

Assembly Bill No. 211

CHAPTER 574

An act to amend Sections 11891, 11893, 12581, 12996, 12998, 12999.4, and 12999.5 of, and to add Sections 12999.6 and 13001 to, the Food and Agricultural Code, to amend Section 51179 of the Government Code, to amend Sections 44274.10, 44274.11, 44274.12, 44274.13, and 44274.14 of the Health and Safety Code, to amend Sections 3113, 4799.05, 14503.5.1, 14538, 14549.2, 14581, 42052, and 42060 of, to add Sections 14537.5, 14548, 14555, and 21166.3 to, to add Part 5 (commencing with Section 75250) to Division 44 of, and to repeal Section 75250.1 of, the Public Resources Code, to amend Section 43152.6 of, and to amend and repeal Section 43152.10 of, the Revenue and Taxation Code, to amend Section 13198 of the Water Code, to amend the Budget Act of 2021 (Chapters 21, 69, and 240 of the Statutes of 2021) by amending Item 8570-002-0001 of Section 2.00 of that act, and to amend the Budget Act of 2021 (Chapter 44 of the Statutes of 2022) by amending Items 3540-101-0001 of Section 2.00 of that act, relating to public resources, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[Approved by Governor September 27, 2022. Filed with
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LEGISLATIVE COUNSEL'S DIGEST

AB 211, Committee on Budget. Public resources trailer bill.

(1) Existing law provides that a violation of specified provisions relating to pest control operations is a misdemeanor punishable by, among other things, a fine of not less than \$500 nor more than \$5,000.

This bill would increase the fine to not less than \$5,000 nor more than \$50,000.

Existing law provides that a violation of specified provisions relating to pest control operations results in civil liability of not less than \$1,000 nor more than \$10,000.

This bill would increase the amount of civil liability to not less than \$3,000 nor more than \$30,000.

Existing law authorizes the Director of Pesticide Regulation to inspect and take samples of any produce grown, processed, packed, stored, shipped, transported, delivered for shipment, or sold. Existing law provides that a violation of provisions relating to pesticides is a misdemeanor.

This bill would authorize the director to request sales records, purchase records, distribution records, or any other record related to produce grown, processed, packed, stored, shipped, transported, delivered for shipment, or sold if the director finds or suspects that a sample taken or inspected from that produce carries pesticide residue in excess of the permissible tolerance.

The bill would require these records to be provided to the director within 48 hours of the request. By expanding the scope of a crime, this bill would create a state-mandated local program. The bill would authorize the director to levy a specified civil penalty in lieu of civil prosecution for a violation of this provision, subject to specified procedures.

Existing law provides that a violation of specified provisions relating to pesticides is a misdemeanor, and results in a fine of not less than \$500 nor more than \$5,000 for the first violation, and a fine of not less than \$1,000 nor more than \$10,000 for a subsequent violation. Under existing law, if the offense involves an intentional or negligent violation that created or reasonably could have created a hazard to human health or the environment, the convicted person shall be punished by imprisonment in a county jail not exceeding one year or in the state prison or by a fine of not less than \$5,000 nor more than \$50,000.

This bill would increase the amount of the fine to not less than \$5,000 nor more than \$50,000 for the first violation, and not less than \$10,000 nor more than \$75,000 for a subsequent violation. The bill would increase the fine if the offense involves an intentional or negligent violation that created or reasonably could have created a hazard to human health or the environment to not less than \$15,000 nor more than \$100,000.

Existing law provides that a violation of specified provisions relating to pesticides or structural pest control devices, or any related regulation, results in civil liability of not less than \$1,000 nor more than \$10,000 for the first violation, and civil liability of not less than \$5,000 nor more than \$25,000 for a subsequent violation.

This bill would increase the amount of the civil liability to not less than \$3,000 nor more than \$30,000 for the first violation, and not less than \$15,000 nor more than \$75,000 for a subsequent violation.

Existing law authorizes the director, in lieu of civil prosecution, to levy a civil penalty against a person who violates specified provisions regarding pesticides and economic poisons, or the regulations adopted pursuant to those provisions, of not more than \$5,000 for each violation.

