

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: July 16, 2009
POSITION: Neutral

BILL NUMBER: SB 143
AUTHOR: G. Cedillo

BILL SUMMARY: Hazardous Materials: Land Reuse and Revitalization Act

This bill would extend the repeal date of the California Land Reuse and Revitalization Act of 2004 (CLRRA) from January 1, 2010 to January 1, 2017.

FISCAL SUMMARY

This bill would impose no cost on the state.

SUMMARY OF CHANGES

Amendments to this bill since our analysis of the April 23, 2009 version are minor and do not alter our position. A provision has been added to clarify that a prospective site purchaser does not receive specified immunity privileges until the prospective purchaser actually acquires the site.

COMMENTS

The Department of Finance is neutral on this bill.

Existing law:

- Provides innocent landowners, bona fide purchasers, and contiguous property owners who did not cause or contribute to a release with immunities from: (1) claims for response costs or other damages associated with a release or threatened release of a hazardous material at this site; or (2) agency action to require the individual to take a response action, other than the response action required in an approved response plan, except under certain conditions.
Requires a landowner, bona fide purchaser, or contiguous property owner who seeks to qualify for CLRRA immunity to enter into an agreement with an agency. This agreement must include a site assessment and the preparation and implementation of a response plan, if necessary.
Repeals the CLRAA on January 1, 2010.

This bill would:

- Extend the repeal date of the CLRRA to January 1, 2017.
Extend the operative date of the provision that provides for qualified immunity to January 1, 2017.
Restrict a prospective site purchaser from specified liability immunity provisions of state law until the prospective purchaser actually acquires the site.

Upon creation of the CLRRA by Chapter 705, Statutes of 2004, a \$25 million appropriation was made from the Toxic Substances Control Account into the Cleanup Loans and Environmental Assistance to the Neighborhoods (CLEAN) Account in the General Fund to fund the program. To date, four sites have been cleaned up, and 16 more are in the clean up process. The original repeal date of the CLRRA was added so that the Legislature could review the program and its effectiveness. The author's office believes that the CLRRA has been effective and a repeal date extension is warranted.

Analyst/Principal (0623) K. DaRosa Date Program Budget Manager Karen Finn Date

Department Deputy Director Date

Governor's Office: By: Date: Position Approved Position Disapproved

BILL ANALYSIS Form DF-43 (Rev 03/95 Buff)

BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED)

AUTHOR

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Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							Fund Code
	LA	(Dollars in Thousands)							
	CO	PROP							
	RV	98	FC	2009-2010	FC	2010-2011	FC	2011-2012	
3960/ToxicSubCtrl	SO	No		-----	See Fiscal Summary	-----		0001	