with different environmental problems. In Los Angeles, for example, air quality might rank as a top priority problem with water quality assigned a second or third ranking. In the Sacramento-San Joaquin Delta the order might be reversed. Therefore, development of programs for conserving the state's environment and resources clearly demands a regional approach.

Our present governmental institutions are poorly equipped to determine regional priorities. Individual cities and counties lack the jurisdictional ability, legal responsibility and in many instances, the technical knowledge to deal with the environment of a region. In addition, no systematic procedure exists for ensuring that environmental priorities are set at the regional level.

Present state law requires that the state be divided into planning regions (Government Code, Section 34216). Although these regions were established in 1965, they have not affected decisions about the environment because the law does not require that environmental planning be conducted within these regions. As a result, development of environmental plans and programs has been contingent on the initiative of local governments and their ability to work out cooperative planning arrangements with their neighbors.

The voluntary formation of regional planning agencies has occurred mainly in the urban regions of the state where problems of open space, air quality and water quality are critical. Examples of such action are the Association of Bay Area Governments (ABAG) in the San Francisco Bay area, Southern California Association of Governments in the Los Angeles area (SCAG), and San Diego Comprehensive Planning Organization in the San Diego area. In the less urbanized areas of the state, voluntary regional agencies have not evolved. As a result, valuable lead time has been lost in developing programs for conserving the resources of these regions.

Environmental planning undertaken by voluntary agencies typically has dealt only with matters agreed on by the participants. This has led to piecemeal and, consequently, unsatisfactory planning. In the San Francisco Bay area, for example, ABAG developed a satisfactory open space element in its regional plan but ignored fundamental environmental issues such as the conservation of San Francisco Bay, the maintenance of water quality in the bay and the delta, and the disposal of solid waste. Thus, in response to citizens' demands, the state was forced to organize, fund and undertake specific regional planning projects, such as the conservation and development of San Francisco Bay by the San Francisco Bay Conservation and Development Commission (BCDC), a state agency.

In some state-designated regions planning has occurred on a subregional basis. The Sacramento Regional Area Planning Commission, is currently developing plans for part of the state-designated region. This approach to regional planning shares the previously mentioned drawbacks, but compounds them by limiting its viewpoint to one part of the region.

Federal grant programs have a direct impact upon the environment. Recently the federal government listed almost 50 programs dealing with such matters as open space, airport construction, water supply and distribution, highways, mass transportation facilities and land conservation. The State Council on Intergovernmental Relations has estimated that during the current fiscal year approximately \$6 billion

in federal money will be given to governmental agencies in California under these programs. As noted earlier, Title IV of the Intergovernmental Cooperation Act of 1968 expressed the intent that these grant programs help fulfill state and regional objectives as well as the immediate objectives of the local agency requesting the grant. The statute authorized the establishment of a state and regional clearing house to determine if grant applications were consistent with state and regional plans and programs. Obviously, in the absence of regional plans and programs, there is no way to determine whether the federal money is being spent for projects which further regional goals as well as local objectives.

By statute regional planning agencies should be required in each state-designated planning region by January 1, 1971. Further, adoption of interim regional plans should be made mandatory in each of these state-designated regions by July 1, 1972. Following the precedent which has already been established for city and county general plans, the mandatory elements in each regional plan should be specified. These should include at least the following:

- a. An environmental quality element which provides for the integrated development, management and control of contaminants or waste materials discharged into or deposited in, under or on any land, air or waters within the region, noise or any other similar environmental factor.
- b. An open space element providing for the preservation, development, management, and utilization of open space within the region.
- c. A transportation element for the development and management of an integrated system of transporting people and goods within the region.
- d. A natural resources element providing for the preservation, development, management and utilization of agricultural, scenic, scientific and other natural resources within the region.

Local governments should be permitted to form regional agencies through any of the several organizational methods available to them (joint exercise of powers, regional planning districts, area planning agencies, etc.). If such an agency has not been formed in a region by January 1, 1971, an appropriate state agency should automatically perform regional planning for that region until the local governments have established a regional planning agency.

Each regional agency should be required to review the general plans of all cities and counties within the region and to indicate any inconsistencies with the regional plan together with recommendations for resolving them.

In view of the statewide interest in uniform regional planning, the state should fund an equitable share of the cost of each regional agency. The state should also provide technical advice and assistance in the preparation and maintenance of regional plans.

The above recommendations are not intended, and should not be construed, to advocate the substitution of regional planning for local planning. The recommendations are silent in regard to specific programs which may be necessary to deal with individual environmental problems in each region. No decisions about such programs or about the need for additional legislation can be made at the present time. The committee feels that the essential task facing the 1970 Legislature is to establish regional planning procedures which will identify problems and list alternative programs for their solutions. Not until this initial step has occurred can the need for additional legislation be evaluated.

Local Planning

The impact of California's rapid urbanization on its natural resources has received insufficient attention. Plans for the accommodation of large numbers of city dwellers have typically given insufficient attention to the natural elements of land, water, air, minerals, fish, wildlife and open space. Consideration of these elements is vital to the future quality of the state's environment and they should be integral components of local master plans.

The State Planning Act should be amended to require the inclusion of a "conservation element" as a mandatory part of the city and county general plan.

The committee recommends that the Assembly Committee on Local Government be assigned the task of developing legislation to implement the above recommendations on regional and local planning.



IMPLEMENTATION AND OVERSIGHT

To ensure the rapid implementation of actions necessary to attain environmental goals, the legislative and executive branches must establish methods to evaluate our progress and establish controls in those fields where guidelines are lacking.

Responsibility must be assigned to government for emerging environmental problems, such as noise and solid waste. This section of the report outlines these implementation actions.

Future Assembly Action to Evaluate, Control and Develop Policy to Meet Environmental Goals

This report concludes that planning at the local, regional and state level should be strengthened in order that environmental issues will be raised, necessary public policies developed and corrective action taken. The report notes that basic policies relating to land use, population growth and distribution, and integrated resource management cut across the present lines of authority of governmental jurisdictions and state agencies. This is equally true within the Assembly, where these issues may affect the concerns of two or more of the standing policy committees.

In recognition of this fact, the Select Committee on Environmental Quality was set up to develop policy guidelines to assist the committees in handling environmental legislation during this session. The report indicates that there will continue to arise environmental issues of statewide concern which require a high level and multi-interest approach and that a continuing policy development function within the Assembly appears to be justified.

The Assembly has consistently taken the view that it must have the capability to act independently in policy development, review and oversight. Acting on this position, the Assembly has created an effective committee structure and strong staff support.

The Assembly should take additional action to affirm its role in long-range policy development, with emphasis on environmental problems. It is believed that this can be accomplished if there is, within the Assembly, a function which is roughly parallel to the policy overview function within the executive branch. This function need not take the form of a standing committee. Since it is proposed that every two years the Governor transmit to the Legislature a major environmental policy and program report, it would appear that every two years would be an appropriate time to constitute an appropriate subcommittee.

The subcommittee, which could operate as an adjunct of the General Research Committee, might be directed to receive and review the Governor's report and determine an appropriate legislative response. The report may raise issues which require further analysis or the subcommittee may wish to undertake additional independent study in certain problem areas. The Assembly Office of Research, the Assembly Science and Technology Advisory Council and other resources of the Assembly could be placed at the disposal of the group.

In much the same manner as the Assembly Select Committee on Environmental Quality has operated, the subcommittee would evaluate present policies and problems and recommend appropriate action by Assembly policy committees and the executive branch. The subcommittee might operate for all or part of a legislative session. In any case, provision should be made for its activation at the discretion of the Speaker. Membership on the subcommittee might vary according to the priority of issues to be considered.

A resolution should be adopted by the Assembly establishing an appropriate subcommittee to examine environmental policies and problems and recommend action by Assembly policy committees and the executive branch.

The resolution establishing the legislative policy function should:

1. Establish the intent of the Assembly to conduct a continuous evaluation of environmental goals and policies and their implementation;
2. Request the Speaker to establish every two years, or as needed, an Environmental Policy Subcommittee of the General Research Committee;
3. Outline the general function of the subcommittee, including:
 - a. identification of growth and development trends which have a major impact on the state's environment;
 - b. review and evaluation of reports, plans and other documents which serve as guidelines for state actions affecting the environment;
 - c. determination of the extent to which the impact of state programs on the environment has been consistently measured in accordance with established criteria; and

- d. recommendations for actions to be taken by the executive branch and by Assembly policy committees to respond to pressing environmental concerns;
4. Call upon the Assembly Office of Research, the Assembly Science and Technology Advisory Council and other legislative staff to cooperate with the subcommittee, including conducting studies as requested by the subcommittee.

Population Growth and Distribution Policy

The demand placed on California's resources by an increasing population has resulted in the degradation of our environment. The distribution of this population magnifies the degradation. If present urbanization trends continue, additional millions of arable acres will be lost to highways and urban developments. A change in the earth's heat balance may alter the climate of the entire world. Increased smog will result in disease and death.

Rather than continuing to accommodate current population growth and migration patterns, California must exert a positive influence and develop a population growth and distribution policy. This policy can be developed by:

1. Examining the environmental implications of alternative population growth rates and distribution; determining population growth rates and distribution consistent with a quality environment.
2. Developing population growth and distribution policy incorporating these criteria.
3. Using the state's water, power, transportation and communication systems to help achieve the goals set forth in the policy.

The recently established Assembly Science and Technology Advisory Council should be requested to study and formulate recommendations regarding a state population policy for future legislative action.

Transportation Policy

The transportation network has a profound effect upon the quality of the environment in California. It is largely responsible for the shape and character of urban areas. It determines access, efficient use, and in many instances our ability to preserve recreational areas. According to present experience, it has a major impact on the quality of our air and the ecology of areas through which transportation corridors pass.

In spite of the obvious and critical relationship between environmental quality and the transportation network, there are, at present, no effective mechanisms for ensuring that transportation facilities conform to and support our environmental goals.

To date, almost no governmental planning has taken place to use transportation as a means of influencing population distribution or to make wise use of recreational areas. The Division of Highways has complete authority in determining route location and its chief criteria are demand and engineering feasibility.

The motor vehicle is responsible for over 60% of the state's air pollution and a growing amount of noise and ecological disturbance. Yet the limitations in the California Constitution (Article XXVI) on the expenditure of highway user tax revenues both encourage increased use of automobiles and effectively prevent the development of alternative modes of travel. Because there is a large pool of state revenues earmarked exclusively for highway development, local governments are forced to invest in roads even when alternative facilities would be more efficient and cause less pollution and dislocation. In turn, there is no incentive for private industry to develop or improve alternatives to the private car because they see no potential market.

Article XXVI also does not clearly permit the use of highway user tax revenues for pollution control. Vehicle registration and weight fees may be used to enforce motor vehicle laws, and on this basis a \$1.2 million annual appropriation from the Motor Vehicle Fund is made to the Air Resources Board. However, there is considerable disagreement regarding the use of these revenues for major research and development programs in smog and noise pollution control and for reducing ecological disturbance caused by highway construction. Both the Department of Public Works and the Business and Transportation Agency have requested that Article XXVI be amended to clearly permit the use of highway user tax revenues for vehicle caused pollution control.

Article XXVI of the California Constitution should be amended to allow the use of gas tax funds for: 1) the development of a balanced transportation system including rapid transit, and 2) for the expenditure of these funds for smog control, the prevention of environmental damage and the mitigation of such damage when it is unavoidable.



Noise Abatement

Community noise is one of the most pervasive environmental pollutants. The cacophony of the air conditioner, jet engine and diesel truck form a constant accompaniment to 20th Century living.

Airport noise alone has provoked billions of dollars in lawsuits and massive disruptions of property values. School districts have found that aircraft noise increases the cost of education in the vicinity of airports. The Los Angeles Board of Education estimates that it would cost \$8.6 million to soundproof twenty-six of the forty schools which are subject to aircraft noise.

Recently the U. S. Surgeon General announced that between six and sixteen million Americans are going deaf from occupational noise. Medical research is beginning to show, however, that loss of hearing is not the only ill effect of noise. Loud sounds can affect the blood pressure, the functions of the heart and the nervous system. While the apparent or psychological tolerance for noise by most persons is high, the actual physical and psychological effects of noise are serious.

Current statutes regulate noise levels for motor vehicles and require the adoption by 1971 of aircraft noise standards. Enforcement of vehicle noise law, however, is on a complaint basis and the statute does not take into account the synergistic effect of highway patterns and traffic volume.

The Department of Industrial Relations sets minimum standards for noise levels in places of employment, although the regulations point out that compliance with these orders does not necessarily prevent a hearing loss to all employees, but only provides an environment that is considered "reasonably safe."

None of the existing statutes or regulations addresses the problem of community noise, a problem which extends over multiple jurisdictions and includes a variety of sources.

We recommend that the Speaker designate an appropriate Assembly committee to work with state agencies in studying the problem of community noise and recommend standards and the enforcement required to regulate noise pollution on a statewide basis.

Waste Disposal

The environmental effects of waste disposal are well established. In addition to the visual assault of wrecking yards, garbage dumps and foaming rivers, 22 human diseases are associated with solid wastes. Open burning of urban and agricultural wastes defiles the air. The leaching of dumps, landfills and inadequate sewage treatment contaminate the surface water and the groundwater.

Traditionally, solid waste was carted beyond a city's own confines, dumped on the land and eventually burned. Today, in an age of urban sprawl, nondegradable materials and planned obsolescence, the volume of waste has outstripped the ability of local communities to dispose of waste. Each of California's 20 million residents throws away 20 pounds of solid wastes daily. For these reasons it is necessary to coordinate, at all levels of government, our efforts to dispose of waste.

Present state control of waste disposal is limited. The State Water Resources Control Board, which already has a functioning regional planning and regulatory organization, should be given overall responsibility for statewide solid waste planning and for the establishment of standards for solid waste management. The Department of Public Health should make public health recommendations to the Board.

The Speaker should designate the appropriate Assembly committee to work with state agencies in defining the state's role in waste disposal.

Environmental and Ecological Education

The environmental problems confronting California result not only from the activities of public and private concerns, but also from the activities of individuals. Many of California's citizens have a casual attitude toward the environment. This is caused, in part, by a lack of knowledge about man's relationship to his environment. Fortunately, the need to teach environmental and ecological subjects has now been recognized.

A Conservation Education Service has been created in the Department of Education. The service encourages the development of educational opportunities specifically related to the conservation of natural resources, including the development of nature centers and wildlife education camps. Moreover, the State Superintendent of Public Instruction, on the recommendation of the Conservation Education Service, is authorized to make planning grants to school districts to assist them in determining the feasi-

bility of programs and classes in conservation education and the maintenance of outdoor education camps. To implement this program, \$174,000 was recommended. These funds, however, have not been budgeted and only \$35,000 in federal funds have been utilized.

The Conservation Education Service in the Department of Education should be adequately funded.

That efforts are needed to provide environmental and ecological education was recognized by the creation of the Advisory Committee on Environmental Education by the State Board of Education. The Advisory Committee's report was accepted unanimously by the State Board. The report recommends the following:

1. Teacher-to-teacher training programs in conservation education.
2. Conservation specialists to assist and teach environmental and ecological subjects.
3. School bus transportation to transport students to outdoor environment centers.
4. Outdoor school programs.
5. Appropriate environment education for each level of instruction.
6. Materials and assistance by the State Department of Education in the creation of environmental education programs for school districts.

Initial steps should be taken to implement the recommendations of the Advisory Committee on Environmental Education.

Increasing concern is apparent in the field of environmental health relating to air and water pollution, noise, pesticides and food additives. There is a great need for improved research and education.

The appropriate legislative committee and executive branch departments should study and recommend needed research and education actions in the environmental health field.

Broaden Membership of State and Regional Boards and Commissions

A major cause of environment degradation is the functionalization of government which results from each government unit having a single purpose with no responsibility for the consequences of its actions. Legislation to guide all state agencies in attaining quality environmental goals will reduce functionalization.

The activities of state government, however, are influenced by boards and commissions who formulate policy, establish standards and criteria and allocate funds. Since it is the intent that the legislative goals for a quality environment apply to all state boards and commissions, action must be taken to ensure that the environmental effects of the boards' activities are considered. This could be accomplished by adding as members persons with technical ability and an interest in environmental quality.

A 1965 report of the Commission on California State Government Organization and Economy stated that 23 of the 51 units in the Resources Agency require, by statute, special clientele interest or industry representation. The entire membership of several boards is required to be composed of industry or special interest groups. This report recommended as a criteria for all boards and commissions that representatives of special interest groups should not be the majority and should never constitute the entire membership, "except in unusual circumstances."

The highest priority should be given to establishing public-at-large membership on those boards and commissions, listed below, which are composed entirely of special interest groups.

<i>Board or Commission</i>	<i>Authorized Members</i>	<i>Statutory Requirements</i>
District Forest Practices Committees	5	4 timber owners or operators; 1-designee State Board of Forestry
State Mining Board	5	Mining Industry only
District Oil and Gas Commissions	5	Oil and Gas Industry only
Colorado River Board	6	Local Colorado River user agencies only

In addition, the seven-member State Board of Forestry is required by statute to comprise five industrial, one agricultural, and one public-at-large member. One or two more public-at-large memberships is desirable.

The nine members of the California Water Commission must be selected on the basis of their knowledge, interest and experience in water control and use, with engineering background being desirable.

Two members of the California Water Commission should be selected from the public-at-large without consideration of experience or knowledge in water control.

The California State Board of Agriculture is composed of thirteen members, only two of whom are from the public-at-large. The California Highway Commission is composed of seven members representing the state-at-large.

Genuine at-large membership should be ensured on the State Board of Agriculture and the California Highway Commission, and the individuals selected to represent the public-at-large should be persons with an interest in and knowledge of environmental conditions.

State Lands

The past and present legal and regulatory policies relating to state lands are not conducive to improving and maintaining the environment. Many of these lands, located in urban-metropolitan areas, are irreplaceable. Many include important waterways, lagoons, bays and estuaries.

The disposition and use of state school and tide and submerged lands is guided by federal grant restrictions, California constitutional restrictions, state statutes, California Administrative Code regulations and the policies and procedures of the State Lands Commission and its staff.

Past and present policies call for disposing of state lands in a way which will provide money to the state. These policies may have served the best interests of the people in the past. They do not serve the best interest of the people today.

Many acres of former state land have been developed in a manner detrimental to the quality of the environment. This is best illustrated in the San Francisco Bay area where the improper use of grants and sales of tide and submerged lands contributed to the deterioration of the bay's environmental quality until the people demanded a halt by supporting legislation backing the Bay Conservation and Development Commission. Similar environmental losses, although less dramatic, have occurred in other areas. State lands containing critical fish and wildlife habitat and providing public access to large blocks of public lands must be retained if we are to preserve the quality of our environment.

In the last sixty years the Legislature has granted control of much of the state's most valuable tidelands to local governments. Many, if not most, of the tideland grants required the grantee to develop the lands substantially within ten years or have them subject to reversion to the state. With few exceptions, the pattern has been to develop these grants to the maximum in order to broaden the local tax base. These developments have altered a major portion of the state's coastal marshes and tideflats, lands which once were life sustaining for fish and wildlife.

Local communities obtaining grants are not required to submit development plans to the state. Consequently, state departments perform no review which would allow them to recommend that valuable ecological or recreational segments be preserved in their natural state.

California's environment is being defiled through encroachment on state lands as a result of the state's inability to identify these lands. Large sums of money would be required to identify these lands by establishing the state land boundaries and, in many cases, only court litigation will clear the record.

This threat of encroachment occurs in the following areas:

1. Coastal tide and submerged lands.
2. Colorado River.
3. Central Valley River and tributaries, slough and islands.

The following are a few of the encroachments and their degrading effect on the environment that have resulted from inadequate survey and identification of state lands:

1. The mining of gravel from salmon and steelhead spawning areas in the Sacramento River and its tributaries has an adverse effect on the production of these fish.
2. Adjacent landowners have claimed title to state lands within the bed and lands adjacent to the San Joaquin River and its tributaries by quitclaim deeds and demand assessments. The result has been the blocking of public access and the destruction of one of California's most important and critical wildlife and riparian habitat.
3. The lack of surveys to locate and identify state lands along the Colorado River has resulted in problems affecting the quality and the public use of the environment in that area. The greatest adverse effect has resulted from illegal occupancy of state lands. This use often destroys the beauty of the area and blocks access to other public lands.

The State Lands Commission working with the Joint Committee on Public Domain should develop legislation which will change existing policies to make them conform with the state goal of environmental quality.

This legislation should include the following provisions:

1. State lands or waters with quality resource, open space, recreational, fish and wildlife, scenic, historic, natural or esthetic qualities shall not be sold or granted. The State Lands Commission shall identify such waters and lands and submit a report to the Legislature prior to the sale or grant of any additional state lands.
2. Future grants to local communities (after satisfying 1 above) will not be made until local development plans have been submitted to the state, reviewed by the Resources Agency and approved by the state.
3. Development plans for past grants should follow the same procedure to the extent new legal requirements would allow.
4. The Division of State Lands should give first priority, other than to litigation suits, to determining the extent of its ownership of the lands and water listed in 1 above.
5. On lands already granted, existing high priority environments should be identified and a transfer of these back to the state should be arranged or a joint state-local jurisdictional or financial arrangement should be provided to assure the protection of these areas.

Additional funds for these purposes should be provided to the Division of State Lands in the 1970-71 budget.

The Legislature should memorialize Congress to extend the 1920 Federal Mineral Act to the outer continental shelf lands.

This extension would result in joint federal-state planning and management of these areas and a state sharing in revenues from resources extraction. Such action could greatly improve the protection of the coastline and provide an important additional source of revenues to fund state and local environmental quality programs.

Legal Issues

In a number of fields—desegregation, social welfare, apportionment and criminal justice, for example—there has been an increasing tendency to turn to the courts for help when the legislative and executive branches of government have seemingly failed to respond to the necessities of the time. Inevitably, this trend has reached the environment.

Indicative of the increasing concern of private citizens for their environment has been the growing number of actions, brought by private citizens and conservation groups, to combat threats to the environment.

Overcoming, in many instances, the obstacles raised by such traditional legal doctrines as standing to sue, conservation minded plaintiffs have resorted to the courts to stop such threats to the environment as expressways, power plants and land developments. In doing so, they have asserted a "constitutional right to a decent environment," based in part on the guarantee of the Ninth Amendment that the rights set forth in the Constitution shall not be construed to deny or disparage other rights retained by the people. Efforts are similarly being made to establish the doctrine that public lands—and even private ones—are held in trust for the people who, as beneficiaries, may sue to prevent their misuse.

In a wide variety of actions, serious efforts are being made to establish a body of common law, under which the general public is assured, and entitled to sue for, a clean and healthy environment.

The "class action," in which individuals or groups are permitted to sue on behalf of those similarly situated, has assumed new importance as a device by which environmental rights of citizens may be vindicated. While the courts have been increasingly receptive to such actions, serious problems remain as to proper judicial procedure and criteria.

The extent to which the courts can, or should, be asked to solve complex ecological problems is questionable. When the states were described by the Supreme Court as laboratories of the nation, the court was referring to their legislative systems, not their judicial functions. The adversary process, in which the rights of one party are decided against another, has its limits in determining large public issues. Legislative bodies are meant to be responsive to the needs of their constituents to an extent to which courts could never be. Administrative agencies have come to be given the powers they possess because they have the expertise and responsibility to implement the public policies established by legislatures. While the courts have, when called upon, performed prodigious tasks of implementing their decisions in such fields as reapportionment and desegregation, they have done so only when compelled to by the inaction of the coordinate branches of government. It may be that the field of environmental "common law" will grow in inverse proportion to the extent to which the legislative and executive assume and carry out environmental responsibilities.

The Assembly Committee on Judiciary should consider the desirability of environmental "class action" suits and other legal issues relating to the environment.

Demonstration Areas

We must give high priority to improving our ability to predict, prevent and control the consequences of our actions on the environment. We need to develop environmental test programs for establishing additional criteria and standards for environmental quality.

One program might involve selecting a rapidly developing community and applying environmental quality standards to every aspect of its development along with studies to determine the short and long-range consequences.

A demonstration of the interrelationship of environmental factors, such as air, water and solid waste pollution in an area of several communities, could develop valuable guidelines for the future.

The restoration of an ecological unit now badly degraded could provide important knowledge through the development of imaginative new methods.

The development of a new town laid out with a quality environment as one of its primary goals could be incorporated into new town planning already underway.