This bill would add specified provisions relating to pesticides to the provisions for which the director is authorized to levy a civil penalty, in lieu of civil prosecution, when violated. The bill would increase the above-described civil penalty to not more than \$15,000 for each violation.

Existing law provides that every person who violates a law relating to pesticides, or any regulation issued pursuant thereto, is guilty of a misdemeanor. In lieu of seeking prosecution for a misdemeanor, existing law authorizes the director to prosecute a violation civilly, as specified. In lieu of a civil prosecution by the director, existing law authorizes the county agricultural commissioner to levy a civil penalty against a person violating specified laws relating to pest control operations, pesticides, pesticides and worker safety, use of an unregistered pesticide, restricted materials, carbon monoxide pest control devices, structural pest control devices, or regulations adopted pursuant to these provisions in an amount of not more than \$1,000 for each violation. Under existing law, a violation that the county agricultural

commissioner determines is a Class A violation, as defined, is subject to a fine of not more than \$5,000 for each violation.

This bill would increase these civil penalties to \$3,000 and \$15,000, respectively, and would make various nonsubstantive changes. The bill would authorize the director to, in lieu of a civil penalty levied by the county agricultural commissioner, levy a civil penalty of not more than \$20,000 for each violation of the above-described laws or implementing regulations under certain conditions, or to refer any of those violations to the proper enforcement agency, including the district attorney of the county where the violations occurred or the Attorney General.

Existing law provides various penalties and forms of injunctive relief for violation of specified provisions of the Food and Agricultural Code relating to pesticides.

This bill would authorize the director to, by regulation, adjust the level of specified statutory minimum and maximum civil monetary penalties to account for inflation. The bill would require the director to make inflation adjustments consistent with the formula used by the United States Environmental Protection Agency pursuant to specified federal law.

(2) Existing law requires the State Fire Marshal to identify areas of the state as moderate, high, and very high fire hazard severity zones based on specified criteria. Existing law requires a local agency to designate, by ordinance, very high fire hazard severity zones in its jurisdiction within 120 days of receiving recommendations from the State Fire Marshal. Existing law authorizes a local agency, at its discretion, to include areas within the jurisdiction of the local agency, not identified as very high fire hazard severity zones by the State Fire Marshal, as very high fire hazard severity zones following a finding supported by substantial evidence, as provided.

This bill would additionally require a local agency to designate, by ordinance, moderate and high fire hazard severity zones within 120 days of receiving recommendations from the State Fire Marshal. By expanding the responsibility of a local agency, the bill would impose a state-mandated local program. The bill would additionally authorize a local agency, at its discretion, to include areas within the jurisdiction of the local agency, not identified as moderate and high fire hazard severity zones by the State Fire Marshal, as moderate and high fire hazard severity zones, respectively. The bill would prohibit the local agency from decreasing the level of fire hazard severity zone as identified by the State Fire Marshal for any area within the jurisdiction of the local agency, as provided.

(3) Existing law establishes the Medium- and Heavy-Duty Zero-Emission Vehicle Fleet Purchasing Assistance Program within the Air Quality Improvement Program to make financing tools and nonfinancial supports available to operators of medium- and heavy-duty vehicle fleets to enable those operators to transition their fleets to zero-emission vehicles. Existing law requires the State Air Resources Board to designate the California Pollution Control Financing Authority as the agency responsible for administering the program and requires the state board and the authority to enter into an interagency working agreement for the development and

administration of the program. Existing law requires the authority to develop, in consultation with the state board, a data collection and dissemination strategy for the program, as provided.

This bill would make the state board solely responsible for the development and implementation of the Medium- and Heavy-Duty Zero-Emission Vehicle Fleet Purchasing Assistance Program and would eliminate or transfer all of the authority's duties under the program.

(4) Existing law establishes the Geologic Energy Management Division in the Department of Conservation under the direction of the State Oil and Gas Supervisor, who is required to supervise the drilling, operation, maintenance, and abandonment of oil and gas wells. Existing law requires the division to annually prepare and transmit to the Legislature a report of specified information statewide and by district, including the number of shall-witness and may-witness operations performed.

