

Memorandum 2021-66

**Recodification of Toxic Substance Statutes: Hazardous Substance
Account Recodification Act — Conforming Revisions
(2021 Legislative Updates)**

Early in 2021, the Commission¹ approved a recommendation to nonsubstantively reorganize Chapter 6.8 (commencing with Section 25300) of Division 20 of the Health and Safety Code.² The Commission also approved an associated recommendation to make the necessary conforming revisions (updating provisions that cross-refer to Chapter 6.8 or its contents).³

During the 2021 legislative season, provisions that contained cross-references to Chapter 6.8 or its contents were amended and new provisions that cross-refer to Chapter 6.8 or its contents were added to the codes.

The attached document contains proposed legislation for sections in the Commission's conforming revision recommendation that changed in 2021, as well as new sections that need conforming revisions that were added in 2021.

Commissioners and other interested persons should review the attached document and raise any concerns that they might have. **Comments on any aspect of the document are welcome.**⁴

This memorandum and the attached document use the language of provisions as of January 1, 2022 (i.e., the effective date for non-urgent 2021 legislative changes).

1. Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission's website (www.clrc.ca.gov). Other materials can be obtained by contacting the Commission's staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.

2. *Hazardous Substance Account Recodification Act*, 48 Cal. L. Revision Comm'n Reports __ (Feb. 2021).

3. *Hazardous Substance Account Recodification Act: Conforming Revisions*, 48 Cal. L. Revision Comm'n Reports __ (Feb. 2021).

4. Written comments can be in any form. They should be directed to kburford@clrc.ca.gov. Comments may also be made orally at the upcoming Commission meeting (scheduled for December 16, 2021), which will be held via zoom teleconference. The agenda is available at: http://www.clrc.ca.gov/Menu1_meetings/agenda.html.

PROVISIONS THAT NO LONGER REQUIRE CONFORMING REVISIONS

Several provisions were amended in a way such that they no longer require a conforming revision (e.g., the provision was repealed or will be repealed before the recodification would take effect).⁵

The attached document includes a heading for these provisions, with bracketed text indicating that the provision no longer requires revision. In addition, below the heading for each provision, a Note describes the specific 2021 legislative change and the reason a revision is no longer required.

PROVISIONS THAT WERE AMENDED, BUT STILL REQUIRE CONFORMING REVISIONS

Other sections that were in the Commission's original conforming revisions recommendation were amended, but still require conforming revision.⁶ In this case, the attached document simply shows the required conforming revision using the updated language of the affected section.

For the most part, the 2021 legislative changes were entirely unrelated to the conforming revision changes. In a few cases, the 2021 legislative changes addressed minor technical corrections the Commission had originally proposed addressing in its recommendation. Since those changes are no longer required, the Comments (which originally noted the change) have been adjusted accordingly.⁷

Two of the sections in the attached document also contain references to the California Public Records Act ("CPRA") that require updating.⁸ The CPRA recodification conforming revisions for these sections were chaptered out by other bills this year.⁹ The attached draft includes the necessary revisions to CPRA cross-references.

5. Gov't Code §§ 6276.24, 6276.44; Health & Safety Code §§ 25174, 25174.6, 25174.7.

6. Civ. Code § 2782.6; Educ. Code §§ 17210, 17213; Gov't Code §§ 6103.10, 65913.4, 65941.1; Health & Safety Code §§ 25123.3, 25152.5, 25173.6, 25207.12, 25299.50.6, 25501, 101480, 101483, 101485; Pen. Code § 803; Pub. Res. Code § 21151.8.

7. See Health & Safety Code §§ 25152.5(c) (paragraph labels were added to previously unnumbered paragraphs), 101480 (gendered pronouns were eliminated).

8. See Gov't Code § 65913.4; Health & Safety Code § 25152.5.

9. See 2021 Cal. Stat. ch. 160, 615 (both amending Government Code Section 65913.4); 2021 Cal. Stat. ch. 115, 615 (both amending Health & Safety Code § 25152.5).

NEW CROSS-REFERENCES TO CHAPTER 6.8 OR ITS CONTENTS

In a few cases, new sections cross-referencing Chapter 6.8 or its contents were added to the codes.¹⁰ One of those new sections cross-refers to a section that was added to Chapter 6.8 in 2021.¹¹

In one case, a new cross-reference to a section of Chapter 6.8 was added to an existing provision.¹²

These sections are included in the attached document with the required conforming revision shown in strikeout and underscore. For one section, the staff also proposed a minor technical correction.¹³

One of these new provisions, Health and Safety Code Section 25246.1, includes a list referencing a few different sections of Chapter 6.8. To facilitate understanding of the cross-reference updates, the staff included Notes describing how the individual cross-references were revised.

COMMISSION DECISION

Does the Commission approve of the changes reflected in the attached draft?

At this stage, the Commission's final recommendation has not been finalized for hard copy printing. **Does the Commission want to incorporate these changes into its recommendation before printing?**

Respectfully submitted,

Kristin Burford
Staff Counsel

10. Gov't Code §§ 7930.155, 7930.255; Health & Safety Code §§ 25125.2, 25135, 25174.02, 25187.3, 25205.2, 25214.8.11.2, 25246.1, 25246.2.

11. See Health & Safety Code § 25246.2(a)(5) (cross-referencing Health & Safety Code § 25355.3).

12. See Health & Safety Code § 25510.

13. See Health & Safety Code § 25205.2(j)(3) (addition of missing word).