The Speaker should designate an appropriate Assembly committee to develop legislation, including funding, to authorize demonstration areas in which test programs could be created to establish additional standards for improving environmental quality.

Study of Local Government Statutes

Attaining a quality environment in California is dependent on the implementation of environmental goals and policies by every level of government. California has 58 counties, over 300 cities and approximately 4,000 special purpose districts.

The Assembly Committee on Local Government should study the statutory authorities of county government, city government and special districts and recommend changes necessary to assure full compliance with the legislative policies mandating a quality environment for California.



ENVIRONMENTAL PRIORITIES

Environmental priorities, like priorities for all governmental expenditures, will be made by elected officials in the budgetary process of government. This section of the report proposes criteria which will assist in this process and actions which the committee feels warrant high priority.

Environments Dangerous to Health

An environment that is healthful to man should command the highest priority, for a degraded environment poses a physical threat to man. Air pollution may pose the greatest threat of all.

In recent years California has taken several steps to reduce air pollution. As of March 10th more than 35 air pollution bills had been introduced, including measures to tighten control of vehicle emissions and stationary sources. Many air pollution experts hold, however, that as the population grows, the increase in air pollution caused by more automobiles and industries will overcome the reductions made by controlling the sources and that, in the long run, our present control methods will be of no avail.

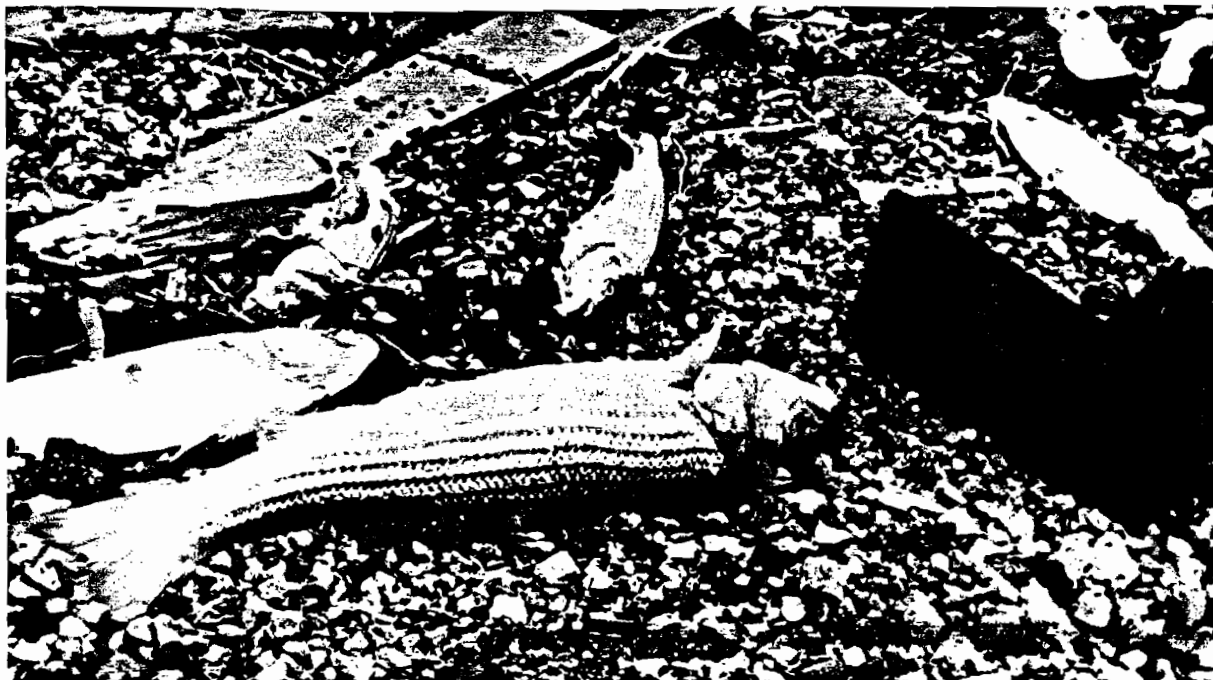
Other experts—including some scientists, public officials and medical doctors—believe that present air pollution poses an immediate threat to man's health. Some individuals even predict mass deaths before the end of this decade.

Nine years ago, the Los Angeles County Medical Association and the Tuberculosis and Health Association released a Physicians' Environmental Health Study which revealed that 77% of the physicians queried believed that air pollution had an adverse effect on the health of their patients. Six years later, in 1967, it was reported that each year doctors advise 10,000 persons to leave the Los Angeles area because of smog.

Because of the possibility of a critical health problem and because of the difficulty of producing an overnight solution to smog, immediate priority must be given to having the best authorities determine whether smog, under our present and projected controls, will reach a critical health threshold. If such a threshold will be reached, regardless of increased controls, then a "red alert" should be the first order of business for every governmental unit which can influence either the smog problem or the health emergency in the affected areas. Under these circumstances, state and local government should prohibit any developments, public or private, which will accelerate the air pollution problem in these areas, and take every possible action to decrease air pollution.

These actions should include the prohibition of any new governmental, industrial or residential buildings, highways, water developments or other developments which would produce more smog. Such drastic actions should remain in force until it can be established that the smog level will be lowered prior to critical thresholds.





The Legislature should direct the Air Resources Board and the State Department of Public Health to determine jointly whether air pollution, considered in light of both current and projected controls, will cause mortality, morbidity, an increase in emphysema and other respiratory diseases, or similar health problems requiring emergency actions by state and local government. The findings should be submitted in a joint report to the Legislature not later than June 1, 1970.

Environments with Immediate Threats

Although the population increases and rapid development of the state are threatening environmental quality in many ways and at many places, action to reduce certain threats demand highest priority.

Protection of the coastal zone of California is a high priority need. Here, where approximately 90% of the population live on 8% of the land, the major alterations to California's land and water environment are taking place.

Within the coastal zone there is a variety of scarce environments, such as bays, estuaries and lagoons with fish, wildlife, and other resources which are dependent on such habitat. These areas plus the beaches and adjoining lands are often the last remaining natural and scenic spots amid urban sprawl.

These irreplaceable environmental values are threatened only briefly, for once the planned developments materialize the threat is over. In its stead are irreversible changes. Immediate action must be taken to prevent the destruction of these environmental values. We cannot wait for the orderly planning and implementation process proposed in this report.

Until the state's comprehensive ocean area plan is completed and adopted by the Legislature, one or more coastal commissions should be established with temporary development control powers similar to those granted the San Francisco Bay Conservation and Development Commission. The legislation to establish this coastal commission should be adopted in the 1970 Session.

State and Federal Leadership

This report recommends a variety of policies, planning and actions which must be taken both by government and by California citizens. The state government and the federal government must point the way for all others by the management and operation of their own lands, installations and programs.



State Government

The State Lands Commission should declare an immediate moratorium on any additional sales, leases or grants of state school and tide and submerged lands which might be detrimental to environmental quality.

The moratorium should remain in effect until new policies are developed as recommended earlier in this report.

State government should take immediate steps to bring the waste treatment facilities at all state installations in full compliance with the requirements established by the California Regional Water Quality Control Boards.

The following state installations are now polluting the water:

Deuel Vocational Institution
North Coast Conservation Center (Redway)
Porterville State Hospital
San Quentin Prison
Veterans Home (Yountville)

This information, supplied by State Water Resources Control Board, has been updated as of March 30, 1970.

If funds required to solve these problems have not been requested in the 1970-71 budget, the necessary budget augmentations should be made. The appropriate agency should advise the Legislature of the date on which these institutions will comply with the law.

Several existing or proposed programs involving state government have evoked widespread concern that they will cause significant damage to the environment. Specific examples are the:

- a. Upper Newport Bay land exchange between Orange County and the Irvine Company involving granted state lands and approved by the State Lands Commission.
- b. Proposed Peripheral Canal as a feature of the State Water Project and the Federal Central Valley Project.
- c. Construction of freeway over Goleta Slough, Santa Barbara County by the Division of Highways.
- d. Tijuana River estuary development requiring a State Lands Commission permit.

The state department responsible for the above projects, and any others the Legislature may identify, should be requested to submit to the Legislature as soon as possible an environmental impact report, as recommended in the proposed Environmental Quality Act of 1970. The responsible department should take no final action prior to the submission of this impact report.

Federal Government

On January 1, 1970, President Nixon signed into law the National Environmental Policy Act. The act establishes environmental quality goals and instructs all federal agencies to implement these goals. It is anticipated that the new law will influence federal activities in California.

As in state government, there is need for aggressive federal actions to demonstrate leadership and to correct or prevent immediate environmental threats.

In the coastal zone, the largest acreage of high quality wetlands is found on military installations. This land provides a scarce and unique environment. Increased demands are being placed on the military to alter this land for other uses.

The Legislature should memorialize Congress to take appropriate steps to ensure the permanent protection of these unique resources on federal installations.

One of the high priority problems is public access to California's shoreline and beaches. Of the 1,072 miles of California coastline only 353 miles are publicly owned and available for recreation. Another 58 miles, although publicly owned, are closed to recreation for a variety of reasons. The magnitude of the problem



becomes apparent when it is realized that of the 289 miles of beaches suitable for swimming, only 90 miles are publicly owned.

The federal government now prohibits public access to approximately 56 miles of beach frontage. This acreage is located almost entirely at Camp Pendleton in San Diego County, Vandenberg Air Base in Santa Barbara County, and Fort Ord in Monterey County. Where military operations can be shifted to other sections of the base, the federal government should open these beaches for public use. A prime example of an operation which should be shifted is the Fort Ord rifle range which now uses Monterey County's beach as its backdrop.

The Legislature should memorialize the President to request the Department of Defense to allow public access to California's beaches located within military installations.

Many federal installations in California are not complying with the California Regional Water Quality Control Board requirements. The following federal installations are now polluting the state's water supply.

- Fort Ord
- Hunters Point Shipyard
- Klamath Air Force Base, Requa
- Lemoore Naval Air Station
- Los Alamitos Naval Air Station
- McClellan Air Force Base
- Mill Valley Air Force Base
- Naval vessel waste in general including oil spills
- Oakland Army Base
- Quechan Indian Reservation
- U.S. Army, Fort MacArthur
- U.S. Marine Corps Air Station, El Toro
- U.S. Naval Ordnance Laboratory, Corona
- U.S. Naval Station and Shipyard, Long Beach
- U.S. Navy, Alameda Naval Air Station
- U.S. Navy, Concord Naval Weapons Station
- U.S. Navy, Construction Battalion Center, Port Hueneme
- U.S. Navy, North Island Naval Air Station
- U.S. Navy, Mare Island
- U.S. Navy, Point Molate
- U.S. Navy, Salton Sea Test Base
- U.S. Navy, San Clemente Island
- U.S. Navy, San Nicholas Island
- U.S. Navy, Skaggs Island
- U.S. Navy, Yerba Buena Island
- Vandenberg Air Force Base

The Legislature should memorialize the President to request the responsible federal officials to comply with Regional Water Quality Control Board standards and advise the Legislature of the date on which each federal installation will meet state regulations on water quality.

Several existing and proposed federal programs in California have become matters of concern because of their effect on the environment. Specific examples include:

- a. Federal oil leases in Santa Barbara channel by the U.S. Department of Interior.
- b. Channelization of the lower Colorado River by the U.S. Bureau of Reclamation.
- c. Dos Rios Project by U.S. Corps of Engineers.

The Legislature should memorialize the President and the Congress to request that each federal official of the appropriate agency make an environmental impact report on these programs or any other additional programs proposed by the Legislature, as required by the New National Environmental Quality Act, and submit this report to the California Legislature. The federal agency should take no final action prior to submission of this impact report.



FINANCING STATE ENVIRONMENTAL PROGRAMS

The state must commit itself to a continuing investment in order to preserve the health and well-being of all Californians.

For too long we have been overdrawing our environmental account. We must now face up to the necessity for infusing billions of dollars to redress our resources deficit. We estimate, based upon various studies and reports reviewed by the Committee, that a three to five billion dollar state investment will be needed over the next five to ten years to correct environmental pollution and provide funds for beaches and high priority lands near metropolitan areas.

This report will provide the Assembly with a plan of action leading to a firm, environmental financial plan. The recommendations leading to this plan provide for firm financial commitments for the immediate future, describe the magnitude of long-range needs, identify the legislative policy issues to be resolved, and the new tax sources to be studied.

Implementation of the report's recommendations will result in increased operating costs to state government for organizational, planning and control purposes. These costs have not yet been estimated, but no major outlays of funds will be required. Cost estimates should be developed immediately and the programs initiated in the 1970-71 FY budget. While the long-range operating costs may be significant, it is cheaper to spend a little for prevention now than face the overwhelming costs of correction later.

Water Treatment Facilities

The State Water Resources Control Board estimates that \$300 million is needed over the next five years to accelerate construction of waste water treatment facilities for correcting only gross water pollution at municipal and district sewage treatment facilities. These expenditures will result in upgrading water quality in many areas rather than merely keeping pace with increasing waste loads. In addition, the expenditures will accelerate the phasing out of inefficient treatment plants and the development of area-wide facilities, and reduce the backlog of pending projects. Sewer service charges should be increased to finance the local share of the cost for municipal facilities.

While the basic responsibility for the construction of waste treatment facilities should rest with the waste discharger—municipal and industrial—, only an acceleration of expenditures at all levels of government will produce a major improvement in water quality. Significant state assistance is required now for the following reasons:

1. Enforcing the 1969 Porter-Cologne Act will place an immediate financial burden on the cities to construct treatment facilities. They are unable to meet this burden without federal and state aid.
2. Total funds needed for this five-year period are estimated at \$888 million. Under the federal sharing program, if there is no state participation, the federal government would pay 33% (\$296 million) and local government 67% (\$592 million). With 25% state participation (\$222 million), the federal government would pay 55% (\$488 million) and local government only 20% (\$188 million). If the federal government makes available the full amounts listed, California, by not participating, would lose a maximum of \$192 million in federal grants over the five-year period. (See chart on page E-40) The federal share for 1970-71 FY has already been earmarked and the President has adopted a five-year program with a minimum ceiling at the 1970-71 FY level.

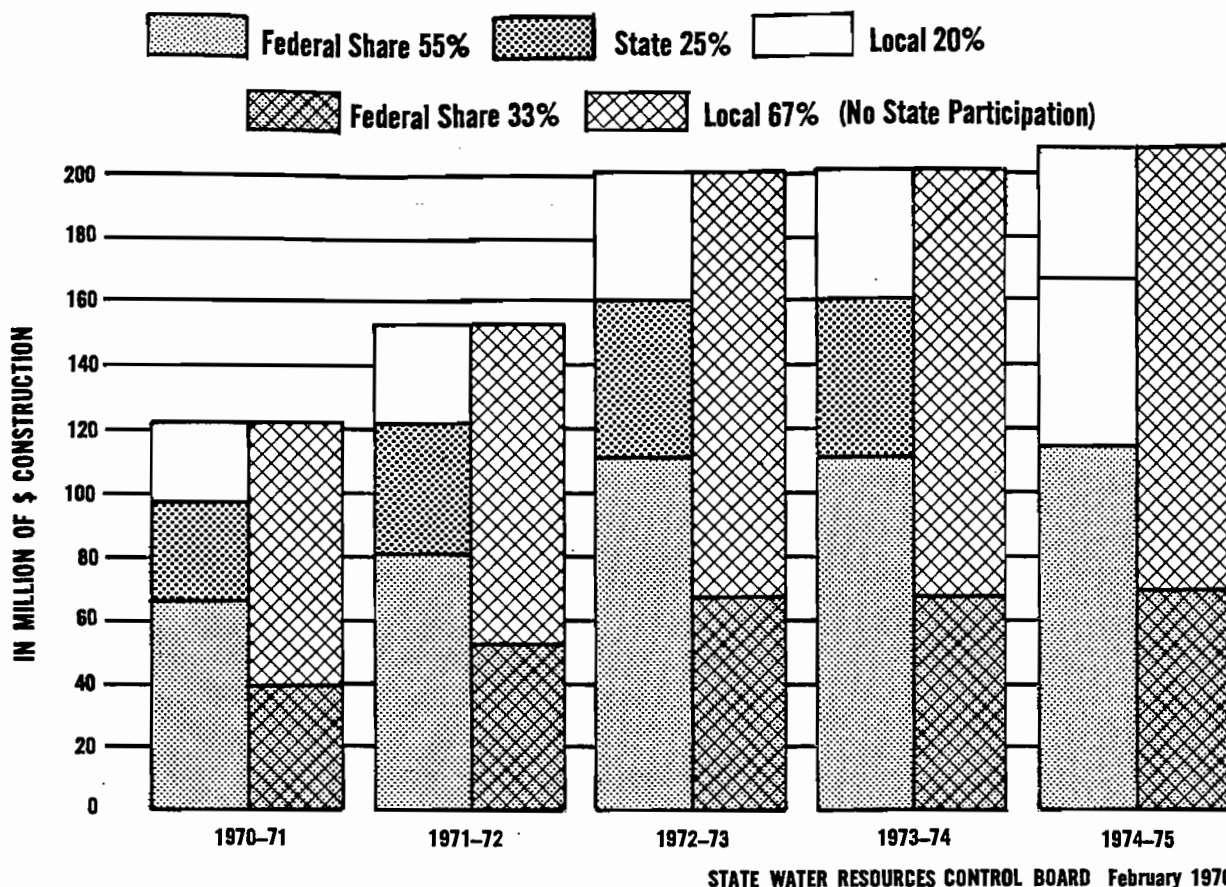
The State Water Resources Control Board estimates that additional state money totaling \$78 million over the five-year period is needed for loans (as seed money for local revenue bonds), planning funds and research and development funds. The estimated breakdown of this amount and the \$222 million for treatment facilities by years is as follows:

	70-71	71-72	72-73	73-74	74-75	Total
	(in millions)					
Grants.....	\$30	\$40	\$50	\$50	\$52	\$222
Loans.....	10	10	10	10	10	50
Planning.....	2	5	6	3	2	18
Research and Development.....	2	2	2	2	2	10
						\$300

We recommend that the state finance a \$300 million five-year program to accelerate construction of waste water treatment facilities for correcting gross local water pollution.

COMPARISON OF POLLUTION CONTROL COSTS TO FEDERAL, STATE AND LOCAL ENTITIES FOR WASTE TREATMENT AND DISPOSAL FACILITIES

FUNDING UNDER PRESENT AND PROPOSED CALIFORNIA PROGRAMS 1970-1975



STATE WATER RESOURCES CONTROL BOARD February 1970

Solid Waste Treatment and Disposal

Land, water and air pollution problems caused by solid wastes have been primarily a local problem. Waste loads are increasing, however, and many communities do not have suitable locations and facilities for handling this increase. At present, state government is responsible for only limited aspects of the solid waste problem. There is no state policy covering the overall state role and responsibility.

The most immediate needs for state capital funds appear to be in research, development and planning for both reducing solid waste loads and determining improved methods in solid waste handling. Capital funds of \$5 million in state money should be allocated for this purpose for use during the next two to three years.

Preliminary State Water Resources Control Board estimates indicate \$25 million in state funds may be needed during the next five years for state aid in the development of area-wide plans, lands and facilities.

We recommend that the state finance the \$5 million necessary for solid waste research and development over the next two to three years. Additional state assistance would be based upon a determination by the Legislature of the state's future role in solid waste management.

Air Pollution Control

Major air pollution control costs are not direct governmental responsibilities but must be paid by the automobile manufacturer and those responsible for pollution from stationary sources.

State government, however, has responsibility under the Mulford-Carrell Act for a statewide air pollution control program. The state sets statewide auto emissions standards and ambient air quality standards for each air basin. Emissions standards for stationary sources are the responsibility of local or regional agencies.

To carry out its present responsibilities, additional state funds are needed for air monitoring and research and development.

The state now has eight monitoring stations; five more are being added. The Air Resources Board estimates that 12 more state stations are needed over the next five years at a capital cost of \$1 million.

A variety of proposals are being made for air pollution research studies by state agencies, the University of California, other universities and colleges, and private research units at both the state and federal level. The state must set up a procedure which will establish priorities among these air pollution research projects, current and proposed, in California. This procedure would coordinate state research with federal efforts and give high priority to research aimed at smog control and the development systems to increase this control. Federal policy should be changed to provide a block grant to California for research and development purposes.

The present state budget now provides \$1½ million for construction of an air pollution laboratory. In addition, \$1.1 million of highway funds are earmarked for auto smog studies. We estimate that \$3 million a year over the next five years will be necessary to fund capital research and development needs. Following are some of the high priority research needs:

1. Improved methods for inspection and control of motor vehicle emissions.
2. Improvement in methods of instrumentation, i.e., remote sensing, measurement of particulate matter, etc.
3. Disposal by other than burning of agricultural, forest, range, levee wastes and by products.
4. Economic impact of air pollution controls including trade offs.
5. Basic research on other pollutants.

Some of these studies relate to both motor vehicles and stationary smog sources. Studies relating to smog from motor vehicles should be financed from highway related funds.

While studies designed to find replacements for the internal combustion engine may be needed, these should be funded by automobile manufacturers or the federal government.

There are additional policy issues which may be resolved over the next several years and which may have significant funding implications. For example:

1. Should the state establish a state inspection program to assure that motor vehicle emissions control standards are in fact being met by all vehicles? If the state itself operates inspection stations it has been estimated that upwards of \$25 million will be required for 500 inspection stations. Other alternatives such as franchising would involve smaller funding requirements.
2. If a used car smog device costing \$65 or less is developed and certified, should the state share in the cost of purchasing this device for some or all used cars?
3. Should the state set standards for emissions from stationary sources and provide assistance to local or regional pollution control districts? If the state shared half the cost of administering local programs, annual state costs would run approximately \$6 million.

We recommend that:

1. The state provide \$15 million over the next five years for air monitoring and research and development;
2. That the Assembly Committee on Transportation study the issues of state motor vehicle emissions inspection, cost sharing for used car smog devices and state assistance for local and regional control districts.



Capital Investment in Lands

Funds for capital investment in high priority lands, particularly in and adjacent to the major metropolitan areas, are urgently needed. Remaining open space lands provide opportunities for a variety of functions and uses; failure to protect them will result in irreversible losses and future degradation of the urban environment.

This report earlier recommends that statewide land use policy be developed and, as a first step, all land and water areas of statewide significance be inventoried and incorporated into an integrated system.

The system would include not only park, recreation, historic, and fish and wildlife areas, but also valuable agricultural and resource production areas. This system will provide the foundation for the establishment of priorities for all major long-term capital investment in lands, waters and facilities. In many instances outright purchase will be required; however, there are numerous other approaches such as leasing, easements and zoning which should be explored.

Several recent reports indicate the urgency and the magnitude of land protection needs adjacent to metropolitan areas. Each of them stresses the need for immediate action to protect key areas.

The Urban-Metropolitan Open Space Study report submitted in 1965 as an element of the State Development Plan, identifies the open space lands needed in and adjacent to the major metropolitan areas of California. The report estimates \$4 billion (1970 costs) would be needed over an eight-year period, (1968-75) to protect strategic open space lands around the major metropolitan areas. Methods of control proposed included acquisition, easements, and zoning.

If purchase of only the high encroachment (immediately threatened) lands is considered as the highest priority, the report estimates \$1.8 billion would be needed over the eight-year period. This figure might be affected by recent acquisitions and other changes.

The coastal study plan of the Department of Parks and Recreation indicates that the purchase of a 100' wide strip of undeveloped beach property in Southern California would cost an estimated \$400 million. An additional \$240 million would be required to purchase a similar zone of undeveloped beach area between Marin and Santa Cruz Counties.

The Legislature in 1967 established a Joint Legislative Committee on Open Space Lands to study and propose appropriate policies relating to open space. The report of this committee will be submitted at the 1970 legislative session. Major legislative policies are needed to outline the state's future role in open space, the state agency to fulfill this role, the role of regional and local government and the development methods required to protect open space lands. The establishment of these policies will influence future state actions in this field.

It is apparent, however, in consideration of the recommendations of the several studies reported above, that a major investment of state funds will be required if a significant contribution is to be made in saving those key beach and other urban open space lands which can only be protected by purchase. Each year's delay results in rapidly increasing prices and irreversible losses.

Because of the urgency of protecting some of the urban open space beaches and lands, it is necessary to start beach purchases at once. Allocation of monies to other open space lands should be made as soon as the major policy issues are resolved.