This bill would additionally require the division to include in the report the number of shall-witness and may-witness operations performed where division personnel witnessed the operations in person, the number of shall-witness and may-witness operations performed where division personnel did not witness the operations in person and witnessed the operations remotely, the number of shall-witness and may-witness operations performed on critical wells where division personnel witnessed the operations in person, and the number of shall-witness and may-witness operations performed on critical wells where division personnel did not witness the operations in person and witnessed the operations remotely. The bill would, for all shall-witness and may-witness operations reporting requirements, require the report to provide the number of each type of may-witness operation as identified by law or regulation included in the total, as provided. The bill would require a complete list of all shall-witness operations where division personnel did not witness the operations in person and witnessed the operations remotely and information about each operation, as provided. The bill would require the division to maintain a written justification for each remote witnessing of shall-witness operations and provide it upon request.

The bill would, until January 1, 2028, explicitly authorize the division to witness may-witness operations remotely, and require the division to prioritize witnessing of may-witness operations in person to the maximum extent possible. The bill would authorize the supervisor, only in writing and only on a case-by-case basis, to authorize division personnel to witness shall-witness operations remotely. The bill would prohibit the supervisor from delegating the authority to approve witnessing of these shall-witness operations remotely. The bill would also require all written authorizations for division personnel to witness shall-witness operations remotely to be maintained and available to the public upon request. The bill would prohibit the supervisor from setting any positive numerical quotas for division personnel to witness operations remotely or providing a blanket authorization for remote witnessing of shall-witness operations, and would require the

supervisor to provide written guidance to division personnel on minimum standards for remote witnessing of shall-witness and may-witness operations.

(5) Existing law authorizes the Director of Forestry and Fire Protection to provide grants to, or enter into contracts or other cooperative agreements with, various entities for the implementation and administration of projects and programs to improve forest health and reduce greenhouse gas emissions. Existing law authorizes the director, until January 1, 2024, to authorize advance payments to certain entities from grants awarded.

This bill would extend indefinitely the authority of the director to authorize those advance payments.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if the lead agency finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

This bill would provide that the environmental review set forth in the Final Programmatic Environmental Impact Report for the Hollister Ranch Coastal Access Program, in combination with other environmental review documents related to the provision of public access to, and along the coastline of, Hollister Ranch in the County of Santa Barbara, is conclusively presumed to satisfy CEQA for a project to effectuate public access and associated facilities undertaken or approved by a public agency.

This bill would make legislative findings and declarations as to the necessity of a special statute for Hollister Ranch in the County of Santa Barbara.

Existing law exempts from the requirements of CEQA prescribed fire, thinning, and fuel reduction projects, including the issuance of permits or other approvals for those projects, undertaken on federal lands to reduce the risk of high-severity wildfire that have been reviewed under the federal National Environmental Policy Act of 1969 (NEPA) if certain conditions are met. Existing law requires the Department of Forestry and Fire Protection to report to the relevant policy committees of the Legislature the number of times this exemption is used. Existing law specifies that the exemption remains operative only if the Secretary of the Natural Resources Agency certifies on or before January 1 of each year that NEPA or other federal laws that affect the management of federal forest lands in California have not been substantially amended. Existing law makes the exemption inoperative on January 1, 2023.

This bill would extend the operation of this CEQA exemption to January 1, 2028, and would eliminate the secretary's certification condition and the department's reporting duties relating to the exemption. The bill would expand the exemption to include reforestation and habitat restoration

projects, as well as related activities included in the project description. The bill would expand the exemption to include projects undertaken in part on federal lands. If the lead agency determines that the exemption applies to a project and determines to approve or carry out the project, the bill would require the lead agency to file a notice of exemption, as provided, and to post the notice of exemption and certain information on its internet website. If the lead agency is not the department, the bill would require the lead agency to provide the notice of exemption and other specified information to the department. Because the bill would expand the duties of a lead agency to determine the applicability of the exemption and would require the lead agency to file a notice of exemption and to perform other duties, this bill would impose a state-mandated local program. The bill would require the secretary, if the secretary determines that substantial changes have been made since January 1, 2023, to NEPA or other federal laws that affect the management of federal forest lands in California, to report those changes to the Legislature.

This bill would exempt from the requirements of CEQA any discretionary approval necessary to carry out or implement projects funded by the Nature-Based Solutions Tribal Program or the tribal cultural burn and tribal wildfire funding authorized by the Budget Act of 2021. The bill would specify that the exemption only applies to projects carried out on lands subject to the jurisdictional control or the ownership of a California Native American tribe. Because a lead agency would be required to determine the applicability of this exemption to a project, this bill would impose a state-mandated local program.

(6) The California Beverage Container Recycling and Litter Reduction Act, which is administered by the Department of Resources Recycling and Recovery, is established to promote beverage container recycling and provides for the payment, collection, and distribution of certain payments and fees based on minimum refund values established for beverage containers.

This bill would revise the act's definition of "bag drop recycling center," as provided, and authorize a bag drop recycling center to use a bag drop machine. The bill would require the department to adopt emergency regulations to establish requirements for the operation of bag drop machines, and would require the department to provide on its internet website, and update at least once per year, information enabling consumers to identify the geographic locations of all points of redemption for beverage containers.

Existing law authorizes the department to pay a quality incentive payment to either an operator of a curbside recycling program or any other entity certified under the act for empty glass, plastic, and aluminum beverage containers that meet specified conditions.

This bill would authorize the department to pay a quality incentive payment to a certified recycling center under the act for thermoform plastic containers diverted from curbside recycling programs, as provided.

The act authorizes the department to pay a market development payment to a reclaimer for empty plastic beverage containers that have been collected

for recycling in the state, and that the reclaimer washes and processes into flake, pellet, sheet, or any other form that is then usable as input for the manufacture of new plastic products by product manufacturers in the state. The act also authorizes the department to pay a market development payment to a product manufacturer for plastic flake, pellet, sheet, or any other form of plastic purchased from a reclaimer and used by that product manufacturer to manufacture a plastic product in the state. The act makes these provisions inoperative on July 1, 2022. The act authorizes the department, for the 2019–20 fiscal year to the 2021–22 fiscal year, inclusive, to expend up to \$10,000,000 each fiscal year for market development payments to reclaimers and product manufacturers, as provided.

This bill would extend the market development payment inoperative date from July 1, 2022, to July 1, 2026, and would authorize the department, for the 2022–23 fiscal year to the 2025–26 fiscal year, inclusive, to expend funds for market development payments to reclaimers and product manufacturers, as provided.

The act requires the department, not less than once every 6 months, to provide the Legislature with information for the current fiscal year and the budget year that includes, among other things, an updated fund condition statement for the California Beverage Container Recycling Fund, the recycling rate, projected sales, and projected handling fee and processing payments, and to post that information on the department’s internet website.

This bill would require the department, on or before July 1, 2025, to provide the Legislature a report as it relates to appropriations made pursuant to the Budget Act of 2022 for purposes of the California Beverage Container Recycling and Litter Reduction Act, as specified, and to post that information on the department’s internet website.

(7) Existing law establishes the Plastic Pollution Prevention and Packaging Producer Responsibility Act, which covers certain single-use packaging and plastic single-use food service ware, as provided. As part of its comprehensive statutory scheme, the act requires the producers, as defined, of these covered materials to source reduce plastic covered material, to ensure that covered material offered for sale, distributed, or imported in or into the state on or after January 1, 2032, is recyclable or compostable, and to ensure that plastic covered material offered for sale, distributed, or imported in or into the state meets specified recycling rates. The act prohibits a producer from selling, offering for sale, importing, or distributing covered materials in the state unless the producer is approved to participate in the producer responsibility plan of a producer responsibility organization (PRO), as prescribed, for the source reduction, collection, processing, and recycling of covered material. Alternatively, the act requires a producer to comply with the act individually without participating in a PRO’s plan.