We recommend that the state finance a \$250 million five-year program to start the acquisition of additional key beaches. Additional state assistance for open space lands would be based upon a determination by the Legislature of the state's future role in open space, the role of regional and local government, and the methods to be used for protection of open space.

Environmental Fund

It is recommended that the Legislature establish an Environmental Fund as a source of continuous funding for critically needed environmental control programs. The Legislature should earmark at least \$100 million per year during the next two years for the Environmental Fund and increased amounts during succeeding years based upon policy decisions identified in this report.

The following chart identifies estimated funding needs for the next five years.

No estimates have been made concerning federal grants or loans for the environmental needs identified except for water treatment facilities. Federal funds for other environmental purposes are now received by California. It is anticipated some of these may be increased in the future. Earlier this report makes several recommendations for improving the state and regional role in allocation and use of these funds. The anticipated federal participation must be identified in the preparation of the more detailed financial plan to be developed during the next two years.

ENVIRONMENTAL FUND CAPITAL FUNDING NEEDS—ENVIRONMENTAL PROTECTION

	<i>Initial firm allocations</i>					Total	<i>Other estimated needs</i> (based upon policy decisions)
	70-71	71-72	72-73	73-74	74-75		
WATER TREATMENT FACILITIES (grants, loans, planning and research and development)-----	44m	57m	68m	65m	66m	300m	Not identified but significant
SOLID WASTE (research and development)-----	1m	2m	2m	---	---	5m	\$25m area wide plans, lands and facilities
AIR POLLUTION (monitoring and research and development)	3½m	3½m	3m	3m	3m	15½m	\$25m auto inspection \$6m state assistance to regional air pollution control districts ⁴
OPEN SPACE LANDS (start purchase beach areas)-----	50m	50m	50m	50m	50m	250m ²	\$390m purchase remaining beach areas identified \$2b purchase other open space land ³

	98½m	112½m	123m	118m	119m	570½m ¹	2½b (approximately)

¹ Policy decisions re *Other estimated needs* can significantly increase annual allocations commencing as early as FY 71-72.

² \$50m per year for beach purchase is an arbitrary estimate to commence critical beach acquisition needs.

³ Federal and local sharing for open space lands not yet identified. Federal fund sharing anticipated.

⁴ State assistance regional air pollution control districts are operating (not capital) funds.



Revenue Sources

Sources of revenue are necessary to finance critical, immediate and long-range environmental quality programs. To provide continuous financing, it is necessary to earmark revenue sources which will finance expenditures from the environmental fund.

An estimated \$100 million will be needed in each of the next two years to pay the immediate high priority environmental costs. In addition, the final decisions on policy issues as yet unresolved may result in the need for an environmental bond issue in 1972. It is necessary to identify revenue sources that will provide funds for immediate high priority needs, possible environmental bond debt service requirements beginning in 1972 as well as for other environmental needs as they are identified.

The federal government currently imposes a 7% excise tax on the price of new automobiles as sold to new car dealers. This tax will be gradually eliminated over the next four years. In 1971, the tax will be reduced from 7% to 5%. If the state imposed the difference, 2%, an estimated \$54 million could be gained. In 1972, when the federal tax is reduced to 3%, the state could pick up the remaining 4%, and raise approximately \$108 million. In 1974, when the federal tax is eliminated, the state could impose the full 7%, which would yield about \$189 million. The advantage of utilizing this revenue source is that it does not change the total tax burden of the California taxpayer.

By increasing the tax on cigarettes by only 5¢ per package, an additional \$110 million could be raised if cigarette consumption did not fall as a result of the imposition of the tax. Cigarette consumption has been steadily falling, however, and the 5¢ tax would probably result in a further decline. Thus, an additional tax on cigarettes, levied for only two years, would yield revenue necessary to complement the excise tax to pay for the immediate high priority needs.

It is recommended that legislation be enacted, to take effect when the voters approve the Environmental Bill of Rights, levying an excise tax on automobiles as the federal tax is eliminated and increasing temporarily the cigarette tax to pay for the environmental correction and protection costs. The excise tax and the cigarette tax should be designed to raise \$100 million annually for the next two years. Revenue from these sources should be placed in an Environmental Fund.

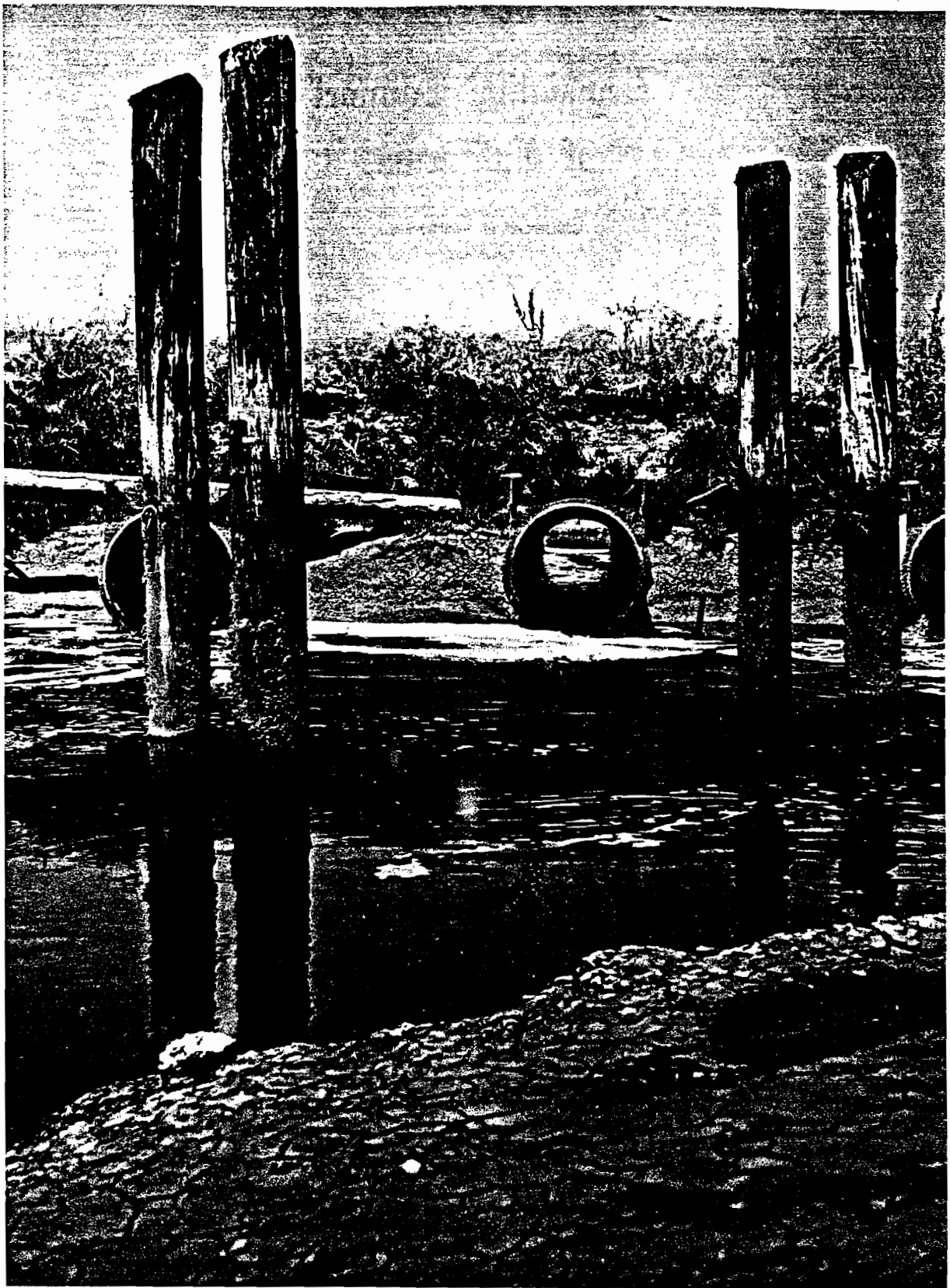
As an alternative, the Legislature should consider submitting a \$500 million environmental bond issue to the voters this November to finance foreseeable needs over the next five years.

Comprehensive Tax Study

The indirect environmental costs associated with the activities of individuals, private business and governmental agencies should be charged directly to those activities. For example, the water polluters—industry, municipalities, and individual citizens—should pay the costs of cleaning the water. This payment can be made through the imposition of an *anti-water pollution tax*. Essentially, the dischargers of waste would be assessed a penalty based on the amount and toxicity of waste discharged into state waters. This penalty would not be regarded as a fee that permits water pollution, but as an incentive to clean up wastes, and provide revenue to construct water treatment facilities.

Environmental degradation, however, is not the result of pollution alone. Anti-pollution taxes will not rectify those costs of protecting and correcting environmental degradation where the original source of this degradation is no longer identifiable or legally responsible. For example, the reduction of California's open space is the simple result of population increases and development patterns. Moreover, economic activity results in resource consumption that sometimes is wasteful and excessive. Thus, the entire public may have to pay some of the costs of maintaining a quality environment. Tax sources not now used may provide the revenue necessary to pay these costs. An example is a tax on the increase in property values resulting from public works. When the state builds a dam or a road, the surrounding property values increase. The benefits of this increased valuation should accrue to the state as a whole rather than to a few. Taxing the increased valuation, for example, may provide the revenue to pay the environmental costs.

It is recommended that the Assembly Committee on Revenue and Taxation, with assistance from the appropriate state agencies, undertake a comprehensive study of alternative tax policies which would provide continuing revenue to pay environmental correction and protection costs and have an impact on pollution control, land use, and resource consumption consistent with a quality environment.



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Honorable Bob Monagan
Assembly Chamber

Environmental Quality - #3460

Dear Mr. Monagan:

You have asked for an analysis of the constitutional amendment pertaining to environmental quality which we have prepared for you under Request No. 3460, particularly as to whether legislation enacted pursuant to the article which would be added to the California Constitution by the proposed constitutional amendment would control over the Public Utilities Commission, in the exercise of its powers and jurisdiction, and over the legislative acts of chartered cities.

The proposed constitutional amendment would add Article XXIX to the California Constitution as follows:

"Article XXIX. Environmental Quality

"Section 1. It is hereby declared to be the policy of the State of California and a matter of statewide concern to develop and maintain a high quality environment in order to assure for the people of the state, now and in the future, clean air, pure water, freedom from excessive noise, and enjoyment of scenic, historic, natural, and aesthetic values.


"The Legislature shall enact legislation to implement the provisions of this article and, notwithstanding any other provisions of this Constitution, may make such legislation applicable to any state agency, to any chartered or general law city, city and county, or county, and to any district or other local agency."

Proposed Article XXIX, supra, would declare that it is a policy of the state and a matter of statewide concern to develop and maintain a high quality environment and would mandate the Legislature to enact legislation to implement such policy.

It would expressly provide that the Legislature may make such legislation applicable to any state agency, to any chartered or general law city, city and county, or county, and to any district or other local agency. In view of this express provision, it is clear that the Legislature would be able to enact legislation pursuant to Article XXIX which would be applicable to the Public Utilities Commission and which would control over legislative acts of chartered cities.

Very truly yours,

George H. Murphy
Legislative Counsel

By 
Robert Cullen Duffy
Deputy Legislative Counsel

RCD:jc

APPENDIX A

Assembly Constitutional Amendment No. . . . —A resolution to propose to the people of the State of California an amendment to the Constitution of the state, by adding Article XXIX thereto, relating to environmental quality.

TENTATIVE DRAFT

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1970 Regular Session commencing on the fifth day of January, 1970, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the state be amended by adding Article XXIX thereto, to read:

Article XXIX

Environmental Quality

SECTION 1. It is hereby declared to be the policy of the State of California and a matter of statewide concern to develop and maintain a high quality environment in order to assure for the people of the state, now and in the future, clean air, pure water, freedom from excessive noise, and enjoyment of scenic, historic, natural, and aesthetic values.

The Legislature shall enact legislation to implement the provisions of this article, and, notwithstanding any other provision of this Constitution, may make such legislation applicable to any state agency, to any chartered or general law city, city and county, or county, and to any district or other local agency.

APPENDIX B

Environmental Quality Act of 1970

TENTATIVE DRAFT

An act to add Division 13 (commencing with Section 21000) to the Public Resources Code, relating to environmental quality.

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

SECTION 1. Division 13 (commencing with Section 21000) is added to the Public Resources Code, to read:

DIVISION 13. ENVIRONMENTAL QUALITY

CHAPTER 1. POLICY

21000. The Legislature finds and declares as follows:

(a) The maintenance of a quality environment for the people of this state now and in the future is a matter of statewide concern.

(b) It is necessary to provide a high quality environment that at all times is healthful and pleasing to the senses and intellect of man.

(c) There is a need to understand the relationship between the maintenance of high quality ecological systems and the general welfare of the people of the state, including their enjoyment of the natural resources of the state.

(d) The capacity of the environment is limited, and it is the intent of the Legislature that the government of the state take immediate steps to identify any critical thresholds for the health and safety of the people of the state and take all coordinated actions necessary to prevent such thresholds being reached.

(e) Every citizen has a responsibility to contribute to the preservation and enhancement of the environment.

(f) The interrelationship of policies and practices in the management of natural resources and waste disposal requires systematic and concerted efforts by public and private interests to enhance environmental quality and to control environmental pollution.

(g) It is the intent of the Legislature that all agencies of the state government which regulate activities of private individuals, corporations, and public agencies which may affect the quality of the environment, shall regulate such activities so that major consideration is given to preventing environmental damage.

21001. The Legislature further finds and declares that it is the policy of the state to:

- (a) Develop and maintain a high quality environment now and in the future, and take all action necessary to protect, rehabilitate, and enhance the environmental quality of the state.
- (b) Take all action necessary to provide the people of this state with clean air and water, enjoyment of esthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise.
- (c) Prevent the elimination of fish or wildlife species due to man's activities, keep all fish and wildlife populations at a self-perpetuating level, and preserve for future generations representations of all plant and animal communities and examples of the major periods of California history.
- (d) Ensure that the long-term protection of the environment shall be the guiding criterion in public decisions.
- (e) Create and maintain conditions under which man and nature can exist in productive harmony to fulfill the social and economic requirements of present and future generations.
- (f) Require governmental agencies at all levels to develop standards and procedures necessary to protect environmental quality.
- (g) Require governmental agencies at all levels to consider qualitative factors as well as economic and technical factors and long-term benefits and costs, in addition to short-term benefits and costs and to consider alternatives to proposed actions affecting the environment.

CHAPTER 2. SHORT TITLE

21050. This division shall be known and may be cited as the Environmental Quality Act of 1970.

CHAPTER 3. STATE AGENCIES, BOARDS AND COMMISSIONS

21100. All state agencies, boards, and commissions shall include in any report on any program they propose to carry out which could have a significant effect on the environment of the state, a detailed statement by the responsible state official setting forth the following:

- (a) The environmental impact of the proposed action.
- (b) Any adverse environmental effects which cannot be avoided if the proposal is implemented.
- (c) Mitigation measures proposed to minimize the impact.
- (d) Alternatives to the proposed action.
- (e) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.
- (f) Any irreversible environmental changes which would be involved in the proposed action should it be implemented.

21101. In regard to any proposed federal project in this state which may have a significant effect on the environment and on which the state officially comments, the state officials responsible for such comments shall include in their report a detailed statement setting forth the matters specified in Section 21100 prior to transmitting the comments of the state to the federal government. No report shall be transmitted to the federal government unless it includes such a detailed statement as to the matters specified in Section 21100.

21102. No state agency, board, or commission shall request funds for any project, other than a project involving only planning, which could have a significant effect on the environment unless such request is accompanied by a detailed statement setting forth the matters specified in Section 21100.

21103. Any state agency, board or commission may expend, for the purpose of taking any action necessary to protect the environment in relation to problems caused by its activities, any money appropriated to it for such purpose.

21104. Every state agency, board and commission shall review its present statutory authority, rules, regulations, policies and procedures to determine any inconsistencies or deficiencies in such provisions which would hinder compliance with the provisions of this division, and shall propose to the Governor and the Legislature no later than January 1971, any measures necessary to comply with the intent, policies, and procedures of this division.

CHAPTER 5. LOCAL AGENCIES

21150. State agencies, boards, and commissions responsible for allocating state or federal funds to local governmental agencies for any program which may have a significant effect on the environment, shall require from the responsible local governmental agency a detailed statement setting forth the matters specified in Section 21100 prior to the allocation of any funds, other than funds solely for planning purposes.

21151. All local governmental agencies shall conduct needed environmental impact studies and shall consider alternative methods for any program carried out by them which may have a significant effect on the quality of the environment.

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Environmental Law—The Uncertain Trumpet

*by Thomas C. Lynch**
*and Jan S. Stevens***

INTRODUCTION

ENVIRONMENT HAS GAINED a place next to God, nation, motherhood and apple pie in our national pantheon of political idols. When the opening of the California Assembly was delayed by the failure of one member to arrive, a columnist suggested that he had refused to come until the Speaker gave him his own environmental package. Environmental bills have not been lacking in the 1970 session of the California Legislature. The realization (and publicity) of the appalling, and perhaps irreversible degradations of the environment over the past years has inspired an onslaught of proposals. Both in the Legislature and in the courts, we have turned to law for the solutions.

The need has been demonstrated beyond reasonable doubt. It has been a long time since otters and sea lions swam in San Francisco Bay, and clams and oysters grew in profusion under its waters. It is unlikely that John Muir would recognize the great central valley that he saw in 1870, covered with wildflowers, and clear all the way to the Sierra. More relevant to the present state of affairs was the recent conclusion of the Los Angeles County coroner that the deceased person whose body he examined had not lived in the area for more than a few months because of the relative cleanliness of the lungs.

There ought, it has been said, to be a law.

We are, quite properly, a nation of laws; and our reliance on law to solve national problems is an old and quite traditional doctrine. Our consensus disappears when it is time to consider the form that legal solutions should take.

The seeker for a better environment through law must consider a veritable maze of questions inspired by the pluralistic society in which we live.

* Thomas C. Lynch: Attorney General of California.

** Jan S. Stevens: A.B. (1955), LL.B. (1958) University of California at Berkeley. Deputy Attorney General of California.



Shall we turn to federal, state, or local government as the chief custodian of our environmental rights? Can legislation save us, or should we turn to the courts to establish, by judicial decisions, environmental rights in fields where legislative bodies have feared to tread?

Obviously, the answers will depend on the problem, the action (or inaction) of the various bodies concerned, and the person asked. Government by consensus becomes a concept unreal indeed when such questions arise as to the proper forum for a decision to permit drilling in the Santa Barbara Channel, or development in Mineral King.

In the halcyon days of the progressive movement and the New Deal, Hiram Johnson in California and Franklin Roosevelt in Washington led the initiation of a policy that even today is the traditional approach to the solution of social problems that have outgrown the power of individuals to solve: namely, the creation of regulatory agencies to act in the public interest. But the growth, maturity, and, in certain cases, decline of the great regulatory agencies have given renewed emphasis to an old question: *quis custodiet custodes?* It has been suggested that the administrative regulatory agency inevitably becomes the conscious or unconscious promoter of the interest it was established to regulate.¹

The "custodes" of our environment are many. The environmental government of California is carried out by the State, 58 counties, over 300 cities, and some 4,000 special purpose districts, with the federal government, manager of half the land area of the state and administrator of major public works, like a brooding omnipresence in the background.²

Efforts to achieve planning, coordination, and an overview of environmental problems among these agencies have been going on for a long time without notable success.³ Of the 1,072 miles of California coastline, for instance, only 353 miles are publicly owned and available for recreation.⁴

In the State of California, a wide range of agencies at the state level carry environmental responsibilities. In the field of water quality alone, the basic functions of the State Water Resources Control Board and the regional water quality control boards under the Porter-Cologne Act⁵ are

¹ See, Potter, *Pollution and the Public*, THE CENTER MAGAZINE 19 (May, 1970); but see Jaffe, *An Essay on Delegation of Legislative Power*, 47 COLUM. L. REV. 359, 561 (1947), describing the delegation of "lawmaking" power as "the dynamo of modern government." See, also, JAFFE, JUDICIAL CONTROL OF ADMINISTRATIVE ACTION 10-27 (1965).

² See, REPORT, "ENVIRONMENTAL BILL OF RIGHTS," ASSEMBLY SELECT COMMITTEE ON ENVIRONMENTAL QUALITY 18 (March 16, 1970).

³ See, e.g., Wood & Heller, *California Going, Going . . . CALIFORNIA TOMORROW* (1962).

⁴ "ENVIRONMENTAL BILL OF RIGHTS," *supra* at 37.

⁵ CAL. WATER CODE §§13000 *et seq.*



supplemented by the Department of Public Health, which regulates domestic water supplies,⁶ is responsible for the control of contamination,⁷ the safety of water recreational areas and public swimming pools⁸ and the establishment of health standards for reclamation of waste water.⁹ The Department of Water Resources is responsible for assuring the continued availability of water of suitable quality to meet the present and future requirements of the State,¹⁰ and has broad authority to investigate, plan and implement programs to that end, including, of course, the State Water Project.¹¹ The Department of Fish and Game bears responsibility for the investigation of deteriorating water quality, and enforces prohibitions of pollution deleterious to fish, plant or bird life.¹² The Public Utilities Commission has jurisdiction over the construction, maintenance, and operation of "any plant or system of water" in the interests of the health and safety of its employees, customers and public,¹³ while the State Lands Commission has important responsibilities for the preservation of water quality in leasing state lands and reviewing proposed state oil leases on state-owned submerged lands.¹⁴

The drilling of oil, gas and geothermal wells is supervised by the Department of Conservation through its Division of Oil and Gas,¹⁵ while the Division of Forestry is responsible for the protection and revegetation of forest, grass and brushlands;¹⁶ and the Division of Soil Conservation develops small water conservation projects in cooperation with local agencies.¹⁷ The State Reclamation Board has major responsibilities along the riverbanks and levees of the State,¹⁸ while the San Francisco Bay Conservation and Development Commission has wide powers over the development and filling of San Francisco Bay.¹⁹

The regulation of navigable and interstate waters is further supplemented by the federal Refuse Act of 1899,²⁰ by the Water Pollution Con-

⁶ CAL. HEALTH & SAF. CODE §§4010-4035.

⁷ CAL. HEALTH & SAF. CODE §§203, 205, 207-209.

⁸ CAL. HEALTH & SAF. CODE §§24100-109, 24156.

⁹ CAL. WATER CODE §13521.

¹⁰ CAL. WATER CODE §§10004 *et seq.*

¹¹ CAL. WATER CODE §§229, 231, 12616 *et seq.*, 12880 *et seq.*, 13750-751, 13800.

¹² CAL. FISH & GAME CODE §§5650-5651.

¹³ CAL. PUB. UTIL. CODE §§701, 768.

¹⁴ CAL. PUB. RES. CODE §§6301, 6826, 6828.

¹⁵ CAL. PUB. RES. CODE §§3000 *et seq.*

¹⁶ CAL. PUB. RES. CODE §§4000 *et seq.*

¹⁷ CAL. PUB. RES. CODE §§9000 *et seq.*

¹⁸ *E.g.*, CAL. WATER CODE §8590.

¹⁹ CAL. GOVT. CODE §§66600 *et seq.*

²⁰ 33 U.S.C. 407 *et seq.*



trol Act,²¹ by the various statutes governing the actions of the federal government in the fields of reclamation and navigation,²² and by the overall strictures of the newly enacted National Environmental Policy Act of 1969.²³

The Attorney General is statutory counsel for these state agencies²⁴ and, in addition, inherits the common law power to institute proceedings, to enforce trusts, to prevent public nuisances, and to protect public rights.

As the California Supreme Court has put it:

The Attorney General, as the chief law officer of the state, has broad powers derived from the common law, and in the absence of any legislative restriction, has the power to file any civil action or proceedings directly involving the rights and interests of the state, or which he deems necessary for the enforcement of the laws of the state, the preservation of order, and the protection of public rights and interests.²⁵

Water regulation is only one example of the many seamless webs of law that, by chance and design, cover the field of environmental regulation. The actual, would-be, and purported *custodes* are many. Once again the question arises: *quis custodiet custodes?* Should they be ombudsmen, "private attorneys general," or super-environmental agencies?

I THE COURTS AS CUSTODES

Many of today's environmentalists were formerly known as conservationists. They are, in large part, strong and independent minds, not known for unanimity of view. It is not surprising, therefore, that there is less than complete agreement on the proper legal infrastructures for the ecological safeguards we desire. Lately, the advocates of preservation by adjudication have been increasingly vociferous.