Existing law requires the Department of Resources Recycling and Recovery to adopt regulations to implement the Plastic Pollution Prevention and Packaging Producer Responsibility Act, as prescribed, and, in establishing a recycled content requirement, requires the department or PRO

to consider the amount of organic waste and analyze the greenhouse gas emissions associated with that organic waste.

This bill would remove that requirement to consider organic waste in establishing a recycled content requirement. The bill also would make a technical change.

(8) Existing law establishes the Transformative Climate Communities Program, to be administered by the Strategic Growth Council, and requires the program to fund the development and implementation of neighborhood-level transformative climate community plans that include multiple, coordinated greenhouse gas emissions reduction projects that provide local economic, environmental, and health benefits to disadvantaged communities identified by the California Environmental Protection Agency. Existing law requires the council to award competitive grants to eligible entities, as specified, through an application process and to develop guidelines and selection criteria for plan development and implementation of the program, as provided.

This bill would establish the Community Resilience Center Program, to be administered by the council, in coordination with the Office of Planning and Research, to provide funding for the construction of new, or the retrofitting of existing, facilities to serve as community resilience centers, as provided. The bill would require the council to award competitive grants to eligible entities, as defined, through an application process, as provided. The bill would authorize the council, until July 1, 2025, to make advance payments on a grant awarded, as provided. The bill would require the council to adopt guidelines and selection criteria for the awarding of grants under the program, as provided. The bill would require the council to not use more than 8% of the moneys appropriated for the purposes of the program for the costs of administering the program. The bill would require the council, on or before January 1, 2025, and annually thereafter until the funds for the program are fully expended, to prepare and submit a report on the program, as specified, to the relevant budget subcommittees of the Legislature and to the Legislative Analyst's Office.

(9) The hazardous waste control laws require the owner or operator of a facility or transportable treatment unit operating under a permit-by-rule, a generator operating under a grant of conditional authorization, and a generator performing treatment conditionally exempted to pay certain fees to the California Department of Tax and Fee Administration per facility or transportable treatment unit for each reporting period or a portion of a reporting period. Existing law specifies that those fees are due and payable to the department in 2 equal installments, on or before November 30 and February 28 of each fiscal year.

This bill would specify that, for the 2022–23 fiscal year, these fees are due and payable within 30 days after the date of assessment, would require the feepayer to deliver a remittance of the amount of the assessed fee to the department within that 30-day period, and would make conforming changes.

The hazardous waste control laws, in addition to the fees described above, impose various charges and fees on generators of hazardous waste and

organizations that use, generate, store, or conduct activities in the state related to hazardous waste. Existing law specifies that those charges and fees are due and payable to the department either on the last day of the second month following the end of the calendar year or in two equal installments, on or before November 30 and February 28, of each fiscal year, depending on the nature of the charge or fee. However, existing law also includes language making those charges and fees due and payable within 30 days after the date of assessment and requiring the feepayer to deliver a remittance of the amount of the assessed fee or charge to the department within that 30-day period.

This bill would state that the language making those charges and fees due and payable to the department within 30 days after the date of assessment and requiring the remittance within that 30-day period is inoperative on the effective date of the bill, and would repeal the language on January 1, 2023.

(10) Existing law, the California Emergency Services Act, sets forth the emergency powers of the Governor under its provisions and empowers the Governor to proclaim a state of emergency for certain conditions, including drought.

Existing law authorizes specified state agencies, subject to an appropriation for these purposes, to make grants and direct expenditures for interim or immediate relief in response to conditions arising from a drought scenario to address immediate impacts on human health and safety and on fish and wildlife resources and to provide water to persons or communities that lose or are threatened with the loss or contamination of water supplies. Existing law defines “interim or immediate relief” for purposes of these provisions to include specified types of relief and provides that eligible costs for interim or immediate relief include technical assistance, site acquisitions, and costs directly related to the provision of the project. Existing law repeals these provisions as of January 1, 2024.

This bill would additionally include in the definition of “interim or immediate relief” certain activities to increase water conservation and drought resilience planning. The bill would also include post-performance monitoring as an eligible cost for interim or immediate relief.

(11) Existing law imposes various limitations on the emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution and as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases that cause global warming in order to reduce emissions of greenhouse gases. Existing law also recognizes hexavalent chromium as a toxic substance in drinking water and packaging.

This bill would state the intent of the Legislature, upon an appropriation in the Budget Act for the 2023–24 fiscal year for these purposes, to enact future legislation that would make \$10,000,000 available to the board to assist with the necessary transition away from the use of hexavalent chromium. The bill would state the further intent of the Legislature to enact future legislation that would make this funding available upon the board’s

adoption of an air emission rule to fully eliminate hexavalent chromium at all decorative and functional chromium plating facilities and chromic acid anodizing facilities statewide and to allocate funds to further customer awareness and acceptance of trivalent chromium plated projects and to further technology, as specified.

(12) The Budget Act of 2021 made appropriations for the support of state government for the 2021–22 fiscal year.

This bill would amend the Budget Act of 2021 by amending items of appropriation and making other changes.

There exists in state government the Department of Water Resources, the Department of Fish and Wildlife, the State Water Resources Control Board, the Department of Food and Agriculture, the Department of Conservation, the State Department of Social Services, the State Air Resources Board, the State Energy Resources Conservation and Development Commission, and the Department of Forestry and Fire Protection. Existing law vests these agencies with various powers and duties related to state government.

This bill would allocate \$787,497,000, including \$534,000,000 from the General Fund and \$253,497,000 from the California Emergency Relief Fund, as provided, to the Department of Water Resources, the Department of Fish and Wildlife, the State Water Resources Control Board, the Department of Food and Agriculture, the Department of Conservation, and the State Department of Social Services for various projects relating to public resources, as specified.

This bill would allocate \$619,000,000 from the General Fund, as provided, to the State Air Resources Board and the State Energy Resources Conservation and Development Commission for various projects related to zero-emissions vehicles, as specified.

This bill would allocate \$30,000,000 from the General Fund, as provided, to the Department of Forestry and Fire Protection for projects and programs that support wildfire and forest resilience, as specified.

(13) This bill would state the intent of the Legislature to allocate \$2,415,000,000 for the 2023–24 fiscal year to the 2025–26 fiscal year, inclusive, as provided, for zero-emission vehicle investments, as provided. The bill would state the intent of the Legislature that \$500,000,000 be available for the 2023–24 fiscal year and that amount be available for the 2024–25 fiscal year, as provided, to support various climate initiatives.

(14) This bill would provide that, upon appropriation by the Legislature, certain amounts of money are to be available in certain fiscal years to various state agency for the implementation of certain programs.

(15) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for specified reasons.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so

mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(16) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Appropriation: yes.

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

SECTION 1. Section 11891 of the Food and Agricultural Code is amended to read:

11891. Every person who violates this division, or any regulation issued pursuant to this division, is guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than five thousand dollars (\$5,000) nor more than fifty thousand dollars (\$50,000), or by imprisonment of not less than 10 days nor more than six months, or by both that fine and imprisonment. Each violation constitutes a separate offense.

SEC. 2. Section 11893 of the Food and Agricultural Code is amended to read:

11893. Any person who violates this division, or any regulation issued pursuant to this division, is liable civilly in an amount not less than three thousand dollars (\$3,000) nor more than thirty thousand dollars (\$30,000) for each violation. Any money recovered under this section shall be paid into the Department of Pesticide Regulation Fund for use by the department in administering and enforcing this division pursuant to Section 11513, and in administering Division 7 (commencing with Section 12501).

SEC. 3. Section 12581 of the Food and Agricultural Code is amended to read:

12581. (a) The director may inspect and take samples of any produce grown, processed, packed, stored, shipped, transported, delivered for shipment, or sold.

(b) If the director finds or suspects that a sample taken or inspected pursuant to subdivision (a) carries pesticide residue in excess of the permissible tolerance, the director may request sales records, purchase records, distribution records, or any other record related to that produce. The records shall be provided to the director within 48 hours of the request.