This is widely reputed to be an age of judicial activism. There has been an increasing tendency to turn to the courts for help whenever the legislative and executive branches of government have seemingly failed to respond to the necessities of the time. In such fields as desegregation, reapportionment, and criminal justice, the courts have assumed leadership and declared rules where the other branches have failed to act.

²¹ 33 U.S.C. 466 *et seq.*

²² *E.g.*, THE RIVER AND HARBOR ACT OF 1899, 30 Stat. 1151; the FISH AND WILDLIFE COORDINATION ACT, 72 Stat. 573, P.L. 85-624, 16 U.S.C. 661.

²³ P.L. 91-190; 83 Stat. 852.

²⁴ CAL. GOVT. CODE §12511.

²⁵ *Pierce v. Superior Court*, 1 Cal.2d 759, 37 P.2d 460 (1934). *See also* *People v. Gold Run Ditch and Mining Co.*, 66 Cal. 138 (1884); *People v. Miner*, 2 Lans. (N.Y.) 396 (1868).



This tendency to rely on courts as instruments of social change has, as might be expected, reached the environmental field. It is being urged, in a wide variety of actions, that the courts should declare the existence of a "body of common law under which the general public can assert its constitutional right to a viable, clean and healthy environment."²⁶

Another body of advocates are, not entirely without success, urging the doctrine that public lands are held in trust for the general use and benefit of the people, who have the right to sue as beneficiaries to ensure that their trust is not abused.²⁷

These propositions have considerable merit and can, properly used, make tremendous advances in environmental protection.²⁸ Nevertheless, it would be unfortunate to consider judicial decision as a universal panacea. Two propositions, in this regard, should be considered:

1. The faith now placed in the judicial system as an instrument of social and environmental reform *replacing* the traditional avenues of legislation and administration is misplaced.
2. The future of our environment will depend upon the success with which our legal system as a whole — that seamless web (or Rube Goldberg contraption) of legislation, executive implementation, and judicial enforcement — responds to these subtle and complex problems.

If, as Marshall McLuhan says, the world has become a space capsule, it seems rather incongruous to pin our legal prospects to such ancient stars as trespass, nuisance, fee simple, and proximate cause. Just as our literary and social ideals may at times hearken back to other ages, the law often retains a nineteenth century accent. Roscoe Pound said over 30 years ago that "men have always sought to explain the institutions of the present in terms of a picture of the social order of the past."²⁹

Fifty years ago, the police power was still a relatively new concept. Comprehensive zoning had barely begun. As late as the mid-twenties, a Californian who was bothered by what he described as "great quantities of offensive smelling thick, black smoke" pouring into his window from an adjoining smokestack was compelled to hire an attorney and bring his own

²⁶ Demuth, *Why DDT Is Scary*, AVE MARIA 11 (Aug. 2, 1969). See generally Kutner, *The Neglected Ninth Amendment*, 51 MARQUETTE L. REV. 121 (1967); McCarthy, *Recent Legal Developments in Environmental Defense*, 19 BUFFALO L. REV. 195 (1970).

²⁷ E.g., Sax, *The Public Trust Doctrine in Natural Resource Law: Effective Judicial Intervention*, 68 MICH. L. REV. 471 (1970).

²⁸ See, e.g., *Dietz v. King*; *Gion v. City of Santa Cruz*, 2 Cal.3d 29 (1970).

²⁹ Pound, *The New Feudal System*, 19 KENTUCKY L. J. 1 (1930); 2 ASS'N AMERICAN LAW SCHOOLS, *SELECTED ESSAYS ON CONSTITUTIONAL LAW* 82, 86 (1938).



nuisance action, whereupon the court solemnly pondered such questions as whether an injury to his health should not be shown, and whether he shouldn't have been living in a more residential neighborhood.³⁰

Regulation outside the field of public health, safety and morals was likely to be stricken as "arbitrary" or "unreasonable." A business had to be "imbued with a public interest" before its regulation could be justified. In *Lochner v. New York*,³¹ the court held unconstitutional a statute limiting the hours of bakery workers in these terms:

Statutes . . . limiting the hours in which grown men may labor to earn their living are mere meddlesome interferences with the rights of the individual and they are not saved from condemnation by the claim that they are passed in the exercise of the police power and upon the subject of the health of the individual. . . .³²

As the century developed, the courts became more receptive to legislative judgments. A climax of sorts was reached in *Euclid v. Amber Realty Co.*³³ in 1926, when the court upheld comprehensive zoning with a classic statement:

Until recent years, urban life was comparatively simple; but with the great increase and concentration of population, problems have developed and constantly are developing, which require and will continue to require additional restrictions in respect to the use and occupation of private lands in urban communities . . . While the meaning of constitutional guaranties never varies, the scope of their application must expand or contract to meet the new and different conditions which are constantly coming within the field of their operation.³⁴

By the thirties, the courts had come to recognize a drastically extended police power. No longer was it necessary to show that the relation of the legislation to its goal was "reasonable" or "sound." If "any state of facts either known or which could reasonably be assumed afford support for such a judgment" a measure must be upheld. The requirements of the Constitution would be met if "a Legislature could rationally have believed the measure to be in the interests of public welfare." At the same time, the concept of public welfare was extended to include recognition of economic benefit and general prosperity.³⁵

³⁰ *Oauberman v. Grant*, 198 Cal. 586 (1926).

³¹ 198 U.S. 45 (1905).

³² *Id.* at 61.

³³ 272 U.S. 365, 47 S. Ct. 114, 71 L.Ed. 303 (1926).

³⁴ *Id.* at 386-387.

³⁵ *E.g.*, *Lee Optical Co. v. Williamson*, 348 U.S. 483 (1955); *Day Brite Lighting, Inc. v. Missouri*, 342 U.S. 421, 423 (1951).



Thus in a recent decision of the California Supreme Court, zoning of a 30 year old business so drastic as to deprive the property of any appreciable value was sustained on a showing that the rock and gravel excavations conducted there could adversely affect persons nearby who might have respiratory ailments.³⁶

What we have seen over the past 30 years is the development of a philosophy at once receptive and deferential to the efforts of legislators to solve our social problems. Beginning with the traditional bread and butter public health issues of food and drugs, pure water, street sanitation, conditions of employment and restaurant and inn regulation, and going on to such broad social issues as billboard control, bay fill, quackery and air pollution, the courts have generally been ready to vindicate the rights of the people set forth in statute and implemented by administrative regulation. We have hints that they will go even farther, in proper cases. In *Kovacs v. Cooper*,³⁷ a decision now 20 years old, the Court permitted prohibition of even the "preferred" first amendment right of free speech, when it was exercised by means of a "loud and raucous" sound truck, in the interest of safeguarding what Justice Frankfurter called "the steady narrowing opportunities of serenity and reflection." In *United States v. Causby*,³⁸ the Court held that constant low-level flights to and from an adjacent airport may constitute such a taking as to require compensation to the annoyed landowner. And in *Griswold v. Connecticut*,³⁹ a majority of the Court showed its willingness to recognize "penumbral rights of privacy and repose."⁴⁰

It hardly seemed surprising when the Oregon Supreme Court broke the ice and frankly recognized the propriety of esthetic regulation.⁴¹

Thus the Constitution no longer provides a shield for the exploiters of the environment. Thoughtful schemes of legislation and intelligent and fair administration have received the support of the courts and will, it appears, continue to do so.

There is, however, a significant trend of legal thought to the effect that legislative solutions will not come fast enough, and that the regulatory agencies are too firmly wedded to the interests of those they control to protect the public interest. They would go a step farther, and turn the

³⁶ *Consolidated Rock Products Co. v. City of Los Angeles*, 57 Cal.2d 515, 20 Cal.Rptr. 638, 370 P.2d 342 (1962), *appeal dismissed*, 371 U.S. 36 (1962).

³⁷ 336 U.S. 77 (1949).

³⁸ 328 U.S. 256 (1946).

³⁹ 381 U.S. 479 (1965).

⁴⁰ *Id.* at 485.

⁴¹ *Oregon City v. Hortke*, 421 P.2d 957 (Ore. 1965).



Constitution into a sword; establishing new constitutional rights in the environmental field by test cases.

This approach is one which has, in other fields, seemed remarkably effective. Millions of children have had their rights to equal treatment vindicated in the courts. Millions of impoverished persons have had their welfare benefits increased. Millions have been given a greater voice in electing their legislators.

Why not do the same things in environmental law? One noted advocate of this theory has said:

It's only in the courtroom that the environmental scientist can be heard free of the harassment of vested interests, free of the glare of sensation-seeking news media, free of the need of legislators to seek re-election. Only in the courtroom can the opinion of environmental scientists be presented in such a way that allows them to maintain their intellectual responsibility and their duty to their profession and to mankind. Courts also have the power to enforce decisions after careful deliberation.⁴²

Let's set aside, initially, the question as to whether courtrooms are in fact those sheltered sanctums free of the "glare of sensation-seeking media" and the "harassment of vested interests." More serious problems exist, and they have to do with the very nature of the judicial process. The traditional remedy against a wrongdoer at law is an action for damages, brought after a wrong has occurred. Only by invoking the equity power of a court, and proving a threatened wrong that will cause substantial and irreparable injury, for which damages would not be an adequate remedy, can an order be obtained to prohibit a threatened act from occurring. And in the environmental field, of course, prevention is the only effective remedy.

If we wanted to stop air pollution in the Los Angeles basin today — right now — by judicial proceeding — it would be necessary to enjoin 10 million drivers.

To prevent the filling of San Francisco Bay — by judicial proceedings — literally hundreds of districts, municipalities, landowners and businesses would have to be joined as defendants in a colossal action that might resemble a Marx Brothers movie more than the objective forum just described.

A judicial action is, by definition, a narrow solution. It binds only those who have had notice and an opportunity to defend. It is rife with procedural safeguards and opportunities for delay — and rightly so — for its consequences on the individual can be severe. Such an action can be

⁴² Demuth, *supra*, note 26 at 11.



effective against individual polluters. Against many of the complex and sophisticated problems of the environment we face today it can be only one of many tools.

It was also observed that, "Courts . . . have the power to enforce decisions after careful deliberation."

It is not necessary to quote Andrew Jackson to see that the statement may have a few bugs in it. One well informed commentator has pointed out that ten years after the famous decision of *Brown v. Board of Education* was handed down fewer than 2 of every 100 Negro children in the South were attending integrated schools.⁴³

Finally, to invite the judiciary to enter the realm of social policy is to assume that the policies enumerated there will always be to one's liking. It is not that long ago that the Supreme Court was accused of making Herbert Spencer's economic theories into rules of constitutional law.

II

LEGISLATURES AS CUSTODES

Legislative solutions are nothing new. Acting in response to a newly discovered environmental affront, city noise, Julius Caesar outlawed chariots on various Roman streets.⁴⁴ The first recorded smoke abatement law was passed by Edward I in 1273. By 1306, a royal proclamation was issued to prohibit artificers from using sea coal in their furnaces, and making use of sea coal a capital offense. The following year, one miscreant was condemned and executed for this offense.⁴⁵ The "Prussian Act" of 1907 prohibited the issuance of a building permit which would grossly disfigure streets or the general appearance of the locality, and a well known commentator considered this legislative declaration to be representative of the current state of the police power.⁴⁶

When an agency has been given legislative directives, its failure to carry them out can and should be corrected by the courts.⁴⁷

⁴³ See, Kurland, *Equal Educational Opportunity: The Limits of Constitutional Jurisprudence Undefined*, 35 U. CHI. L. REV. 583, 594 (1968).

⁴⁴ Spater, *Noise and the Law*, 63 MICH. L. REV. 1373 (1965).

⁴⁵ See, PRENTICE ON POLICE POWERS 35 (1894); 20 ENCYCLOPAEDIA BRITANICA 842 (1929); *Smith v. Mundet Cork Corp.*, 8 N.J. 359, 86 A.2d 1, 4 (1952); *Chaas and Feldman, Tears for John Doe*, 27 S. CAL. L. REV. 349, 352 (1954).

⁴⁶ FREUND, ADMINISTRATIVE POWER OVER PERSONS AND PROPERTY 534 (1939). Cf. *National Advertising Co. v. County of Monterey*, 211 Cal.App.2d 375 (1962); *Metromedia, Inc. v. City of Pasadena*, 217 Cal.App.2d 270 (1963).

⁴⁷ E.g., *Scenic Hudson Preservation Conf. v. Federal Power Comm.*, 354 F.2d 608 (2d Cir. 1965), cert. denied 384 U.S. 941; *Citizens Committee for the Hudson Valley v. Volpe*, No. 428-33 (2d Cir. April 16, 1970).



Similarly, the establishment of legislative standards can be invaluable in litigation brought by private persons to vindicate environmental rights.⁴⁸

Preservation of the environment by legislation requires consideration of five factors:

1. The establishment of environmental standards.
2. A directive to agencies whose actions may affect the environment to consider publicly the effect of their actions.
3. The grant to agencies with environmental protection responsibilities of the legal power and the funds with which to do the job.
4. Effective executive coordination of the programs of agencies whose actions have environmental impact.
5. An effective system of judicial review of the action or inaction of environmental custodians.

Attempts at all of these goals have been made, with varying degrees of success, in both state and federal government. Their utilization will, in many instances, bring remarkably effective results.

A. *Environmental Standard-Setting*

Legislative standards, set in general terms for implementation by the executive branch are an established method of setting environment goals.⁴⁹ Broad, sweeping standards will provide much meat for public speeches. It will be used to justify tough regulation by willing agencies and will be re-interpreted by others. Courts will undoubtedly consider it in reviewing administrative actions. More specific standards, such as the opacity standard set for air pollution control districts⁵⁰ and the detailed California standards for new motor vehicles,⁵¹ leave less room for discretion. To the extent that they may be supplemented by tighter regulations when circumstances permit, they provide a considered legislative approach that relieves the enforcement agency of knotty problems of implementation. On the other hand, their rigidity, particularly in complex scientific fields, may lead to absurdities of the type set forth in Health and Safety Code section 39052(k), a measure authorizing the State Air Resources Board to promulgate numerical emission standards different from, but no less

⁴⁸ *E.g.*, Miller & Borchers, *Private Lawsuits and Air Pollution Control*, 56 A.B.A.J. 465 (1970).

⁴⁹ *E.g.*, CAL. WATER CODE §13000; CAL. HEALTH & SAF. CODE §39010.

⁵⁰ CAL. HEALTH & SAF. CODE §24242.

⁵¹ CAL. HEALTH & SAF. CODE §§39100 *et seq.*



stringent than, those set forth in statute in order to meet technical advances in test procedures.

In those shadowy areas in which competing considerations of science, economics and ecology compete, attempts at black and white legislative standards have generally been unsuccessful. A legislative attempt to ban all uses of DDT by a date certain culminated, finally, in a measure conferring considerable discretion upon the State Department of Director of Agriculture.⁵²

B. The Environmental Conscience

Many public agencies, like Pinocchio, are born without consciences. The legislative branch in most instances is in a position to give them one. Thus the federal National Environmental Policy Act of 1969⁵³ directs all agencies of the federal government to:

(A) utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man's environment.

(B) identify and develop methods and procedures . . . which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decision making along with economic and technical consideration.

(C) include in every recommendation or report on proposals for legislation and other major federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on —

(i) the environmental impact of the proposed action,

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,

(iii) alternatives to the proposed action,

(iv) the relationship between local short-term use of man's environment and the maintenance and enhancement of long-term productivity, and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

⁵² Stats. 1969, ch. 1169.

⁵³ *Supra* note 23.



Several proposals before the 1970 California Legislature would carry out these basic and minimal requisites. Assembly Bill 2045, the proposed "Environmental Quality Act of 1970," a recommendation arising from the study of the Assembly Select Committee On Environmental Quality mentioned above, would impose on state agencies much the same requirements as those now in effect for federal ones (hopefully, with greater effect). It would further require local agencies to make environmental impact studies and consider alternative methods on any program which may have a significant effect on the environment and would require specific environmental impact reports on local programs which would have a significant environmental impact as a condition to receipt of funds from any state agency.⁵⁴ Other proposals would require express consideration of environmental factors by various agencies whose actions affect the environment.⁵⁵

Happily, the courts have shown themselves willing to enforce the application of environmental consciences imposed by the legislative branch. In the historic *Scenic Hudson* case,⁵⁶ the court construed the environmental directives of the Federal Power Act requiring the Federal Power Commission to consider "recreational purposes" and to adopt a project "best adapted to a comprehensive plan" as requiring the Commission to make its determination on "a record which is sufficient to support its decision."⁵⁷ Furthermore, the court stated, the Commission's function as "the representative of the public interest" did not permit it "to act as an umpire blandly calling balls and strikes for adversaries appearing before it," but rather to give "the right of the public . . . active and affirmative protection. . . ."⁵⁸

Already over half a dozen suits have been filed under the National Environmental Policy Act alleging failure of federal agencies to consider the impact of their acts, and one has resulted in holding up the controversial Alaska pipeline.⁵⁹

At first glance, both the proposed "California Conservation Act" (pro-

⁵⁴ See, REPORT, "ENVIRONMENTAL BILL OF RIGHTS" 21 47-48, *supra*. The Committee has also proposed a constitutional amendment declaring the State's environmental policy of environmental preservation to be one of statewide concern, and apparently removing any doubts as to the applicability of state environmental legislation to chartered cities and to the Public Utilities Commission. *Id.* at 46; *Cf.* CAL. CONST. art. XI; *Bishop v. City of San Jose*, 1 Cal.3d 56 (1969).

⁵⁵ *E.g.*, A.B. 1991; S.B. 1077. (State Highway Commission); S.B. 653, airports.

⁵⁶ *Supra* note 48.

⁵⁷ *Id.* at 612.

⁵⁸ *Id.* at 620.

⁵⁹ CONSERVATION FOUNDATION NEWSLETTER (April, 1970).



posed in the 1970 Legislative session as A.B. 1311 and S.B. 660) and the proposed "Environmental Quality Act" appear to be relatively mild measures, denoted as they are chiefly at directing executive agencies to consider the environmental impact of their acts. Their real significance lies in the susceptibility of governmental agencies to judicial correction for failure to make lawful decisions. The federal National Environmental Policy Act of 1969,⁶⁰ on which the "Environmental Quality Act" was modeled, has already given rise to the following actions:

(1) A temporary injunction, issued by a federal district court to restrain the Farmers' Home Administration from granting a loan for a golf course on state park land. (2) The Secretary of Transportation's refusal to approve construction of Interstate Highway 93 through Franconic Notch in New Hampshire's White Mountain Forest. (3) Secretary Volpe's refusal to approve funds for additional runways at Kennedy International Airport, pending an environmental study. (4) Interior Secretary Hickel's announcement of his opposition of a petrochemical plant near Hilton Head Island on the South Carolina coast unless the project could meet the requirements of the Act.

The Act was the partial basis for the decision of a federal district judge in Washington, D.C., in issuing a temporary injunction restraining the Interior Department from granting a permit to a group of oil companies to build a road across federal land in Alaska.⁶¹

C. Enforcement Powers

In some fields, the willingness of the Legislature to confer tough enforcement powers has almost surpassed the ability of the agencies to use them and the ability of those subject to comply. In 1969, the Porter-Cologne Water Quality Act amended existing water regulatory statutes to authorize civil penalties of up to \$6,000 a day in addition to the existing criminal and injunctive remedies available to the water quality control boards.⁶² A measure which would provide equivalent remedies in air pollution control is presently before the Legislature,⁶³ and the President has asked Congress to provide even higher penalties for violation of federally-imposed air quality standards.⁶⁴

On the other hand, the Legislature has thus far failed dismally to cope

⁶⁰ *Supra* note 48.

⁶¹ CONSERVATION FOUNDATION NEWSLETTER, *supra* note 59.

⁶² Stats. 1969, ch. 482.

⁶³ ASSEMBLY BILL 88 (Subcommittee on Air Pollution).

⁶⁴ U.S. CODE CONG. & ADM. NEWS 112, 118 (March 5, 1970).



with the problems of California's disappearing shoreline and recreational lands.⁶⁵

D. Executive Coordination

The need for more effective coordination has been dealt with in a number of ways at the federal level. Most recent, of course, have been the creation of the Environmental Quality Council⁶⁶ and the President's proposal to create a new "environmental control administration," including within it the water and air pollution control responsibilities of the Department of Interior and Department of Health, Education and Welfare. In California, the Governor has established a coordinating committee to bring together those agency heads with basic environmental responsibilities.

The future of the state's Environmental Quality Study Council, now charged with broad responsibilities for studies and recommendations, has as yet been undecided, with the Legislature faced with proposals varying from its outright abolition in the interest of economy to extension of its expiration date, presently July 1, 1971.

Legislative attempts to create environmental *control* agencies have, as of this date, failed to meet with approval.

E. Effective Judicial Review

As previously indicated, "environmental conscience" legislation has met with an unexpected success in attempts to bring judicial review of the inaction or wrong action of administrative agencies. Both arguments of non-reviewability and lack of standing have been surmounted.⁶⁷

Of course, care must be taken lest a legislative solution proves to have unforeseen consequences. One example occurred when, in 1949, the first extensive water pollution control legislation was enacted in the form of the "Dickey Act."⁶⁸ It is doubtful that anyone foresaw elimination by this Act of the ancient common law nuisance doctrine, but that is precisely what the appellate court held when the Attorney General brought a nuisance action against a mining company. The nuisance could be abated, the court held, because the detailed provisions of the Act necessarily indicated a

⁶⁵ *E.g.*, REPORT, ENVIRONMENTAL QUALITY STUDY COUNCIL (1970); Berliner *Plague on the Land*, CALIFORNIA TOMORROW (Summer, 1970).

⁶⁶ *Supra* note 24.

⁶⁷ *E.g.*, *Scenic Hudson Preservation Conf. v. Federal Power Comm.*, 354 F.2d 608 (2d Cir. 1965), *cert. denied*, 384 U.S. 971 (1966); *Office of Communication of the United Church of Christ v. Federal Communications Commission*, 359 F.2d 994 (D.C. Cir. 1966); *Texas East Transp. Corp. v. Wildlife Preservation, Inc.*, 48 N.J. 261, 225 A.2d 130 (Sup. Ct. 1966).

⁶⁸ CAL. WATER CODE §§13000 *et seq.*



legislative intent to supersede common law.⁶⁹ It was, therefore, necessary for the following steps to occur: (1) the water pollution discharge requirements must be set by a water pollution control board; (2) the requirements must be violated; (3) the board must issue a cease and desist order; (4) a violation must be certified to by the district attorney; (5) the district attorney must have failed to act; (6) a complaint must have been made of his inaction, and (7) there must be an investigation and finding of inaction by this office.

Fortunately, the common law nuisance power was restored by the 1969 Porter-Cologne Act,⁷⁰ a revision of previous law that created one of the toughest water pollution control statutes in the country.

A measure supported by my office to reinstate the same authority in the field of air pollution was recently passed by the Legislature and signed into law.⁷¹

III CONCLUSION

This discussion may have seemed somewhat negative. If so, it is only because I am dismayed at what I believe to be a misplaced and spurious optimism, and not because I believe that our legal structure is ineffective. The legislative and executive branches are approachable by the environmentalist as well as the vested interest, and the lively and spirited debates in recent legislatures over DDT, San Francisco Bay, and the internal combustion engine are amazing examples of the responsiveness of the legislative bodies. What court would have even considered a decree to outlaw the internal combustion engine, for instance?

Legislative bodies are accessible, to an extent courts will never be, because they are meant to be responsive to the necessities of our times. Administrators are given the powers they have because they have the expertise and responsibilities to enforce the public rights established by legislatures. And courts exist as the final vindicators of these rights and the final arbiters of the interests that compete before legislative and administrative bodies. None can exist effectively without the others.

⁶⁹ *People v. New Penn Mines*, 212 Cal.App.2d 667; *Cf.* Professor Jaffe's comment in *An Essay in Delegation of Legislative Power*, *supra* note 1: "Despite the sophistication of professors, Congressmen still talk seriously of 'the legislative intent' as a discoverable entity."

⁷⁰ *Supra* note 51.

⁷¹ Stats. 1970, ch. 73.



THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970

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The California Environmental Quality Act of 1970

I. Introduction

During its 1970 regular session, the California Legislature memorialized the state's commitment to protecting environmental quality by passing the "Environmental Quality Act of 1970" (Statutes of 1970, Chapter 1433). The purpose of this paper is to discuss the background, history, and probable effect of the Act. From this discussion will hopefully emerge a sense of the Act's significance for solving environmental problems.