SEC. 4. Section 12996 of the Food and Agricultural Code is amended to read:

12996. (a) Every person who violates any provision of this division relating to pesticides, or any regulation issued pursuant to a provision of this division relating to pesticides, is guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than five thousand dollars (\$5,000) nor more than fifty thousand dollars (\$50,000), or by imprisonment of not more than six months, or by both the fine and imprisonment. Upon a second or subsequent conviction of the same provision of this division relating to pesticides, a person shall be punished by a fine of not less than ten thousand dollars (\$10,000) nor more than seventy-five thousand dollars

(\$75,000), or by imprisonment of not more than six months, or by both the fine and imprisonment. Each violation constitutes a separate offense.

(b) Notwithstanding the penalties prescribed in subdivision (a), if the offense involves an intentional or negligent violation that created or reasonably could have created a hazard to human health or the environment, the convicted person shall be punished by imprisonment in a county jail not exceeding one year or in the state prison or by a fine of not less than fifteen thousand dollars (\$15,000) nor more than one hundred thousand dollars (\$100,000), or by both the fine and imprisonment.

(c) This section does not apply to violations of Chapter 7.5 (commencing with Section 15300) or Section 13186.5.

SEC. 5. Section 12998 of the Food and Agricultural Code is amended to read:

12998. Any person who violates this division relating to pesticides or structural pest control devices, or any regulation issued pursuant to a provision of this division relating to pesticides or structural pest control devices, is liable civilly in an amount not less than three thousand dollars (\$3,000) nor more than thirty thousand dollars (\$30,000) for each violation. Any person who commits a second or subsequent violation that is the same as a prior violation or similar to a prior violation or whose intentional violation resulted or reasonably could have resulted in the creation of a hazard to human health or the environment or in the disruption of the market of the crop or commodity involved, is liable civilly in an amount not less than fifteen thousand dollars (\$15,000) nor more than seventy-five thousand dollars (\$75,000) for each violation. Any money recovered under this section shall be paid into the Department of Pesticide Regulation Fund for use by the department in administering this division, and Division 6 (commencing with Section 11401).

SEC. 6. Section 12999.4 of the Food and Agricultural Code is amended to read:

12999.4. (a) In lieu of civil prosecution by the director, the director may levy a civil penalty against a person violating subdivision (d) or (e) of Section 11792 or Sections 12115, 12116, 12581, 12603, 12671, 12992, and 12993, Chapter 10 (commencing with Section 12400) of Division 6, Article 4.5 (commencing with Section 12841), Section 13186.5, Chapter 7.5 (commencing with Section 15300), or the regulations adopted pursuant to those provisions, of not more than fifteen thousand dollars (\$15,000) for each violation.

(b) Before a civil penalty is levied, the person charged with the violation shall be given a written notice of the proposed action, including the nature of the violation and the amount of the proposed penalty, and shall have the right to request a hearing within 20 days after receiving notice of the proposed action. A notice of the proposed action that is sent by certified mail to the last known address of the person charged shall be considered received even if delivery is refused or the notice is not accepted at that address. If a hearing is requested, notice of the time and place of the hearing shall be given at least 10 days before the date set for the hearing. Before

the hearing, the person shall be given an opportunity to review the director's evidence. At the hearing, the person shall be given the opportunity to present evidence on their own behalf. If a hearing is not timely requested, the director may take the action proposed without a hearing.

(c) If the person against whom the director levied a civil penalty requested and appeared at a hearing, the person may seek review of the director's decision within 30 days of the date of the decision pursuant to Section 1094.5 of the Code of Civil Procedure.

(d) After the exhaustion of the review procedure provided in this section, the director, or the director's representative, may file a certified copy of a final decision of the director that directs the payment of a civil penalty and, if applicable, any order that denies a petition for a writ of administrative mandamus, with the clerk of the superior court of any county. Judgment shall be entered immediately by the clerk in conformity with the decision or order. Pursuant to Section 6103 of the Government Code, the clerk of the superior court shall not charge a fee for the performance of any official service required in connection with the entry of judgment pursuant to this section.

(e) Any money recovered under this section shall be paid into the Department of Pesticide Regulation Fund for use by the department, upon appropriation, in administering this division and Division 6 (commencing with Section 11401).