II. The Problems

If a legislature begins with the stated goal of preventing and/or abating environmental degradation and assumes that the degradation is a result of human activity, then the legislature may proceed basically in two directions: First, there may be an attempt to develop and make available to decisionmakers information on the nature of environmental degradation and how it might be ended or mitigated. Second, the legislature could attempt to provide incentives for decisions tending toward the minimization of environmental degradation. Since these two possibilities are not mutually exclusive, the legislature could adopt a solution combining the informational function with incentives to action.

The legislature must next consider whether government or private entities will implement its solution and, where the government participates, which governmental institution



will have the most direct responsibility. American legislatures, including that of California, have traditionally viewed environmental degradation as a public problem to be solved primarily by giving governmental administrators access to incentives and information. Private entities have generally been left to rely on meager common law remedies and economic and friendly persuasion to influence decisionmakers, and have had limited access to information. Furthermore, the concepts of standing and sovereign immunity have acted to prevent the private sector from significantly influencing governmental degraders through the courts.

In 1970, California had some of the most active administrative water and air pollution control programs in the United States, and the structure of the Resources Agency provided for good coordination of pollution abatement efforts. However, the full range of environmental degradation was not dealt with; there was inadequate scrutiny of government activities with a resulting lack of information on such activities; and there was little opportunity for action by private individuals. An Assembly Select Committee on Environmental Quality, in a March 1970 report to Assembly Speaker Robert Monagan (hereinafter Committee Report), spoke of these problems:

(W)e all are responsible (for environmental despoilation)--as government officials solving public problems, as developers and producers of goods and services and as citizens who consume the goods and use the services.Most vexing to the individual is his inability to cope with the environmental problems....The need to counter the impact of a degraded environment is important. The prime need, however, is to prevent environmental

problems..., to consider in advance the environmental impact of our proposed actions....State government must develop a continuous process of identification and evaluation of all environmental problems.
(Committee Report 14, 15)

III. Models for Action

Two possible statutory approaches to these problems were already available for the Legislature's consideration. One was a statute drafted by Michigan Law School Professor Joseph Sax which was then being considered by the Michigan Legislature. This statute, as drafted, later became the "Thomas J. Anderson, Gordon Rockwell environmental protection act of 1970." (Michigan Act No. 127, July 27, 1970. Hereinafter MEPA). The MEPA gives to any legal entity in Michigan the standing and right to maintain against any other legal entity an action for declaratory and equitable relief "for the protection of the air, water, and other natural resources and the public trust therein from pollution, impairment or destruction." (MEPA Sec. 2). Where an action involves a standard for conduct, the court may adopt the standard of an "instrumentality or agency of the state or a political subdivision thereof;" or, if existing standards are found to be deficient, the court may adopt its own standards. (MEPA Sec. 2). The plaintiff may be required to post a bond of up to \$500 to guarantee the payment of any costs assessed by the court. (MEPA Sec. 2a). A prima facie showing by the plaintiff that the defendant's conduct is likely to degrade the environment shifts the burden on to the defendant to introduce evidence to the contrary. (MEPA Sec. 3). If

administrative proceedings are available or required, the court may remit the plaintiff to such proceedings before making a de novo adjudication. (MEPA Sec. 4). In administrative or court proceedings the least degrading alternative course of action is to be sought. (MEPA Sec. 5). The MEPA makes possible more participation by the private sector in controlling environmental degradation, and also opens up governmental actions to judicial scrutiny. It does not provide for development, coordination and availability of the information necessary for intelligent decisions.

Another statutory model available to the California Legislature was the National Environmental Policy Act of 1969. (P.L. 91-190, 42 U.S.C. §§ 4331-4347. Hereinafter NEPA). The NEPA provides for the development, compilation and availability of information about government actions before any final decisions are made, creates a governmental agency to set standards for reporting and review the reported information and to do long-range planning for national environmental policies, and declares a national environmental policy to guide all decisionmakers. By stressing information and administrative action, the NEPA aims at preventing problems from arising. If litigation arises, the only question will usually be whether information has been developed as required by the NEPA. The NEPA is therefore aimed primarily at administrative and legislative conduct, and secondarily at judicial and private conduct.

It should be noted that although the MEPA and NEPA



approaches are different, the long-term results may be almost the same. The MEPA provides an explicit enforcement mechanism through court action to prevent decisionmakers from taking actions before environmental concerns have been carefully considered. Development of administrative mechanisms for working environmental concerns into the decisionmaking process is left to the different decisionmakers. Whatever mechanisms are developed, the factors considered will necessarily be similar, if not identical, to those enumerated and mandated by the NEPA. The NEPA creates an administrative mechanism for integrating certain enumerated environmental factors into governmental decisionmaking. The creation of this duty to consider certain factors, provision for making information available to the public, and a statement of national policy carry with them the implicit threat of enforcement through court action. Viewed in this way the statutes are different sides of the same coin--each statute implies what is called for explicitly by the other.

IV. Conclusions and Recommendations of the Select Committee

During the course of its deliberations, the Assembly Select Committee on Environmental Quality considered both the Michigan and Federal approaches. Among the Committee's conclusions and recommendations were the following:

1. California citizens have a right to expect that actions of government and private individuals will not impair their health, welfare or their enjoyment of the state's natural amenities. These rights should



be ensured by constitutional guarantees in the form of an Environmental Bill of Rights. The rights should be further ensured by a clear declaration of environmental policy by the California Legislature.

2....To provide the Governor and the Legislature with the information necessary to (control environmental degradation) the state planning process should be revised....

8. Federal and state agencies should show leadership in environmental protection....Immediate action should be taken to ensure compliance by public agencies with statewide environmental quality objectives and standards. (Committee Report 6)

A constitutional amendment would provide mandatory guidance to all branches of government as well as to private entities. The amendment would also give the legislature the power to "make legislation applicable to any state agency, to any chartered or general law city, city and county, or county, and to any district or other local agency....(and) to the Public Utilities Commission." (Op. Legis. Couns. #3460, Feb. 23, 1970, Committee Report 46).

Revision of the planning process would consist primarily of abolishing the State Office of Planning and establishing in its place an office in the executive branch which would review existing state plans for compatibility with state's declared environmental policy, coordinate the establishment of guidelines for planning and making environmental impact reports, and carry out long-range environmental policy planning.

An "Environmental Quality Act of 1970" (hereinafter EQA) would perform approximately the same functions as Title I of the NEPA. The Select Committee believed that "The state



budget process is a key element in implementing environmental policy." Therefore, the major tool for enforcing the EQA would be legislative and administrative ability to deny funds to non-conforming "programs." (Committee Report 23).

The Select Committee viewed legislative and administrative development of standards and orderly planning processes as being the best approach to solving most environmental problems, with the courts and private entities playing decidedly secondary roles. Regarding the approach taken by the Michigan Act, the Committee said:

The extent to which the courts can, or should, be asked to solve complex ecological problems is questionable....The adversary process, in which the rights of one party are decided against another, has its limits in determining large public issues. Legislative bodies are meant to be responsive to the needs of their constituents to an extent to which courts could never be. Administrative agencies have come to be given the powers they possess because they have the expertise and responsibility to implement the public policies established by legislatures. While the courts have, when called upon, performed prodigious tasks of implementing desegregation, they have done so only when compelled to by the inaction of the coordinate branches of government. It may be that the field of environmental "common law" will grow in inverse proportion to the extent to which the legislative and executive assume and carry out environmental responsibilities. (Committee Report 34)

However this did not mean that the courts and the private sector would have no role to play. Rather, it meant that the legislature and executive should set standards which could then be interpreted by the courts. "The development of goals and statutes to maintain environmental quality will provide the necessary legal and judicial foundation." (Committee Report 18). This analysis led to the Committee's



recommendation that "The Assembly Committee on Judiciary should consider and make recommendations for the subject of environmental "class action" suits and other legal issues related to the protection of the environment."¹ (Committee Report 9, 34).

V. Legislative Action

The Select Committee's proposed "Environmental Bill of Rights" was introduced as Assembly Constitutional Amendment No. 55 on April 2, 1970. Subsequent failure of the proposed constitutional amendment left the Legislature unsure of its power over constitutionally recognized agencies such as the Public Utilities Commission and chartered cities. As a result, the EQA was drafted to eliminate the PUC from its purview and to avoid a head-on confrontation with the question of whether the EQA applies to charter cities. The resultant ambiguity will be important only if many charter cities take the position that the EQA does not apply to them, and refuse to comply with its provisions.

The recommended revision of the planning process was acted on favorably by the Legislature with the passage of Assembly Bill No. 2070. (Statutes of 1970, Chapter 1534). AB 2070 added Chapter 1.5 to Title 7 of the Government Code (Commencing with Sec. 65025) to provide for an "Office of Planning and Research," which corresponds to the Council on Environmental Quality established by Title II of the NEPA.

1. A duplicate of the MEPA is before the 1971 session of the California Legislature as AB 985. Plans derived from the MEPA are embodied in AB 838 and AB 1056 Sec. 4.



The Select Committee's draft of the EQA was introduced by the Committee's members as Assembly Bill No. 2045 on April 2, 1970, with Assemblyman John Knox as its principal sponsor. After the bill had been amended six times, it was finally approved by both the Assembly and Senate on August 21. AB 2045 was signed by Governor Reagan on September 18, and became effective on November 23, 1970, adding Division 13 (commencing with Section 21000) to the Public Resources Code. (Statutes of 1970, Chapter 1433).

VI. Implementation of the Act

Initially, most of the entities affected by the Environmental Quality Act of 1970 were unaware of its existence; those who knew about its existence were often not familiar with its terms; and only some of those familiar with the EQA were interested in seeing it complied with.

A. State Entities

The Office of Planning and Research, charged with administering the EQA and supposedly created by AB 2070 for that purpose, exhibited minimal interest in the new laws. This is explained by the fact that the Office of Planning and Research (hereinafter OPR) is in reality the old State Office of Planning with a new name. The State office of planning had plenty to do without worrying about new duties, so it simply ignored the EQA until March 1971. Meanwhile, some people in the State Resources Agency, particularly a man named John Tooker, began making inquiries to develop the information required



by Public Resources Code (hereinafter PRC) Sec. 21107 and drafting tentative guidelines for implementing the EQA. Consequently, in March 1971, John Tooker moved from the Resources Agency to the Office of Planning and Research and began working to implement the environmental impact portions of the EQA.²

On May 4, 1971, the Governor adopted the OPR's "Proposed Interim Guidelines for State Agencies Under the California Environmental Quality Act of 1970." (Hereinafter Guidelines). Elaborating upon the EQA, the Guidelines more clearly define--balancing the need for information against administrative necessity--under what circumstances environmental impact reports are required and when impact statements must be made public. The Guidelines will help to prevent administrative fowlups from destroying the concept of making information available to decisionmakers at an early date. Such guidelines may not be binding upon a court, but they should at least be entitled to great deference in view of the fact that they are established under a statutory delegation of authority. (See, Environmental Defense Fund v. Corps of Engineers, 2 ERC 1260, 1273 (D.C. E.D.Ark., 1971)).

The OPR Guidelines attempt to implement the spirit, as well as the letter of the EQA:

...to provide relevant environmental information to

2. This information comes from interviews in Sacramento with Mr. John Tooker of the Office of Planning and Research on March 23, 1971, and Mr. Paul Clifton of the Resources Agency on March 24, 1971.



the Legislature and executive agencies, departments, boards, commissions and the general public concerning proposed projects at the time when the major policy decisions (siting, land purchase, design, construction) are being made which will significantly affect the environment. (Guidelines 1)

The Guidelines would apply the EQA to most ongoing projects not funded prior to the effective date of the EQA and to some on-going projects funded but not yet under construction prior to that date. Emergency projects would be exempt from the EQA, as would projects insignificantly affecting the environment. (Guidelines 2,3). Although the Guidelines are directed only to state entities, the same analysis should apply to projects of local agencies.

PRC Sec. 21105 specifies that an environmental impact report must be made part of the regular project report, then directs "It shall be available to the Legislature and to the general public." This ambiguous directive leaves open the question of when impact reports must be made available. And since PRC Sec. 21104 requires consultation only with other governmental entities before preparation of an impact report, there is a question of whether participation by the public in the decisionmaking process is anticipated at all, except through the Legislature. The OPR's Guidelines recommend that concerned citizens and organizations be involved at the earliest possible date in the preparation of impact statements (Guidelines 6), and that impact statements and the comments received from other agencies be made available to the public pursuant to the provisions of the Public Records Act (Govt. Code Secs. 6250-6260) (Guidelines 11). Since Govt. Code Sec. 6254 exempts



preliminary drafts from public disclosure "provided that the public interest in withholding such records clearly outweighs the public interest in disclosure," draft impact statements will probably not be available to the public in most cases.

B. Local Agencies

My small number of contacts with local agencies³ indicates that many are completely unfamiliar with the EQA, while others have already begun complying with the new law. Many local agencies are anxious to comply with the EQA, but are not sure just what is required of them and are looking to Sacramento for guidance on how to proceed. In the meantime, some agencies have relied on their own interpretation of the EQA and the Federal Council on Environmental Quality's guidelines for the NEPA as guidance for setting up local compliance mechanisms. One of the larger local agencies, the Metropolitan Water District of Southern California, takes the EQA seriously and intends "to follow the spirit as well as the letter of the law." (Letter from John H. Lauten, General Counsel MWD, to Lloyd Lowrey, Jr., May 5, 1971) The same sentiment was expressed by Mr. Don Weden of the Santa Clara County Planning Department. (Telephone interview, San Jose, March 15, 1971).

3. Counties of Santa Clara, San Mateo, and Yolo; Cities of Menlo Park, Palo Alto, San Jose and San Mateo; City and County of San Francisco; Metropolitan Water District of Southern California.



VII. The EQA as a Basis for Court Action

The EQA, like the NEPA, carries with it the implicit threat of court action by interested entities to enforce its policies and mandates. Such actions should be successful in a limited range of cases.

A. Suits Between Private Parties

The EQA does not appear to provide much basis for a suit between two private parties. Since the statute's mandatory provisions are all directed at governmental entities, any purely private action would have to be based on the EQA's policy declarations. An argument that the NEPA creates a federal right in private parties which may be enforceable against other private parties is made by Hanks and Hanks in 24 Rutgers Law Review 230, at 251. The Hanks argument is based upon the language of NEPA Sec. 101(c) recognizing that "each person should enjoy a healthy environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment." So far the argument has found tenuous support in only one cryptic clause in one footnote dealing with standing in one Federal District Court case. (Delaware v. Penn. Central, 2 ERC 1355, 1360 n.11 (D.C.Del. 1971)).⁴ But the Select Committee apparently drafted the EQA to specifically preclude such an argument. The NEPA policy statement appears in the

4. "The Court is convinced that this action 'arises under'.... (the NEPA)....insofar as it alleges infringement of plaintiff's federally recognized interest in the promotion of a healthy environment."



EQA in the form of a weaker statement of legislative intent (PRC Sec. 21000(e))--weaker because legislative intent may be used only to interpret the statute to which it applies, while a state policy may apply to all state laws, rules and regulations. The EQA's policy statements might provide the basis for development of enforceable private rights over a period of several years, but it seems likely that the Legislature will act further, as the Select Committee hoped, before such judicial development occurs. (See Note 1 and accompanying text, supra.) It is possible that the EQA's policy statements might give some of the more daring state courts a basis for deciding cases based upon traditional causes of action, such as trespass and nuisance. Absence in the EQA of a mandatory provision like NEPA Sec. 102(1) ensures that most courts will not take that leap for statutory rights.

That leaves actions against government entities as the only practical possibility for court action under the EQA.

B. Suits Against Government Entities--Enforcing the EQA

1. Standing and Jurisdiction

In suits against the government, California courts need not worry as much about plaintiff's standing to sue and the court's jurisdiction over the case as must the Federal courts, because citizens can bring taxpayers' suits against government entities. (Ahlgren v. Carr, 209 CA2d 248, 25 Cal. Rptr. 887 (1962); Code of Civil Procedure 526a). A taxpayer's suit rests upon alleged illegal expenditure of tax



monies by the defending public entity. (Regents of Univ. of Calif. v. Superior Court, 3 Cal.2d 529, 91 Cal.Rptr. 57 (1970)). Accordingly, a taxpayer's action would be proper to enjoin under Code of Civil Procedure Section 526, or have declared illegal under Code of Civil Procedure Section 1060, government expenditures made in violation of the EQA.

There is also the possibility that the EQA creates a cause of action for any citizen of California. PRC Sec. 21101(b) proclaims a state policy to provide the people of California with a good environment. If the state recognizes that each Californian has an interest in a good environment which is to be protected in part by state agencies performing duties mandated by the EQA, a citizen may be able to compel performance of the specified duties through court action without relying on a taxpayer status.⁵

2. Statutory Duties

Since actions against government entities are possible to enforce statutory duties, there arises the question of what duties are created by the EQA. At the outset, the failure of the EQA to contain directives equivalent to NEPA Sections 102(1), 104, and 105 will limit the use of EQA policy to affect governmental duties under other statutes.⁶

5. Virginia Coleman makes a lengthy argument for such a federal cause of action based upon NEPA Sec. 101, in 3 Natural Resources Lawyer 647, No.4, Nov. 1970.

6 For federal cases where the NEPA policy was so used, see Zabel v. Tabb, 430 F.2d 199 (5 Cir. 1970), Cert. Den. 91 S.Ct. 873; National Helium v. Morton, 2 ERC 1372 (D.C.Kan. 1971)



Successful court actions appear most likely where government entities fail to comply with the directive sections of the EQA, particularly those relating to environmental impact reports. However, even where there is a clear statutory duty and legislative intent is clear, the lack of strong language linking policy to duty may limit the effectiveness of the EQA. In addition to the directive contained in NEPA Sec. 102(1), the NEPA outlines the type of decisionmaking process to be used (Sec. 102(2)(A)) and specifies that environmental values are to be given appropriate consideration in decisionmaking (Sec. 102(2)(B)). These directives put teeth in the statement of policy by relating the policies to administrative duties. Essentially the same matters are covered in the EQA by weaker statements of legislative intent (PRC Sec. 21000(f)) and state policy (PRC Sec. 21001(d), (f), (g)). Such a difference could be important in the decisions of conservative courts concerned primarily with clear statutory duties, but would probably not be significant where a court was concerned with the spirit, rather than the letter, of the statute. Federal decisions under the NEPA have shown that both types of courts exist.⁷

The operative provisions of the EQA begin by directing that environmental impact statements containing specified elements be prepared on "any project....which could have a

7. For an example of a conservative court see Bucklein v. Volpe, 2 ERC 1082 (D.C.N.D.Cal 1970). For an example of a liberal court see Zabel v. Tabb, supra, note 6.



significant effect on the environment." (PRC Sec. 21100). In contrast, the NEPA requires such statements for "major Federal actions." (Sec. 102(2)(C)). So the NEPA directive applies to such functions as planning and licensing, while the EQA does not. EQA impact statements are also required for proposed federal projects on which the state officially comments (PRC Sec. 21101), and for certain local agency projects. (PRC Secs. 21150, 21151). Prior to the making of a detailed statement, the responsible state official must consult with any governmental agency which has jurisdiction over, or special expertise upon, any environmental impact involved. (PRC Sec. 21104).

Token compliance with the EQA procedures will not be acceptable if experience with the NEPA is a reliable guide. Two federal projects--a pipeline in Alaska and a dam in Arkansas--have been enjoined on the ground that the responsible agencies filed inadequate environmental impact reports. Wilderness Society v. Hickel, 1 ERC 1335 (D.C.D.C. 1970); Environmental Defense Fund v. Corps of Engineers, 2 ERC 1260 (D.C.E.D.Ark. 1971)). The court in the Arkansas case articulated a standard which hopefully will be followed in California:

At the very least, NEPA is an environmental full disclosure law....Where experts, or concerned public or private organizations, or even ordinary lay citizens, bring to the attention of the responsible agency environmental impacts which they contend will result from the proposed agency action, then the Sec. 102 statement should set forth these contentions and opinions, even if the responsible agency finds no merit in them whatsoever. Of course, the Sec. 102



statement can and should also contain the opinion of the responsible agency with respect to all such viewpoints. The record should be complete. Then, if the decisionmakers choose to ignore such factors, they will be doing so with their eyes wide open. (2 ERC 1260, 1267).

Apparently Section 10 of the OPR's Guidelines adopts such a standard. (Guidelines 6; See text at page 11, supra).

Requests for and expenditures of funds by state entities, other than funds for planning or funds appropriated in the Budget Act, must be accompanied by an environmental impact statement. (PRC Secs. 21102, 21150).⁸ Failure to prepare and attach an impact statement to a request or allocation would violate the EQA and provide the basis for a taxpayer's suit to enjoin the illegal expenditure of funds. (See the discussion of taxpayers' suits at page 14, supra).

Public Resources Code Section 21106 creates a duty for state entities which does not directly concern environmental impact reports. Section 21106 directs state entities to "request in their budgets the funds necessary to protect the environment in relation to problems caused by their activities." If this directive is taken seriously by the various state entities the results could be impressive. One has only to consider the environmental effects of state

8. Conversations with persons in the controller's offices of Palo Alto and Santa Clara County indicate that PRC Sec. 21150 funds may be involved in large projects such as sewage treatment plants and public parks, but do not normally make up a significant portion of a local agency's funds. Most of the money local agencies receive from the state is gasoline and sales tax money which the state apportions on a percentage basis and not on a project-by-project basis.



highway and water projects alone to imagine budget requests in the millions of dollars for environmental protection. Furthermore, this section is not limited to project-oriented agencies. This means that such entities as the State Water Rights Board and the Public Utilities Commission must make budget requests under Section 21106. The OPR apparently adopts such an interpretation of Section 21106 in Section 15 of its Guidelines. (Guidelines 11). Enforcement of this directive would be the tricky part. Perhaps a proposed budget with no environmental protection request would constitute an illegal expenditure of funds by an agency which could serve as the basis for a taxpayer's suit. Or perhaps it would result in an impairment of the plaintiff's interest in the state's environment in violation of Public Resources Code Sections 21001(b) and 21106. (See discussion at page 15, supra). The only foreseeable remedy would be a writ of mandate under Code of Civil Procedure Section 1085 ordering the agency to include a Section 21106 request in its proposed budget.

Public Resources Code Section 21151 creates duties in local agencies to make certain findings or file impact statements. Whether for reasons of administrative convenience, or because the Legislature was uncertain of its power to regulate the activities of chartered cities in the absence of a constitutional amendment, the Legislature required a finding of compliance with the conservation element of a general plan for those cities and counties having such an element.



Whatever the reason, the Legislature tied local agency duties to a chapter of the Government Code--that pertaining to local planning--which does not apply to chartered cities, except to the extent that code provisions are adopted by charter or ordinance of the city. (Govt. Code Sec. 65700).⁹ The result is that where a city's charter or ordinances make no reference to Govt. Code Sections 65100 to 65700, and where state funds appropriated on a project-by-project basis are not significant, the city may be virtually untouched by the Environmental Quality Act of 1970. Where a city or county is governed by the Government Code, the ingredients for the conservation element of a general plan are outlined in Section 65302(d) of that Code.

All other local governmental agencies must make impact reports a part of the report required by Government Code Section 65402. The agencies to which this directive applies include the myriad special districts--water districts, sanitation districts, irrigation districts, etc.--all over California. The duty to report depends only upon whether the city or county in which the project is situated has adopted a general plan or part thereof. (Sec. 65402(c)). Thus the planning agency of even our hypothetical chartered city above will receive impact reports from local agencies if the city has adopted all or part of a general plan,

9. The City of Palo Alto has been so advised by the City Attorney. Letter from George E. Morgan, City Manager Palo Alto, to Lloyd W. Lowrey, Jr., March 16, 1971.



regardless of whether the EQA applies to the city itself. If the city does not wish to be bothered with reviewing the reports it can simply allow forty days to pass without taking any action. (65402(c)). Still, few agencies will remain totally unaffected by the EQA.

Enforcement of the EQA against local agencies would be proper through a taxpayer's action enjoining illegal expenditures. This could be accomplished either under Code of Civil Procedure 526a which allows such actions against cities and counties, or under the theory of Ahlgren v. Carr, supra, page 14. In such a case, the set of possible plaintiffs would be confined to the persons who pay taxes to the defendant local agency. However, if the environmental interest cause of action argument advanced at page 15, supra, proves workable, the set of potential plaintiffs includes all the people of California. Under this theory, for example, a resident of San Francisco could sue to enjoin a Metropolitan Water District project for which no impact statement had been filed.

VIII. Proposed Amendments to the EQA

Two bills have been introduced before the 1971 Session of the California Legislature which would amend the EQA. Senate Bill No. 177 was drafted by the Sierra Club and the Planning and Planning and Conservation League, and is sponsored by Senator Moscone and Assemblyman Vasconcellos. Assembly Bill No. 1056 was drafted by the State Environmental



Quality Study Council and is sponsored by Assemblymen Z'berg, Priolo, Meade, Sieroty, and Vasconcellos, and Senators Behr and Nejedly. AB 1056 contains within its 138 pages a comprehensive revamping of the State's approach to controlling environmental degradation,¹⁰ while SB 177 concerns only the EQA. A brief, section-by-section discussion will indicate what changes might be expected in the present law.

AB 1056 amends PRC Sec. 21000--the findings and declarations of fact and legislative intent--by changing some language in sub-section 21000(a) and by adding 21000(h)-(m). Section 21000(i) declares that "It is a fundamental right of the people of the State of California to live in a healthful and pleasant environment." This language should make certain a cause of action of the type discussed at page 15, supra. SB 177 does not amend Section 21000.

AB 1056 amends PRC Sec. 21001 by adding sub-sections (h) and (i). These new sub-sections are identical to NEPA Sec. 101(b)(1) and (6), with (h) declaring a policy to "fulfill the responsibilities of each generation as trustee of the

10. The extent of the reorganization is indicated in a proposed new chapter for the EQA entitled "Review of Public Agency Actions." There would be a number of regional environmental quality boards throughout the state, and a State Environmental Quality Board with a Department of Environmental Impact Review. Power to approve or disapprove agency actions would vest in the State Board. Agency and Board actions would be subject to administrative review by the Board, with final decisions subject to court review. This reorganization would result in a redistribution of decisionmaking power from local agencies to the state.

AB 1056 Sections 87-92 deal with the EQA.



environment for succeeding generations." SB 177 would only delete the words "in addition to short-term benefits and costs" from sub-section (g).

What I consider to be a major weakness of the present law would be corrected by AB 1056 with the addition of the language of NEPA Sec. 102(1). SB 177 contains no such provision. Both bills define several key terms as used in each bill respectively.

The EQA's directive sections are changed by AB 1056 by adding the language of NEPA sub-sections 102(2)(A), (B), (C), (D), (E), (F), (G), (H), by addressing retroactivity, construction of the code and preemption, by spelling out when impact reports are required, by requiring impact reports for "actions" (as does the NEPA), and by requiring impact reports from local agencies to the state for all major local actions. SB 177 makes the EQA applicable to "actions.... which could have a significant adverse effect on the environment," directs the Office of Planning and Research to define such effects, revises the required elements of impact statements, and changes the requirements for making state and local impact reports public.

SB 177 adds a new chapter to the EQA requiring all agency actions to be preceded by a finding that the action will not have a significant adverse effect on the environment, except in certain circumstances, and provides for hearings on the proposed actions. This chapter appears to do a good job of creating a duty in public agencies and of providing for participation in decisionmaking by the private sector.



Both bills contain provisions pertaining to review of agency decisions. The AB 1056 review mechanism is discussed in note 10 at page 22, supra. SB 177 adds a new chapter on judicial review, designed to work with the present structure. Where there is an opportunity to be heard concerning an action, those persons heard and persons whose "rights are directly affected by such decision" may file for judicial review. Where there is no opportunity to be heard, any person may file for judicial review. A \$100 bond is required in all cases. These provisions would provide desirable guidance as to when court review is available.

In sum, I believe that the amendments proposed by AB 1056 are superior to those contained in SB 177 because they would strengthen state policy and mandate observance of the policy, while ensuring full review of all proposed actions. Also, making the EQA more closely parallel to the NEPA is in my opinion desirable as it will allow for a simpler and more unified system of administration from local through federal governments. However, local agencies can be expected to strongly resist their loss of decisionmaking power which would result from AB 1056's governmental reorganization. If the governmental reorganization of AB 1056 is not adopted, a good compromise bill would be to retain the present structure, combining the other elements of AB 1056 regarding policy and state agencies, boards, and commissions, with SB 177 provisions for "Decisionmaking and Hearings" and



"Judicial Review." Whichever amendments are adopted, actual changes in the day-to-day administration of the EQA will be less than one might expect from comparing the existing law with the proposed amendments, because deficiencies in the present law have already been remedied to a large extent by the OPR's Guidelines.

IX. Conclusion

The Environmental Quality Act of 1970 was enacted primarily to encourage the consideration of environmental concerns by government decisionmakers with regard to government projects. Energetic and forceful implementation by Mr. John Tooker of the State Office of Planning and Research and the desire of most government officials to follow the spirit of the Act indicate that the Legislature's goal will be in good measure achieved.

There does not appear to be good basis in the EQA for suits between private parties, nor even to enforce government duties under other state statutes, rules and regulations. However, duties created by the EQA itself should be enforceable through actions for equitable relief against non-complying government entities. Such actions could be based on taxpayer status or on a state-recognized interest in a healthful and pleasing environment.

Proposed amendments to the EQA now being considered by the State Legislature would broaden the Act's scope, clarify individual rights under the EQA, and revise the review procedure for aggrieved parties.



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NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

For Legislative History of Act, see p. 3149

PUBLIC LAW 91-190; 83 STAT. 852

[S. 1075]

An Act to establish a national policy for the environment, to provide for the establishment of a Council on Environmental Quality, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That:

This Act may be cited as the "National Environmental Policy Act of 1969".

PURPOSE

Sec. 2. The purposes of this Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.

TITLE I

DECLARATION OF NATIONAL ENVIRONMENTAL POLICY

Sec. 101. (a) The Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

(b) In order to carry out the policy set forth in this Act, it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may—

(1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;

(3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(c) The Congress recognizes that each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

Sec. 102. The Congress authorizes and directs that, to the fullest extent possible: (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act, and (2) all agencies of the Federal Government shall—

(A) utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision-making which may have an impact on man's environment;

(B) identify and develop methods and procedures, in consultation with the Council on Environmental Quality established by title II of this Act, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations;

(C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

(i) the environmental impact of the proposed action,

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,

(iii) alternatives to the proposed action,

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate

Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of title 5, United States Code, and shall accompany the proposal through the existing agency review processes;

(D) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

(E) recognize the worldwide and long-range character of environmental problems and, where consistent with the foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment;

(F) make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

(G) initiate and utilize ecological information in the planning and development of resource-oriented projects; and

(H) assist the Council on Environmental Quality established by title II of this Act.

Sec. 103. All agencies of the Federal Government shall review their present statutory authority, administrative regulations, and current policies and procedures for the purpose of determining whether there are any deficiencies or inconsistencies therein which prohibit full compliance with the purposes and provisions of this Act and shall propose to the President not later than July 1, 1971, such measures as may be necessary to bring their authority and policies into conformity with the intent, purposes, and procedures set forth in this Act.

Sec. 104. Nothing in Section 102 or 103 shall in any way affect the specific statutory obligations of any Federal agency (1) to comply with criteria or standards of environmental quality, (2) to coordinate or consult with any other Federal or State agency, or (3) to act, or refrain from acting contingent upon the recommendations or certification of any other Federal or State agency.

Sec. 105. The policies and goals set forth in this Act are supplementary to those set forth in existing authorizations of Federal agencies.

TITLE II

COUNCIL ON ENVIRONMENTAL QUALITY

Sec. 201. The President shall transmit to the Congress annually beginning July 1, 1970, an Environmental Quality Report (hereinafter referred to as the "report") which shall set forth (1) the status and condition of the major natural, manmade, or altered environmental classes of the Nation, including, but not limited to, the air,

the aquatic, including marine, estuarine, and fresh water, and the terrestrial environment, including, but not limited to, the forest, dryland, wetland, range, urban, suburban, and rural environment; (2) current and foreseeable trends in the quality, management and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Nation; (3) the adequacy of available natural resources for fulfilling human and economic requirements of the Nation in the light of expected population pressures; (4) a review of the programs and activities (including regulatory activities) of the Federal Government, the State and local governments, and nongovernmental entities or individuals, with particular reference to their effect on the environment and on the conservation, development and utilization of natural resources; and (5) a program for remedying the deficiencies of existing programs and activities, together with recommendations for legislation.

Sec. 202. There is created in the Executive Office of the President a Council on Environmental Quality (hereinafter referred to as the "Council"). The Council shall be composed of three members who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. The President shall designate one of the members of the Council to serve as Chairman. Each member shall be a person who, as a result of his training, experience, and attainments, is exceptionally well qualified to analyze and interpret environmental trends and information of all kinds; to appraise programs and activities of the Federal Government in the light of the policy set forth in title I of this Act; to be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interests of the Nation; and to formulate and recommend national policies to promote the improvement of the quality of the environment.

Sec. 203. The Council may employ such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Council may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this Act, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

Sec. 204. It shall be the duty and function of the Council—

(1) to assist and advise the President in the preparation of the Environmental Quality Report required by section 201;

(2) to gather timely and authoritative information concerning the conditions and trends in the quality of the environment both current and prospective, to analyze and interpret such information for the purpose of determining whether such conditions and trends are interfering, or are likely to interfere, with the achievement of the policy set forth in title I of this Act, and to compile and submit to the President studies relating to such conditions and trends;

(3) to review and appraise the various programs and activities of the Federal Government in the light of the policy set forth in

title I of this Act for the purpose of determining the extent to which such programs and activities are contributing to the achievement of such policy, and to make recommendations to the President with respect thereto;

(4) to develop and recommend to the President national policies to foster and promote the improvement of environmental quality to meet the conservation, social, economic, health, and other requirements and goals of the Nation;

(5) to conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality;

(6) to document and define changes in the natural environment, including the plant and animal systems, and to accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes;

(7) to report at least once each year to the President on the state and condition of the environment; and

(8) to make and furnish such studies, reports thereon, and recommendations with respect to matters of policy and legislation as the President may request.

Sec. 205. In exercising its powers, functions, and duties under this Act, the Council shall—

(1) consult with the Citizens' Advisory Committee on Environmental Quality established by Executive Order numbered 11472, dated May 29, 1969, and with such representatives of science, industry, agriculture, labor, conservation organizations. State and local governments and other groups, as it deems advisable; and

(2) utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies and organizations, and individuals, in order that duplication of effort and expense may be avoided, thus assuring that the Council's activities will not unnecessarily overlap or conflict with similar activities authorized by law and performed by established agencies.

Sec. 206. Members of the Council shall serve full time and the Chairman of the Council shall be compensated at the rate provided for Level II of the Executive Schedule Pay Rates (5 U.S.C. 5313). The other members of the Council shall be compensated at the rate provided for Level IV or the Executive Schedule Pay Rates (5 U.S.C. 5315).

Sec. 207. There are authorized to be appropriated to carry out the provisions of this Act not to exceed \$300,000 for fiscal year 1970, \$700,000 for fiscal year 1971, and \$1,000,000 for each fiscal year thereafter.

Approved January 1, 1970.



Legislative History

selves of the extension. Therefore, he cannot determine the cost of this provision. The best estimate is that the cost to the retirement fund would be approximately \$3,000 per retiree over the full length of the annuity.

SECTIONAL ANALYSIS

Subsection (a) of H.R. 9233 revises section 1304 of title 5, United States Code, to extend the authority of the revolving fund to include not only investigations but also "training, and such other functions as the Commission is authorized or required to perform on a reimbursable basis".

The functions which may be financed in any fiscal year are covered by the budget estimates submitted to the Congress for that fiscal year. Each activity shall be conducted, to the extent feasible, on an actual cost basis.

The revised subsection lists the parts making up the aggregate of the revolving fund. They are the initial appropriation made to provide capital, the sum of the fair and reasonable value of supplies, equipment and other assets transferred to the fund, less the amount of related liabilities, unpaid obligations, the amount of unpaid obligations, and the value of accrued annual leave of employees, which are attributable to the activities financed by the fund.

The bill provides that the fund shall be credited with advances and reimbursements from available Commission funds, or other agencies, or from other sources for those services and supplies provided at rates estimated by the Commission as adequate to recover expenses of operation. Included are receipts from sales or exchanges of property and payments for loss of or damage to property accounted for under the fund. Unobligated excess amounts in the fund, as determined by the Commission, shall be deposited in the Treasury as miscellaneous receipts.

As suggested by the General Accounting Office, the bill provides that the Commission shall prepare a business-type budget providing full disclosure of the functions financed by the fund. The Comptroller General would make periodic reviews of the fund's activity and report and recommend upon the basis of his findings to the House and Senate Post Office and Civil Service Committees at least once every 3 years.

Subsection (b) of the bill amends subsection (f) of section 1304 of title 5, United States Code, relating to the availability of appropriations of other agencies to reimburse the Commission for the cost of reimbursable "investigations". This bill extends this reimbursable authority to include not only "investigations," but also "training, and functions performed" by the Commission under section 1304 of title 5 of the United States Code.

Section 2 changes the effective date from November 1, 1969, to October 20, 1969, of survivor protection for the children of Federal employees who died with fewer than 5 years' service.

Section 3 adds a new section to section 8340 of title 5, United States Code, to extend a 5-percent annuity increase to those annuitants, retiring because of involuntary separation, whose names are added to the retirement rolls after November 1, 1969, but before January 2, 1970. Existing law provides that annuitants, to receive the 5-percent increase, must have been on the rolls as of November 1, 1969.

NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

P.L. 91-190, see page 2712

Senate Report (Interior and Insular Affairs Committee) No. 91-296,
July 9, 1969 [To accompany S. 1075]

House September 23, December 22, 1969
No. 91-378, July 11, 19, 1969 [To accompany H.R. 12549]

Conference Report No. 91-765, Dec. 17, 1969
[To accompany S. 1075]

Cong. Record Vol. 115 (1969)

DATES OF CONSIDERATION AND PASSAGE

Senate July 10, December 20, 1969

House September 23, December 22, 1969

The Senate bill was passed in lieu of the House bill after substituting for its language much of the text of the House bill. The House Report and the Conference Report are set out.

HOUSE REPORT NO. 91-378

THE Committee on Merchant Marine and Fisheries, to whom was referred the bill (H.R. 12549), to amend the Fish and Wildlife Coordination Act to provide for the establishment of a Council on Environmental Quality, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

PURPOSE OF THE BILL

The purpose of the bill, as hereby reported, is to create a Council on Environmental Quality with a broad and independent overview of current and long-term trends in the quality of our national environment, to advise the President, and through him the Congress and the American people on steps which may and should be taken to improve the quality of that environment.

In achieving the purpose, the bill would require the transmission to the Congress by the President of an annual environmental quality report on the status of various aspects of the American environment, as well as on the foreseeable trends that may affect that status, and on their impact on other national requirements.

The bill also would require the five-member Council to maintain a continuing review of Federal policies and activities with environmental implications and to conduct such studies as may be necessary for it to carry out its statutory mandate. The results of this activity would be summarized in an annual report to the President as a means of augmenting and supplementing his report to the Congress.



LEGISLATIVE BACKGROUND

The concept of an independent Advisory Council to the President on environmental matters is not new. It was the principal recommendation of a task force report to the Secretary of Health, Education, and Welfare in June 1967 entitled "A Strategy for a Livable Environment". Bills to accomplish this purpose were introduced in the last Congress by Congressman Dingell and by other Members of the House of Representatives, although no action was taken on any of these. On February 17, 1969, Congressman Dingell introduced H.R. 6750 in the 91st Congress.

Subsequent to the introduction of H.R. 6750 by Congressman Dingell, identical bills were introduced by Congressmen Tunney, Ottinger, Adams, Price of Illinois, Sikes, Sisk, Farbstein, Diggs, Fulton of Tennessee, Gray, Karth, Blatnik, Conte, Cohelan, Fascell, and Congresswoman Griffiths. A similar bill was introduced by Congressman Nedzi.

The Subcommittee on Fisheries and Wildlife Conservation of the House Committee on Merchant Marine and Fisheries held hearings on the legislation on May 7 and 26, and on June 13, 20, 23, 26, and 27, 1969. At the conclusion of the hearings, the Subcommittee on Fisheries and Wildlife Conservation unanimously reported to the full committee a clean bill, H.R. 12549, which is in essence H.R. 6750, with amendments. H.R. 12549 was introduced by Congressman Dingell and coauthored by Congressmen Lennon, Pelly, Downing, Keith, Karth, Dellenback, Rogers of Florida, Pollock, Hanna, Goodling, Leggett, McCloskey, Annunzio, Frey, and Biaggi, all of whom are members of the subcommittee.

Your committee was impressed by the wide range of witnesses testifying at the hearings in support of the legislation. In the main, all witnesses were in favor of the legislation. In fact, it is worthy to note that the hearings developed no substantive opposition on the part of the public to the legislation, and that the slight resistance on the part of witnesses for the departments stemmed from a feeling that the Council might in some way conflict with the interdepartmental Council on Environmental Quality established by Executive order of the President on May 29 of this year. It should also be noted that while the departments did not recommend enactment of the legislation, neither did they recommend against it. Witnesses from several agencies spoke highly of the potential of the Council contemplated by the legislation as complementary to the excellent steps already taken by the President to achieve consistent and coherent environmental policy within the executive agencies through the interdepartmental Council. The only opposition to the legislation came from the Office of Science and Technology, which was based on the premise that the Council established by Executive order would accomplish the same purpose as the Council to be established by the legislation.

Briefly summarized, the Departments of Transportation and the Interior were of the opinion that should the Congress feel that establishments of a separate environmental advisory body in the Executive Office of the President along the lines contemplated by the legislation is desirable to assist the efforts of the President's Council, they would not object to such action. The Department of Health, Education, and Welfare stated that

if the legislation were enacted into law, it stood ready to cooperate to the fullest in carrying out its praiseworthy purposes. The Department of Commerce and the National Council on Marine Resources and Engineering Development stated that the committee may want to consider the need for the legislation since the President only recently created a Cabinet-level Council concerned with environmental quality. The Department of Agriculture and the National Science Foundation were in full accord with the objectives of the legislation but did not recommend its enactment because of the recently created Cabinet-level Council. The Department of Defense deferred to the views of the Executive Office of the President and no reports were received from the Departments of Labor and Housing and Urban Development. As previously explained, the Office of Science and Technology filed the only opposing report on the legislation.

After giving careful consideration to the evidence presented at the hearings and the departmental reports, your committee unanimously reported H.R. 12549.

BACKGROUND AND NEED FOR THE LEGISLATION

By land, sea, and air, the enemies of man's survival relentlessly press their attack. The most dangerous of all these enemies is man's own undirected technology. The radioactive poisons from nuclear tests, the runoff into rivers of nitrogen fertilizers, the smog from automobiles, the pesticides in the food chains, and the destruction of topsoil by strip mining are examples of the failure to foresee and control the untoward consequences of modern technology.

Thus spoke the New York Times in an editorial on May 3 of this year. The editorial, which endorsed the type of legislation embodied in H.R. 12549, may understate the complexity and urgency of the challenge. The problem is deep, and it touches on practically every aspect of everyday life: economic, scientific, technological, legal, and even interpersonal. It is a problem to which Presidents have addressed themselves with increasing concern in recent years, and it is a problem which we can no longer afford to treat as of secondary importance.

An independent review of the interrelated problems associated with environmental quality is of critical importance if we are to reverse what seems to be a clear and intensifying trend toward environmental degradation. The Federal Government has spent vast sums of money on aspects of the problem and will certainly increase its efforts in the future—and yet there is still no independent source of review of the total environmental situation, nor is there in existence any agency to provide the President and the Congress with an estimation of the priorities which should be assigned to different aspects of the problem.

Your committee does not believe that a useful purpose would be served by a recitation of the many environmental problems which confront us today. It is a simple fact of life that policies of agencies of the Federal Government may and do conflict: it is equally true that there are occasions where, without the benefit of conflicting policies, these Government agencies may and do adopt courses that appear to conflict with the general

public interest. Additionally, there is a real need to involve State and local planning and action agencies, whose activities play a major part on the overall environmental problem, in the decisionmaking process.

There may be controversy over how close to the brink we stand, but there is none that we are in serious trouble. Your committee believes that the Council which would be established by H.R. 12549 would stand in good position to afford the Nation with expert insight into the degree and seriousness of the problem, and into ways in which we may take positive steps to improve the situation.

The extensive hearings on this legislation were well attended, and careful and detailed testimony was received by many public witnesses. One full day of hearings was held in Ann Arbor, Mich., on June 13, where a local and well-informed community vigorously endorsed the principles of this legislation. A number of nationally and internationally known conservationists and conservation organizations testified in support of the bill, as did a former Cabinet officer, Mr. Stewart L. Udall.

Twenty members of the recently created Board of Advisors to the Ad Hoc Committee on the Environment also appeared as witnesses before the committee. These ranged from scientists to economists, from industrialists to educators; all spoke highly of the purposes of this legislation and of the need for the type of Council that it would create.

Perhaps the most significant aspect of these extended hearings on the legislation was the degree of almost total unanimity in the community that such a Council was, if anything, long overdue.

Departmental witnesses described in some detail the recent Executive Order No. 11472, dated May 29, which created the interdepartmental Environmental Quality Council. This body consists of the Secretaries of Interior, Agriculture, Health, Education, and Welfare, Transportation, Housing and Urban Development and Commerce, together with the Vice President and President, as Chairman. The Executive Secretary of the Council is the President's science adviser, and staffing for the Council is provided through the Office of Science and Technology. The science adviser, Dr. Lee A. DuBridge, testified that he hoped to have a staff of six professionals and an equal number of supporting clerical staff assigned to that Council, and that eight other members of the Office of Science and Technology staff with functions closely related to environmental matters would assist him in his duties as Executive Secretary.

Practically all of the witnesses, both public and private, appearing before the committee expressed opinions that the Council which would be established by the legislation will not conflict with the functions of the interdepartmental council, and in fact could well serve effectively to increase the resources brought to bear on the complex and difficult environmental problems.

The two bodies would perform different tasks. As Dr. DuBridge stated in his testimony at the subcommittee hearings:

Certainly there are two functions. The Cabinet-level can do one kind of thing, implement activities and directives of the President as decided upon within the Council meeting and directed by the President. But of course, the Cabinet cannot do the long-

range planning, cannot take the deep expert look at the problems as they emerge, cannot evolve suggestions for exact policies and actions to be taken. They can take action and can discuss it, but it is absolutely essential that there be an expert group of advisers to the President that will advise him as to what action should be brought up to the Council, who will advise the President on the nature of the problems and where responsibilities lie or are split, do all of the things that you say this committee (sic) should do.

There are two very different functions; a Cabinet-level action committee and a staff or advisory group that is assisting the Council and the President and informing the Congress and the public.

* * *

Essentially the difference of opinion between Dr. DuBridge and the rest of the witnesses on the legislation was the question of whether or not the science adviser, already burdened by the many duties and offices assigned to him, and unable at best to spend more than 25 percent of his time on environmental areas, would be physically able to devote adequate time and resources to the challenging problems that would inevitably arise.

Dr. David M. Gates, director of the Missouri Botanical Gardens and Chairman of the Board of Advisors to the Ad Hoc Committee on the Environment, educated as a physicist and currently teaching botany at Washington University in St. Louis, had this to say at the hearings on the complicated problems that the Council would have to deal with:

The complexity of the earth's ecosystem and its component parts of individual ecosystems makes understanding it and the management of it a massive challenge. Although we are harassed by ecological disasters such as the Santa Barbara oil slick, the mud slides, the Rhine River fish kills, and other examples, we have not yet come to grips with the complexity of the entire earth ecosystem.

Is the climate changing in an unnatural manner? Is there likely to be an oxygen shortage? Is population growth a part of some biological law which is incompatible with human dignity and desire? Can we feed the population of the world in the year 2000 or 2100 or 2200?

How much production of inorganic products can we produce without fouling the global system?

It is now evident that it is very unlikely that we can manage to produce a total quality to live for very many people much better than it is today. It is not unlikely that our generation or the next one or perhaps the one after will have reached the pinnacle of quality and after that it will be a downhill slide. There is a finite amount of energy to be consumed. There are a finite number of resources.

It is primarily a matter of how fast or how long one wishes to live at certain quality. One can live high and short or slow and long. Civilization cannot do both.

It is a question of what quality—for how many—for how long? Presumably an environmental quality council will help to assure



certain goals. There are two types of issues. There are the brushfire crises: the Santa Barbaras, the Rhine Rivers, the Great Lakes; and then there are the long-term methodical concerns about the environment.

The latter is by far the most difficult. It is the least spectacular, yet by far the most significant.

* * * * *

Today we are manipulating an extremely complex system: The ecosystems of the earth, the units of the landscape, and we do not know the consequences of our actions until it is too late. We need to study ecosystems in advance and work out the strategies of living with the landscape.

Given this complexity, and the fact that the Cabinet-level Council members themselves cannot conceivably devote a major proportion of their attention to these problems in the depth required, it is the feeling of your committee that the staff work required to focus accurately on the issues involved will be extensive—far greater than the resources which the interdepartmental council and its six staff members can bring to bear.

The problems, in the view of your committee, are of several magnitudes larger than those which can be adequately dealt with by this interdepartmental organization. In addition, they are problems which will require full-time expertise and attention—expertise and attention which ought not to be devoted to other problems, however meritorious and importunate they may be. The Council proposed in H.R. 12549 appears to your committee to be best adapted to this type of intensive and extensive treatment.

Clearly, the members of the Council should be entirely independent of any other Federal office or employment just as they should be entirely divorced from other commercial and industrial ties and other financial commitments.

Other than the establishment of a statutory Council, the topic occupying the greatest attention of your committee was that of the standards to be applied in the selection of the Council members. While the ultimate decision on this question lies properly in the hands of the President, your committee concluded, after hearing extensive testimony on the subject, that the Council members should be chosen not as representatives of various groups concerned with the environment, but as generalists; informed on the basic nature of the problems and their interrelationships, and willing to consider new ways of attacking them. There appears to be little question that many of the most qualified specialists on aspects of environmental quality—biologists, chemists, physicists, geographers, demographers, engineers, economists, and such—would be unavailable and perhaps even unwilling to serve as full-time members of the Council. This may be inevitable; and yet it then becomes of critical importance to be certain that the advice of these men and women would be available to the Council, for use when needed. This implies the development of advisory and research task forces, and also requires that the communications function of the Council be raised to a position of high importance. It will therefore be necessary that several members of the Council be trained and com-

petent administrators, to assure that the flow of information in both directions is not impeded by artificial and unnecessary barriers.

Securing competent, qualified, and equally importantly, dedicated Council members and staff personnel appears to your committee to be a critical task confronting the President following enactment of this legislation. Such men and women could be found, but they are not easy to come by. This, of course, pushes budgetary considerations into positions of prominence, but it is your committee's feeling that money devoted to this end would indeed be money well spent.

The testimony at the hearing also stressed the importance of the international aspects of the environmental problem. It is an unfortunate fact that many and perhaps most forms of environmental pollution cross international boundaries as easily as they cross State lines. Contamination of the oceans, with insufficient attention paid to its long-term consequences, appears to be a major problem, to which far too little attention has been spent in the past. The international aspects are clearly a major part of the questions which the Council would have to confront, and your committee feels confident that these would receive early attention by the Council.

It would of course be necessary that the Council maintain close ties with all levels of the executive departments. The President would undoubtedly wish to consider the desirability of having the Chairman of the Council sit as an ex officio member of the interdepartmental council. Another proposal which your committee feels merits favorable consideration is that of attaching employees of the Council—perhaps on a rotating basis to insure a fresh approach—to executive departments and agencies to act as environmental auditors, much in the fashion that accounting firms attach employees to large corporations for whose financial affairs they are responsible. These auditors could well be of significant value to the agencies to which they would be attached, enabling them to develop meaningful environmental policies at the lower decisionmaking levels of government, before the policy choices to be made by their chief executive officers have become so circumscribed by internal momentum that the complete range of alternatives is no longer available to them. This phenomenon, sometimes termed "bureaucratic inertia," is troublesome, and has proved a source of major frustration to many previous administrations; the program, planning, and budgeting procedures which have been developed in recent years as a means of coping with this problem suggest themselves as an area in which environmental inputs might be highly useful to and welcomed by policymaking officials lacking specific expertise on these topics.

These auditors, operating in the field and in Washington, should be familiar with and in a position to recommend alterations in agency guidelines; they should also be instructed to review major environmental problems falling within the jurisdiction of the agencies to which they are attached, with particular attention, where appropriate, to interagency conflicts of policy in these areas.

Although the testimony revealed an overwhelming need for the type of legislation outlined by H.R. 12549, the precise nature of the undertaking was never, and perhaps never could have been, specifically outlined. The committee was, however, very favorably impressed by the testimony of Mr.



Peter S. Hunt, a systems analyst and management consultant who recommended a moderate beginning for the Council with perhaps 55 professional employees and 20-30 members of the clerical staff. Approximately one-half of the professional staff, as detailed in an outline submitted to the committee by Mr. Hunt, would be devoted to the job of liaison and coordination with the operating agencies; the rest would be assigned to work on the annual report and on work associated with the research and study functions of the Council.

Several members of the scientific community stressed the need for the development of an adequate information collection and retrieval system. Their testimony indicated that there is today a 5- to 10-year gap between the development of basic research information and its technological implementation. Much of this basic research has significant implications for both improvement and degradation of man's environment, and it was concluded that activities in this area would more than repay the initial investment, to the extent that the Council could assist in making this information more accessible to the public and to the Federal Government.

State and local governments have a large stake in the common problem; it is also true that by no means all of the environmental problems which we see are caused, even indirectly, by the Federal Government alone. Witnesses at the hearings stressed the need for a continuing interchange between the Council and other agencies, including private citizens' groups, as a significant part of the environmental problems, and your committee wishes to underscore the desirability of establishing clear and open lines of communication between the Council and the public. The Council should also consider the impact of its activities upon the educational system, together with ways and means of continuing the growing trend toward public enlightenment on and concern with the important environmental issues that we confront.

The interdepartmental Council fills a clear and observed need today as a means of coordinating and resolving internal policy disputes between different executive agencies of the Government. Although the Council proposed by H.R. 12549 may well prove to be an asset to the President and the Congress as a means of resolving these conflicts, this is not the principal purpose of this bill.

That purpose is rather to create, by legislative action, standing outside the programs that can be done and undone by unilateral executive action, a Council which can provide a consistent and expert source of review of national policies, environmental problems and trends, both long term and short term. Such a Council would act entirely independently of the executive, mission-oriented agencies.

The President, the Congress, and the American people stand in need of this type of assistance. No organization, in existence or contemplated, except as provided for in this and similar bills, shows any sign of meeting that need. It is for this reason that your committee unanimously recommends the creation of such a Council, through enactment of H.R. 12549.

SECTION-BY-SECTION ANALYSIS

There follows a section-by-section summary of H.R. 12549, accompanied by discussion where appropriate. As indicated previously, H.R. 12549 is a clean bill, representing several amendments in its parent, H.R. 6750, and in the many similar and identical bills before your committee.

Section 1 of the bill would amend the Fish and Wildlife Coordination Act by inserting a new section in the act designated as section 5A.

Subsection (a) of the new section would recognize the impact of man's activities upon his environment and the critical importance of making that impact less adverse to his welfare. Accordingly, it states a basic and continuing policy that the Federal Government, in cooperation with all other interested parties, shall use all practicable means and measures, including financial and technical assistance, to assure that man's capacity to change his environment is devoted to making that change one for the better, while remaining consistent with his future social, economic, and other needs.

Subsection (b) of the new section would direct the President to transmit to the Congress at the close of each fiscal year an annual report setting forth an inventory of the American environment, broadly and generally identified, together with an estimate of the impact of visible future trends upon our future environment. This report would follow the report submitted by the Council in May of each year; your committee assumes—and would like to emphasize that it deems it advisable—that the Council's report will accompany that of the President, as is the case with the report of the Council of Economic Advisers, after whose enabling legislation this bill is closely patterned. Implicit in this section is the understanding that the international implications of our current activities will also be considered, inseparable as they are from the purely national consequences of our actions.

Subsection (c) (1) of the new section would create a five-man Council on Environmental Quality in the Office of the President. Although the original bills before the committee provided for a three-man Council, your committee feels that the clear need is for a slightly larger Council with more personal resources available to it, and yet not so large as to be unwieldy; the Chairman of the Council would be designated by the President, since he would be acting as a major adviser to the President in this area. The qualifications of the Council members are stated broadly, since generalists are what the Council will require, and since it is impossible to define generalists adequately except in terms of their overall excellence and competence. Most critical in the selection of the Council members will be their commitment to an understanding and resolution of the environmental problems which we confront as a society.

Subsection (c) (2) would authorize the Council to employ the necessary staff to assist it in carrying out its duties. The importance of attracting and holding an extremely high caliber staff is of great importance. This subsection would give the Council broad authority to obtain the services of experts and consultants, including advisory committees and task forces on specific environmental problems.



Subsection (c) (3) would specify the duties and functions of the Council. These include:

(A) Assisting the President in the preparation of the annual report;

(B) Gathering information on the short- and long-term problems that merit Council attention, together with a constant analysis of these problems as they may affect the policies stated in subsection (a), and a constant inflow of information to the President on the significance of these problems;

(Electronic data processing shows promise of proving valuable assistance to the Council in this respect, and it is hoped that the Council will make the information so gathered available to all interested and affected segments of society. In so doing, and elsewhere, the Council would be performing an important educational function, since it is axiomatic that only enlightened public opinion can permit the Council to produce maximum benefits. In this connection, it is the hope of your committee that reports and studies prepared by the Council would be given maximum public distribution.)

(C) maintaining a constant review of Federal programs and activities as they may affect the policies declared in subsection (a), and keeping the President informed on the degree to which those programs and activities may be consistent with those policies;

One way in which this might be done would be to develop a sophisticated method of cost and benefit analysis—in which the total (and often not strictly economic) consequences of Federal activities may be assessed. The environmental auditing function of the Council falls squarely within the functions specified in this subsection.

(D) requiring the Council to review and to recommend policies to the President, on the basis of its activities, whereby the quality of our environment may be enhanced, consistent with our social, economic and other requirements; and

(E) authorizing the Council to make studies and recommendations relating to environmental considerations, as the President may direct;

Your committee is well aware that the problems with which this legislation attempts to deal are long term, and that not all eventualities or problems are foreseeable. This requirement allows the Council to adapt to changing circumstances, as it must if it is to remain an effective agency for environmental improvement.

Subsection (c) (4) would direct the Council to make an annual report on its activities to the President. It is not the purpose of your committee to require that this report be the type which so often is submitted by advisory groups, however august and competent they may be. Such reports are often reduced to vague and reassuring generalities, since it is only upon generalities that all members can agree. The stakes are too high, and the consequences of inaction are too apparent, for the report of the Council to be anything less than the best that each member of the Council can produce; if honest disagreement occurs within the Council, your committee would hope that this would not be smothered in an attempt to show consensus where no consensus actually exists. The President is equipped to resolve differences of opinion, by recourse to independent advisers if

necessary, and it is most important that he be aware of the differences of opinion that may exist, just as it is important that he be aware of the existence of general agreement. Again, your committee would like to emphasize that it expects the report of the Council to be appended to report of the President, for the information and education of the Congress and of the American people.

Subsection (c) (5) would require the Council to maintain open lines of communication with all affected segments of society, and would instruct it to avoid duplication of work that has already been done by others, wherever that can be done. This will be of particular significance as the Council acts to set up the data bank referred to in (3) (B) of this subsection; certainly most of the information flowing into that bank will have to be derived from sources outside the Council, and it will become vital that the Council assure itself that this information continue to be available to it.

Section 2 of the bill would amend title 5 of the United States Code to add the Chairman of the Council to level II of the Executive Pay Schedule, and the balance of the Council members to level IV. Since this is the same compensation received by the Chairman and members of the Council of Economic Advisers, who devote their full time to carrying out their duties, likewise it would be expected that the Chairman and members of the Council on Environmental Quality will devote their full time in carrying out the work of this high level Council.

THE AMENDMENT

The amendment to the bill was to correct a printing error to change the word "of" to "on".

COST OF THE LEGISLATION

On the basis of the staff levels projected in testimony, your committee estimates the cost of the legislation to the Federal Government would be approximately \$1 million per year.

DEPARTMENTAL REPORTS

Departmental reports on H.R. 6750, the bill on which the hearings were held, are as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D. C., June 19, 1969.

HON. EDWARD A. GARMATZ,
Chairman, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: Your committee has requested the views of this Department on H.R. 6750, a bill to amend the Fish and Wildlife Coordination Act to provide for the establishment of a Council on Environmental Quality, and for other purposes.

H.R. 6750 would establish in the Office of the President an environmental council composed of members appointed by the President with the advice and consent of the Senate to advise the President on environmental problems.

We believe the recent establishment by the President of the Environmental Quality Council is an important step forward in the national effort to focus more attention on the needs of the environment. As we



gain experience with the operation of that Council, we are confident that new procedures will evolve leading progressively to more effective environmental management by the Federal Government.

Should the Congress feel that the establishment of a separate environmental advisory body in the Executive Office of the President along the lines contemplated by H.R. 6750, is desirable to assist the efforts of the President's Council, this Department would not object to such action.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

WALTER J. HICKEL,
Secretary of the Interior.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Washington, July 1, 1969.

HON. EDWARD A. GARMATZ,
*Chairman, Committee on Merchant Marine and Fisheries,
House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: This letter is in response to your request of March 4, 1969, for a report on H.R. 6750, a bill to amend the Fish and Wildlife Coordination Act to provide for the establishment of a Council on Environmental Quality, and for other purposes.

The bill states that the Congress, recognizing the impact of man's activity on the interrelations of all components of the natural environment, declares it to be the policy of the Federal Government, in cooperation with State and local governments and various organizations, to use all practicable means and measures in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

The bill would also require the President to transmit annually beginning June 30, 1970, an environmental quality report which would set forth the status and condition of the major natural, man made, or altered environmental classes of the Nation and the current and foreseeable trends in management and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Nation. A Council on Environmental Quality would be created in the Executive Office of the President to appraise environmental programs and activities of the Government and to formulate and recommend national policy to promote the improvement of our environmental quality and to assist and advise the President in the preparation of the environmental quality report. The Council would be composed of three members appointed by the President with the advice and consent of the Senate. It could employ such officers and employees as may be necessary to carry out its functions under the bill.

We strongly support an appropriate mechanism for the development of a coordinated national policy on environmental quality. This Department conducts many programs concerned with the environment. These programs almost exclusively concern the effects of environmental stress on human health and welfare. Included in these programs are activities concerned with the effect of environmental forces on man in his home, in the community, and in the workplace, and the environment as it relates to products used by man and their effect on him.

In conducting these programs we have many relationships with other Federal agencies. Some of these are formalized such as that between this Department and the Department of the Interior regarding the public health aspects of water pollution control where the relationship is estab-

lished by law. Other working relationships are less formal and include, for example, cooperative undertakings conducted through interagency agreements and participation in the activities of committees established under the Federal Council on Science and Technology.

As concern with environmental quality matters has grown and as more Federal agencies have become extensively involved with protecting and improving the environment, it has become obvious to this Department that there is a need for better planning and coordination of the numerous activities in the environmental area.

The President issued Executive Order 11472 on May 29, 1969, establishing an Environmental Quality Council and a Citizens Advisory Committee on Environmental Quality. This Council and Advisory Committee are given broad responsibilities for advising and assisting the President with respect to environmental quality matters. While we think that experience should be gained under these new organizational arrangements before additional entities are established, we recognize that a separate Presidential advisory body might be useful in assisting the work of the President's Environmental Quality Council.

We are advised by the Bureau of the Budget that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

Acting Secretary.

GENERAL COUNSEL OF THE DEPARTMENT OF COMMERCE,
Washington, D. C.

HON. EDWARD A. GARMATZ,
Chairman, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: This is in further reply to your request for the views of this Department concerning H.R. 6750, a bill to amend the Fish and Wildlife Coordination Act to provide for the establishment of a Council on Environmental Quality, and for other purposes.

The primary purpose of H.R. 6750 is to develop national policy aimed at restoring, improving, and maintaining environmental quality. To accomplish this, a Council on Environmental Quality would be established within the Executive Office of the President. The Council would be comprised of three private individuals appointed by the President, by and with the advice and consent of the Senate. One of the functions of this Council would be to assist and advise the President in the preparation of the Environmental Quality Report which the President would submit annually to the Congress. The report, among other things, would set forth "the status and condition of the major natural, man made, or altered environmental classes of the Nation, including, but not limited to, the air, the aquatic, including marine, estuarine, and fresh water, and the terrestrial environment, land, range, urban, suburban, and rural environment." The Council would also, among other things, review programs of the Federal Government relating to environmental quality and develop and recommend national policies to improve environmental quality and develop and recommend national policies to improve environmental quality.

In recognition of the critical importance of maintaining and improving environmental quality, the President, by Executive Order 11472, dated May 29, 1969, established an Environmental Quality Council composed of the Vice President of the United States, the Secretaries of those Departments most directly concerned with environmental matters, including the Secretary of Commerce, and such other heads of departments



and agencies and others as the President may from time to time direct. The Executive order also provides for the establishment of a Citizens' Advisory Committee on Environmental Quality. The functions assigned to the Council and to the committee parallel in large measure those which are set forth in H.R. 6750, and for this reason you may want to consider the need for enactment of this legislation.

We have been advised by the Bureau of the Budget that there would be no objection to the submission of our report to the Congress from the standpoint of the administration's program.

Sincerely yours,

General Counsel.

EXECUTIVE OFFICE OF THE PRESIDENT,
NATIONAL COUNCIL ON MARINE RESOURCES
AND ENGINEERING DEVELOPMENT,
Washington, June 25, 1969.

HON. EDWARD A. GARMATZ,
Chairman, House Merchant Marine and Fisheries Committee,
House of Representatives, Washington, D. C.

DEAR MR. GARMATZ: This is in reply to your letter of March 4, requesting views and recommendations on H.R. 6750, a bill to amend the Fish and Wildlife Coordination Act to provide for the establishment of a Council on Environmental Quality, and for other purposes.

The bill contains a statement of policy that "the Federal Government, in cooperation with State and local governments, urban and rural planners, industry, labor, agriculture, science, and conservation organizations * * * [shall] * * * use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans."

It requires the President to transmit to the Congress an annual environmental quality report, setting forth the conditions of the Nation's environmental classes and current and foreseeable trends in the management and utilization of such environments. It creates in the Executive Office of the President a Council on Environmental Quality, composed of three members appointed by the President by and with the advice and consent of the Senate.

The Council will assist and advise the President in the preparation of the environmental quality report, gather information concerning conditions and trends in environmental qualities, appraise the various Federal programs and activities in the light of the policy set forth above, develop and recommend to the President national policies to foster and promote the improvement of environmental quality, and make such studies, reports, and recommendations with respect to matters of policy and legislation as the President may request.

During the history of our Nation, man has been deeply concerned with the effects of the environment upon his activities. As his society became more complex and his technology more efficient, his activities came to exert an increasing effect upon that environment. These effects are particularly noticeable in the coastal zone. As stated in the President's last annual report on marine science affairs,

"* * * any description of the coastal zone must also include a description of deterioration of the environment itself—by pollution of bays and estuaries, by hurricane damage and wave erosion, and by inadvertent human abuse of a fragile ecology that forms the habitat of

important fish and wildlife. For example, the coastal zone is the most important habitat of domestic fishery resources supplying 90 to 95 percent of the total U. S. catch; but our estuaries are being altered, directly threatening many of these valuable fishery resources.

"The scope, diversity, and significance of activities in the coastal zone are so broad that practically all institutions of our society have become involved in its use and management—private individuals who own shoreline; industrial, conservation, and recreational interests; local and State governments; and the Federal Government."

Although environmental problems in the marine environment are most severe within the coastal zone, even the deep oceans are not immune. DDT and its degradation products may be found throughout the world's oceans; domestic, industrial, and radioactive wastes are deliberately deposited on the ocean floor; increasing atmospheric CO₂ content could reduce the size of the Arctic and Antarctic ice masses, raise sea levels, and elevate oceanic temperatures.

Marine environmental problems are already severe, and will become more so as exploding populations exert ever-increasing demands upon the sea. The Marine Sciences Council has recognized this problem in its consideration of the planned use of the coastal zone, the development of fuels and minerals from marine sources, the national contingency plan for oil and hazardous materials, and other issues which have come before it. While we recognize the importance of protecting the marine environment against the abuses of man, we also recognize that this problem transcends the marine environment, and is best attacked from a broader viewpoint. We also feel it desirable to obtain the guidance of the Congress in developing a national policy for use of the total environment and appreciate the need to keep the Nation informed as to the state of the environment and the effectiveness of environmental management.

The President, as you know, has recently created, through Executive order, a Cabinet-level council concerned with environmental quality. In view of this action, you may want to consider the need for establishment of a statutory council of advisers.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

EDWARD WENK, JR.

NATIONAL SCIENCE FOUNDATION,
OFFICE OF THE DIRECTOR,
Washington, D. C., June 20, 1969.

HON. EDWARD A. GARMATZ,
Chairman, Committee on Merchant Marine and Fisheries,
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: This is in further reply to your request of March 4, 1969, for comments on H.R. 6750, to amend the Fish and Wildlife Coordination Act to provide for the establishment of a Council on Environmental Quality, and for other purposes.

As in the case of similar legislation recently introduced, the National Science Foundation favors the objectives of H.R. 6750. The bill is concerned with the relation of man to his environment, and deals with physical and natural hazards and the resultant consequences to the community. The proposed Council on Environmental Quality appears in some respects to be modeled on the Council of Economic Advisers.

We believe, however, that a statutory Environmental Council should be considered within the context of governmental organization and the totality of agency missions in the environmental field before legislation

on the matter is enacted. For example, there already is a Committee on Environmental Quality in the Federal Council on Science and Technology, and the President has recently established a Council for Urban Affairs as a first move toward reordering the interdepartmental coordination of domestic agency functions. In addition, the President has recently established a Cabinet-level Council on Environmental Quality. It might, therefore, be preferable to defer action on this matter until the organization of the new administration in these areas takes more definite form.

The Bureau of the Budget has advised us that there is no objection to the submission of this report from the viewpoint of the administration's program.

Sincerely yours,

LELAND J. HAWORTH, *Director.*

GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE,
Washington, D. C., June 19, 1969.

HON. EDWARD A. GARMATZ,
Chairman, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: Reference is made to your request for the views of the Department of Defense on H.R. 6750, 91st Congress, a bill to amend the Fish and Wildlife Coordination Act to provide for the establishment of a Council on Environmental Quality, and for other purposes.

The bill would establish in the Executive Office of the President a Council on Environmental Quality composed of members appointed by the President, with the advice and consent of the Senate. The President would also be required to submit an annual environmental quality report to the Congress. In addition, the Fish and Wildlife Coordination Act would be amended to provide that it is Federal policy to cooperate with State and local governments and other organizations to use all practical means and measures to promote the general welfare with respect to environmental quality.

The President, by Executive Order 11472, on May 29, 1969, established an Environmental Quality Council, which provides a means for developing and coordinating a comprehensive effort among the departments and agencies of the Federal Government having responsibilities in the various aspects of environmental quality. The Department of Defense defers to the views of the Executive Office of the President with regard to the need for the enactment of H.R. 6750.

The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this report for the consideration of the committee.

Sincerely,

FRANK A. BARTIMO,
Acting General Counsel.

DEPARTMENT OF AGRICULTURE,
Washington, May 12, 1969.

HON. EDWARD A. GARMATZ,
Chairman, Committee on Merchant Marine and Fisheries, House of Representatives.

DEAR MR. CHAIRMAN: This is in response to your request for a report on H.R. 6750, a bill to amend the Fish and Wildlife Coordination Act to provide for the establishment of a Council on Environmental Quality, and for other purposes.

H.R. 6750 would amend the Fish and Wildlife Coordination Act by adding a new section 5(a) to the act relating to an environmental quality report and Council on Environmental Quality.

The new section 5(a) would require the President to submit to the Congress annually, beginning June 30, 1970, an environmental quality report. This report would set forth (1) the status and condition of the major natural, manmade, or altered environmental classes of the Nation, and (2) the current and foreseeable trends in management and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Nation.

The new section would also create in the Executive Office of the President a three-member Council on Environmental Quality, appointed by the President by and with the advice and consent of the Senate. Each member would be exceptionally qualified to analyze and interpret environmental information of all kinds, to appraise environmental programs and activities of the Government, and to formulate and recommend national policy to promote improvement of environmental quality. The Council would (1) assist and advise the President in the preparation of the environmental quality report, (2) gather, analyze, and interpret information concerning environmental quality, (3) appraise various Federal programs to determine the extent to which they are contributing to the policy set forth in the bill, (4) develop and recommend to the President national policies to foster and promote improvement of the environmental quality and, (5) make and furnish studies, reports, and recommendations as requested by the President. The Council would also make an annual report to the President each year.

The Department of Agriculture supports the objectives of H.R. 6750.

The environment in which we live affects, for better or worse, our health, our outlook and attitudes, our opportunities for a satisfactory life, and even our prospects for continued existence. There is constant interplay of resource use and exploitation, manufacturing processes, and air, water, and soil pollution, with efforts to maintain continuing production, a healthy environment, and attractive surroundings. Many of these factors are affected, favorably or adversely, by Federal, State, and local programs and activities and by the every-day activities of agriculture, industry, and people. We believe that our complex and highly technical society could well benefit from a continuing, detached, and broad appraisal of factors that affect our environment.

However, we do not recommend enactment of H.R. 6750. The President has announced his intention to establish an Environmental Quality Council within the Executive Office of the President. Such a Council, we believe, would be able to assist and advise the President on national policies in the field of environmental policy and conduct an assessment of current activities in this area.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

J. PHIL CAMPBELL,
Under Secretary.

CONFERENCE REPORT NO. 91-765

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1075) to establish a national policy for the environment; to authorize studies, surveys, and research relating to ecological systems, natural resources, and the quality of the human environment; and to establish a



Board of Environmental Quality Advisers, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House struck out all of the Senate bill after the enacting clause and inserted a substitute amendment. The committee of conference has agreed to a substitute for both the Senate bill and the House amendment. Except for technical clarifying, and conforming changes, the following statement explains the differences between the House amendment and the substitute agreed to in conference.

PROVISIONS OF THE CONFERENCE SUBSTITUTE

First section and section 2

Section 1 of the Senate bill provided that the bill may be cited as the "National Environmental Policy Act of 1969". Section 2 of the Senate bill contained a statement of the purpose of the bill. There were no similar provisions in the House amendment. The conference substitute conforms to the Senate bill with respect to these two sections.

TITLE I—NATIONAL ENVIRONMENTAL POLICY

Section 101

The Senate bill contained a recognition by Congress of (1) the critical dependency of man on his environment, (2) the profound influences which the factors of contemporary life have had and will have on the environment, and (3) certain specified goals in the management of the environment which the Federal Government should, as a matter of national policy, attain by use of all possible means, consistent with other essential considerations of national policy. The House amendment (in the first section thereof) contained a general statement of national environmental policy, but did not include specified policy goals. The first section of the House amendment also stated that the Federal Government should achieve the general policy in cooperation with State and local governments and certain specified public and private organizations and that financial and technical assistance should be among the means and measures used by the Federal Government to achieve the policy. Under the conference agreement, the language of the House amendment is substantially retained in section 101(a) of the conference substitute; the language setting forth the specified organizations with which the Government should cooperate was dropped in favor of "other concerned public and private agencies".

The national goals of environmental policy specified in the Senate bill are set forth in section 101(b) of the conference substitute.

Section 101(c) of the conference substitute states that "Congress recognizes that each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment". The language of the conference substitute reflects a compromise by the conferees with respect to a provision in the Senate bill (but which was not in the House amendment) which stated that the Congress recognizes that "each person has a fundamental and inalienable right to a healthful environment * * *". The compromise language

was adopted because of doubt on the part of the House conferees with respect to the legal scope of the original Senate provision.

Section 102

This section of the conference substitute is based on section 102 of the Senate bill. There was no comparable provision in the House amendment. Under the conference substitute, the Congress authorizes and directs that, *to the fullest extent possible*: (1) the Federal laws, regulations, and policies be administered in accordance with the policies set forth in the bill; and (2) all Federal agencies shall—

(A) utilize a systematic, interdisciplinary approach to insure integrated use of the sciences and arts in any official planning or decision-making which may have an impact on the environment;

(B) in consultation with the Council on Environmental Quality, identify and develop methods and procedures to insure that unquantified environmental amenities will be considered in the agency decisionmaking process, along with economic and technical considerations;

(C) include in every recommendation or report on proposals for legislation or other major Federal actions a detailed statement by the responsible official on the environmental impact of the proposed action, any adverse environmental effects which can not be avoided should the proposal be adopted, alternatives to the proposed action, the relationship between the short-term uses of the environment and the maintenance and enhancement of long-term productivity, and any irreversible and irretrievable commitments of resources which would be involved. Under the conference substitute, the responsible Federal official, prior to making any such detailed statement, shall consult with and obtain the comments of any Federal agency having jurisdiction by law or special expertise with respect to any environmental impact involved and the comments of any such agency, together with the comments and views of appropriate State and local agencies shall thereafter be made available to the President, the Council on Environmental Quality, and the public under the provisions of section 552 of title 5, United States Code, and shall accompany the proposal through the subsequent review process. The conferees do not intend that the requirements for comment by other agencies should unreasonably delay the processing of Federal proposals and anticipate that the President will promptly prepare and establish by Executive order a list of those agencies which have "jurisdiction by law" or "special expertise" in various environmental matters. With regard to State and local agencies, it is not the intention of the conferees that those local agencies with only a remote interest and which are not primarily responsible for development and enforcement of environmental standards be included.

The conferees believe that in most cases the requirement for State and local review may be satisfied by notice of proposed action in the Federal Register and by providing supplementary information upon request of the State and local agencies. (To prevent undue delay in the processing of Federal proposals, the conferees recommend that the President establish a time limitation for the receipt of comments from



Federal, State, and local agencies similar to the 90-day review period presently established for comment upon certain Federal proposals.);

(D) study, develop, and describe appropriate alternatives to recommend courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

(E) recognize the worldwide and long-range character of environmental problems and, where consistent with the foreign policy of the United States, lend support to programs and other ventures designed to maximize international cooperation in anticipating and preventing a decline in the world environment;

(F) make available to State and local governments and individuals and organizations advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

(G) initiate and utilize ecological information in the Planning and development of resource-oriented projects; and

(H) assist the Council on Environmental Quality.

As noted above, the conference substitute provides that the phrase "to the fullest extent possible" applies with respect to those actions which Congress authorizes and directs to be done under both clauses (1) and (2) of section 102 (in the Senate bill, the phrase applied only to the directive in clause (1)). In accepting this change to section 102 (and also to the provisions of section 103), the House conferees agreed to delete section 9 of the House amendment from the conference substitute. Section 9 of the House amendment provided that "nothing in this Act shall increase, decrease or change any responsibility or authority of any Federal official or agency created by other provision of law." In receding from this House provision in favor of the less restrictive provision "to the fullest extent possible", the House conferees are of the view that the new language does not in any way limit the congressional authorization and directive to all agencies of the Federal Government set out in subparagraphs (A) through (H) of clause (2) of section 102. The purpose of the new language is to make it clear that each agency of the Federal Government shall comply with the directives set out in such subparagraphs (A) through (H) unless the existing law applicable to such agency's operations expressly prohibits or makes full compliance with one of the directives impossible. If such is found to be the case, then compliance with the particular directive is not immediately required. However, as to other activities of that agency, compliance is required. Thus, it is the intent of the conferees that the provision "to the fullest extent possible" shall not be used by any Federal agency as a means of avoiding compliance with the directives set out in section 102. Rather, the language in section 102 is intended to assure that all agencies of the Federal Government shall comply with the directives set out in said section "to the fullest extent possible" under their statutory authorizations and that no agency shall utilize an excessively narrow construction of its existing statutory authorizations to avoid compliance.

Section 103

This section is based upon a provision of the Senate bill (section 102(f)) not in the House amendment. This section, as agreed to by the conferees, provides that all agencies of the Federal Government shall review their

"present statutory authority, administrative regulations, and current policies and procedures to determine whether there are any deficiencies and inconsistencies therein which prohibit full compliance with the purpose and provisions" of the bill. If an agency finds such deficiencies or inconsistencies, it is required under this section to propose to the President not later than July 1, 1971, such measures as may be necessary to bring its authority and policies into conformity with the intent, purposes, and procedures of the bill. Section 103 thereby provides a mechanism which shall be utilized by all Federal agencies (1) to ascertain whether there is any provision of their statutory authority which clearly precludes full compliance with the bill and (2) if such is found, to recommend changes in their statutory authority which will enable full compliance with the bill. In conducting the review noted above, it is the understanding of the conferees that an agency shall not construe its existing authority in an unduly narrow manner. Rather, the intent of the conferees is that all Federal agencies shall comply with the provisions of section 102 "to the fullest extent possible," unless, of course, there is found to be a clear conflict between its existing statutory authority and the bill.

Section 104

This section, which was not in the House amendment and which is corollary to the actions taken by the conferees with respect to sections 102 and 103 of the conference substitute, provides that nothing in such sections 102 or 103 shall affect the specific statutory obligations of any Federal agency—

- (1) to comply with criteria and standards of environmental quality;
- (2) to coordinate or consult with any Federal or State agency; or
- (3) to act, or refrain from acting contingent upon the recommendations or certification of any other Federal or State agency.

Section 105

This section declares that the policies and goals set forth in the bill are supplementary to those set forth in existing authorities of Federal agencies. The effect of this section, which is a slightly revised version of section 103 of the Senate bill, is to give recognition to the fact that the bill does not repeal existing law. This section does not, however, obviate the requirement that the Federal agencies conduct their activities in accordance with the provisions of this bill unless to do so would clearly violate their existing statutory authorizations.

TITLE II—COUNCIL ON ENVIRONMENTAL QUALITY

Section 201

Section 201 of the conference substitute, which conforms, except for a date change, with the language of section 2 of the House amendment, requires the President to submit to the Congress annually, beginning July 1, 1970, an environmental quality report which will set forth an up-to-date inventory of the American environment, broadly and generally identified, together with an estimate of the impact of visible future trends upon the environment. Such report shall also include a review of the programs and activities of the Federal, State, and local governments, as well as those of



nongovernmental groups, with respect to environmental conditions, together with recommendations for remedying the deficiencies of existing programs, including legislative recommendations.

Section 202

This section of the conference substitute establishes in the Executive Office of the President a Council on Environmental Quality composed of three members appointed by the President by and with the advice and consent of the Senate. One of the members shall be designated by the President as the Chairman of the Council. The Senate bill would have created a three-member Board of Environmental Quality Advisers in the Executive Office of the President. (The Senate bill would also have provided for an additional officer, a Deputy Director, in the Office of Science and Technology to assist with environmental problems. The establishment of this additional office is not retained in the conference substitute.) Section 3 of the House amendment would have established a Council on Environmental Quality with five members. The conference substitute provision is basically the House provision but with the membership of the Council reduced to three.

Section 203

The provisions of section 203 of the conference substitute (which were contained in both the Senate bill and the House amendment) permits the Council to hire such officers and employees as are necessary to carry out the purposes of the act and also permits the Council to hire such experts and consultants as may be appropriate.

Section 204

The House amendment set forth the following duties and functions of the Council on Environmental Quality—

- (1) to assist the President in the preparation of the environmental quality report;
- (2) to gather information on the short- and long-term problems that merit Council attention, together with a continuing analysis of these problems as they may affect the policies stated in section 101;
- (3) to maintain a continuing review of Federal programs and activities as they may affect the policies declared in section 101, and to keep the President informed on the degree to which those programs and activities may be consistent with those policies;
- (4) to develop and to recommend policies to the President, on the basis of its activities, whereby the quality of our environment may be enhanced, consistent with our social, economic and other requirements;
- (5) to make studies and recommendations relating to environmental considerations, as the President may direct; and
- (6) to report at least once each year to the President.

The conference substitute contains the functions and duties listed above and also adds the following functions and duties (which, under the Senate bill, would have been the responsibilities of other Federal agencies)—

- (1) to conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality; and

- (2) to document and define changes in the natural environment, including the plant and animal systems, and to accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes.

Section 205

Section 205 of the conference substitute sets forth those public and private organizations with which the Council on Environmental Quality shall consult in carrying out its functions and duties under the Act and states that the Council should utilize, to the fullest extent possible, the services, facilities, and information of public and private organizations and individuals in carrying out such functions and duties. Section 205 conforms to the language in section 7 of the House amendment, with the exception that the conference substitute provision specifies that the Council shall consult with the Citizen's Advisory Committee on Environmental Quality which was established in May 1969, by Executive order.

Section 206

This section provides that the Chairman of the Council on Environmental Quality shall be compensated at the rate provided for at level II of the Executive Schedule Pay Rates, and that the other members of the Council shall be compensated at the rate provided for in level IV of such rates. This section conforms with the rates of compensation provided for in both the Senate bill and House amendment.

Section 207

This section of the conference substitute authorizes the appropriation of not to exceed \$300,000 in fiscal year 1970, \$700,000 in fiscal year 1971, and \$1 million in each fiscal year thereafter, to carry out the purposes of the act. Under the House amendment, the same amounts were authorized to be appropriated except with respect to fiscal year 1971, for which \$500,000 was authorized. The Senate bill authorized \$1 million to be appropriated annually.

EDWARD A. GARMATZ,
JOHN D. DINGELL,
W. S. MAILLIARD,
JOHN P. SAYLOR,
Managers on the Part of the House.



**Review of
Selected 1970
California
Legislation**

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The 1970 Regular Session adjourned September 23, 1970. In accordance with California Constitution article 4, section 8, the majority of the 1,628 bills enacted went into effect on the 61st day after adjournment—November 23, 1970. Where effective dates differ, the review will be so noted.



Introduction

This review of significant 1970 California Legislation is intended to be a brief analysis of the important enactments of the 1970 Regular Session. Despite the fact that 1970 was an election year, which might have reduced the output of the legislature, the 1970 session set a record as the longest in California's history. It was an important and productive session from the standpoint of major legislation in the fields of Consumer Protection, Business Regulations, and Environmental Protection.

In the field of Consumer Protection, the California attorney should become familiar with the new Consumers Legal Remedies Act, (see page 344); and the Consumer Warranty Act, (see page 347). In the field of Business Regulations, important legislation which should be reviewed include the Franchise Investment Act, (see page 296); and the Fictitious Business Name revisions, (see page 340).

Important revisions of California Civil Procedure include changes to property exemptions which afford protection to debtors' property from attachment and execution, (see pages 319-328); significant changes to *CCP §581a* regarding dismissal of civil actions, (see page 313); and new provisions to allow depositions for discovery in arbitration proceedings, (see page 333).

In Domestic Relations law, a new concept of quasi-community property has been enacted and courts are now permitted more flexibility when dividing community property, (see page 396). In the field of Property law, the legislature enacted a major reform in California landlord-tenant law, (see page 428); and a new procedure for arbitration in eminent domain cases, (see page 437). Finally, in the field of Taxation, new legislation includes increased interest rates for non-payment of state income tax, (see page 453); and a federal conformity measure reforming the "hobby loss" exemptions, (see page 461).

The major legislation included in this review is organized topically under fifteen titles listed in the Table of Contents rather than by California Code titles as in previous C.E.B. publications. However, a Table of Code Sections is included at page 488 to enable the reader to find a particular change immediately. Each summary is written in an



Introduction

effort to provide the reader with the significant additions or modifications enacted, a review of the law immediately prior to the 1970 change, and, when possible, some indication of legislative purpose. Also included in most of the summaries are references to collateral sources of information concerning the specific law, particularly WITKIN, which is generally within immediate access of most California attorneys.

The Editors of the Pacific Law Journal have done their utmost to assure the accuracy of this review, and hopefully, it will provide worthwhile information to all of its readers. Special appreciation is extended to the members of the administration and faculty of McGeorge School of Law who have assisted us in this effort, and especially Professor Horace Cecchetti for his helpful advice; to the California Continuing Education of the Bar for their assistance; to many of the members of the California Legislature and their staffs who patiently took the time to give assistance; and deserving special recognition, Tom Couris, David Robison, David Johnson and Brian Taugher of the Law Journal staff for their individual efforts in helping to publish this review.

Thomas Eres
Legislation Editor



Environmental Protection

Environmental Quality Act

Public Resources Code §§ 21000-21151 (new).

AB 2045; STATS 1970, Ch 1433

The Environmental Quality Act of 1970 is closely patterned after the National Environmental Quality Act of 1969.

The California Act begins with a statement of intent to endeavor to protect and provide a high quality environment for the State of California.

Sections 21100 through 21107 implement the Act by providing for environmental impact reports from all state agencies, boards and commissions on any project they propose to carry out which would have a significant effect on the environment. The report must include the environmental impact of the proposed action. It must report any unavoidable adverse environmental effects, mitigation measures to minimize the impact, alternatives to the proposed action, local short-term and long-term effects, and any irreversible environmental changes. An impact report must also be made by a state agency on any federal projects within the state before official state comments are made.

Section 21150 requires an "impact report" from a local government agency before state or federal funds are allocated. Only planning funds can be allocated until an impact report has been submitted.

"Projects" are included under the act. The words "program" and "activity" were not included. Zoning laws and general area plans are, as such, not subject to the act.

Reference:

- 1) For legislative history and purpose of Pub. L. 91-190, see 1969 U.S. CODE CONG. AND ADM. NEWS, p. 2751.

Air Pollution; environmental control

Government Code §§6254.7 (new); 6254 (amended); Health and Safety Code §§39068.1-39068.5, 39113 (new); Vehicle Code §§21655.5, 27157, 27158 (new).

AB 1; STATS 1970, Ch 1295

This comprehensive legislation has been called the "Clean Air Bill" or



SUMMARY DIGEST

of

Statutes Enacted and Resolutions Adopted

Including Proposed Constitutional Amendments

and

1969–1970 Statutory Record



CALIFORNIA LEGISLATURE

1970 Regular Session

DARRYL R. WHITE
Secretary of the Senate

JAMES D. DRISCOLL
Chief Clerk of the Assembly

Compiled by
GEORGE H. MURPHY
Legislative Counsel

LEGISLATIVE INTENT SERVICE (800) 666-1917

LEGISLATIVE INTENT SERVICE



Ch. 1433 (AB 2045) ASSEMBLY SELECT COMMITTEE ON ENVIRONMENTAL QUALITY Adds Div. 13 (commencing with Sec. 21000), P.R.C., re environmental quality.

Makes various legislative findings and declarations concerning environmental quality. Requires all state agencies, boards, and commissions to include in any report on any proposed project which could have a significant effect on the environment of the state, a detailed statement setting forth specified information. Requires such report, together with any comments received from other governmental agencies, to be a part of the regular project report used in the existing review and budgetary process, and specifies that it shall be available to the Legislature and general public. Requires such information in report to federal government on proposed federal projects which may have a significant effect on the environment and on which the state officially comments. Requires, as specified, such information to be included in request for, or authorization for expenditure of, funds by state agency, board, or commission for any project, other than a project involving only planning, which could have a significant effect on the environment. Requires such agencies to request in their budget funds necessary to protect the environment in relation to problems caused by its activities. Requires such agencies to review present authority and procedures to determine any inconsistencies or deficiencies which would hinder compliance with requirements of act and to propose to Governor by January 1971, any measures necessary to comply with intent, policies, and procedures of act.

Requires state agencies, boards, and commissions to require from local agencies, unless exempted, detailed statements setting forth such information prior to allocation of funds for projects which may have a significant effect on environment, other than funds solely for planning purposes. Requires local governmental units or agencies to make environmental impact findings or reports, as specified.

Requires Office of Planning and Research to be created by AB 2070, to coordinate, in conjunction with appropriate state, regional, and local agencies, development of objectives, criteria, and procedures to assure orderly preparation and evaluation of environmental impact reports.

Ch. 1434 (AB 2063) CULLEN New act, re executive reorganization.

Provides that notwithstanding the provisions of the Reorganization Plan No. 1 of 1970, or any other provisions of law, the provisions of Reorganization Plan No. 1 of 1970 shall become operative on July 1, 1972.

Provides for act to become operative only if Reorganization Plan No. 1 of 1970 becomes effective.

Ch. 1435 (AB 2203) CULLEN Amends Sec. 12080.2, adds Sec. 12080.5, repeals Secs. 8523, 12080.5, Gov.C., re executive reorganization.

Removes requirement that Governor submit reorganization plan to Commission on California State Government Organization and Economy and Legislative Counsel prior to submission to Legislature, and that Legislative Counsel prepare a digest of the plan.

Requires that the plan express clearly and specifically the nature and purposes thereof. Directs each house to assign plan to appropriate standing committee for study.

Provides that instead of the requirement a reorganization plan be submitted within first 60 calendar days of a regular session that the plan may be submitted at any time during a regular session.

Provides that instead of a plan becoming effective the first day after final adjournment or at a later date as provided by the plan unless either house finds the plan in need of further study and assigns the plan to a committee for further study, that the plan becomes effective after 60 calendar days of continuous session of the Legislature, as defined, from the date of submission, or at a later date as the plan may provide unless either house makes the requisite finding and reference.

Also provides that both houses must vote on question of whether plan is in need of further study and should be assigned to a committee for such study before a plan can become effective.

Ch. 1436 (AB 2300) WILSON Amends, adds, repeals various secs., H. & S.C., re State Housing Law.

For purposes of State Housing Law, requires Commission of Housing and Community Development to adopt rules and regulations imposing the same requirements



S279242

**IN THE
SUPREME COURT OF CALIFORNIA**

MAKE UC A GOOD NEIGHBOR et al.,
Petitioners and Appellants,

v.

**THE REGENTS OF THE UNIVERSITY OF CALIFORNIA et
al.,**
Defendants and Respondents,

RESOURCES FOR COMMUNITY DEVELOPMENT et al.,
Real Party in Interest.

AFTER A PUBLISHED OPINION OF THE COURT OF APPEAL
FIRST APPELLATE DISTRICT, DIVISION FIVE,
CASE No. A165451

APPEAL FROM JULY 29, 2022, ORDER AND AUGUST 2, 2022 ORDER AND
JUDGMENT OF THE ALAMEDA SUPERIOR COURT; HON. FRANK ROESCH,
DEPT. 17, CASE No. RG21110142 (CONSOLIDATED FOR PURPOSES OF
TRIAL ONLY WITH CASE Nos. RG21109910, RG21110157, 21CV000995
AND 21CV001919)

[PROPOSED] ORDER

IT IS HEREBY ORDERED that, pursuant to the pertinent provisions of Evidence Code sections 452, 453, and 459, and California Rules of Court, rule 8.252(a), judicial notice is taken of the legislative history documents relating to Assembly Bill No. 2045 (1970 Reg. Sess.), a true and correct copy of which is attached to respondent's motion for judicial notice as exhibit 1.

Dated: _____

Chief Justice

PROOF OF SERVICE

**Make UC A Good Neighbor v. UC Regents
Case No. S279242**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 3601 West Olive Avenue, 8th Floor, Burbank, CA 91505-4681.

On August 24, 2023, I served true copies of the following document(s) described as **MOTION FOR JUDICIAL NOTICE; DECLARATION OF NICOLE H. GORDON; EXHIBIT; [PROPOSED] ORDER** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Horvitz & Levy LLP's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

BY E-MAIL OR ELECTRONIC TRANSMISSION: Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission via Court's Electronic Filing System (EFS) operated by ImageSoft TrueFiling (TrueFiling) as indicated on the attached service list:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on August 24, 2023, at Burbank, California.



Ryan McCarthy

SERVICE LIST
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Case No. S279242

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STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **MAKE UC A GOOD NEIGHBOR v. REGENTS OF THE UNIVERSITY OF CALIFORNIA (RESOURCES FOR COMMUNITY DEVELOPMENT)**

Case Number: **S279242**

Lower Court Case Number: **A165451**

1. At the time of service I was at least 18 years of age and not a party to this legal action.
2. My email address used to e-serve: **jrosen@horvitzlevy.com**
3. I served by email a copy of the following document(s) indicated below:

Title(s) of papers e-served:

Filing Type	Document Title
ADDITIONAL DOCUMENTS	2023-08-24 AOC
BRIEF	2023-08-24 RBOM
REQUEST FOR JUDICIAL NOTICE	2023-08-24 RJN

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This proof of service was automatically created, submitted and signed on my behalf through my agreements with TrueFiling and its contents are true to the best of my information, knowledge, and belief.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

8/24/2023

Date

/s/Jeremy Rosen

Signature

Rosen, Jeremy (192473)

Last Name, First Name (PNum)

Horvitz & Levy LLP

Law Firm