SEC. 7. Section 12999.5 of the Food and Agricultural Code is amended to read:

12999.5. (a) In lieu of civil prosecution by the director, the county agricultural commissioner may levy a civil penalty against a person violating Division 6 (commencing with Section 11401), Article 10 (commencing with Section 12971) or Article 10.5 (commencing with Section 12980) of this chapter, Section 12995, Article 1 (commencing with Section 14001) of Chapter 3, Chapter 3.7 (commencing with Section 14160), Chapter 7.5 (commencing with Section 15300), or a regulation adopted pursuant to any of these provisions, of not more than three thousand dollars (\$3,000) for each violation. Any violation determined by the county agricultural commissioner to be a Class A violation as defined in Section 6130 of Title 3 of the California Code of Regulations is subject to a fine of not more than fifteen thousand dollars (\$15,000) for each violation. It is unlawful and grounds for denial of a permit under Section 14008 for a person to refuse or neglect to pay a civil penalty levied pursuant to this section once the order is final.

(b) If a person has received a civil penalty for pesticide drift in a school area subject to Section 11503.5 that results in a Class A violation as defined in subdivision (a), the county agricultural commissioner shall charge a fee, not to exceed fifty dollars (\$50), for processing and monitoring each subsequent pesticide application that may pose a risk of pesticide drift made in a school area subject to Section 11503.5. The county agricultural commissioner shall continue to impose the fee for each subsequent

application that may pose a risk of drift, until the person has completed 24 months without another Class A violation as defined in subdivision (a).

(c) Before a civil penalty is levied, the person charged with the violation shall be given a written notice of the proposed action, including the nature of the violation and the amount of the proposed penalty, and shall have the right to request a hearing within 20 days after receiving notice of the proposed action. A notice of the proposed action that is sent by certified mail to the last known address of the person charged shall be considered received even if delivery is refused or the notice is not accepted at that address. If a hearing is requested, notice of the time and place of the hearing shall be given at least 10 days before the date set for the hearing. At the hearing, the person shall be given an opportunity to review the county agricultural commissioner's evidence and to present evidence on their own behalf. If a hearing is not timely requested, the county agricultural commissioner may take the action proposed without a hearing.

(d) If the person upon whom the county agricultural commissioner levied a civil penalty requested and appeared at a hearing, the person may appeal the county agricultural commissioner's decision to the director within 30 days of the date of receiving a copy of the county agricultural commissioner's decision. The following procedures apply to the appeal:

(1) The appeal shall be in writing and signed by the appellant or their authorized agent, state the grounds for the appeal, and include a copy of the county agricultural commissioner's decision. The appellant shall file a copy of the appeal with the county agricultural commissioner at the same time it is filed with the director.

(2) The appellant and the county agricultural commissioner may, at the time of filing the appeal or within 10 days thereafter or at a later time prescribed by the director, present the record of the hearing, including written evidence that was submitted at the hearing, and a written argument to the director stating grounds for affirming, modifying, or reversing the county agricultural commissioner's decision.

(3) The director may grant oral arguments upon application made at the time written arguments are filed.

(4) If an application to present an oral argument is granted, written notice of the time and place for the oral argument shall be given at least 10 days before the date set for the oral argument. The times may be altered by mutual agreement of the appellant, the county agricultural commissioner, and the director.

(5) The director shall decide the appeal on the record of the hearing, including the written evidence and the written argument described in paragraph (2), that the director has received. If the director finds substantial evidence in the record to support the county agricultural commissioner's decision, the director shall affirm the decision.

(6) The director shall render a written decision within 45 days of the date of appeal or within 15 days of the date of oral arguments or as soon thereafter as practical.

(7) On an appeal pursuant to this section, the director may affirm the county agricultural commissioner's decision, modify the county agricultural commissioner's decision by reducing or increasing the amount of the penalty levied so that it is within the director's guidelines for imposing civil penalties, or reverse the county agricultural commissioner's decision. A civil penalty increased by the director shall not be higher than that proposed in the county agricultural commissioner's notice of proposed action given pursuant to subdivision (c). A copy of the director's decision shall be delivered or mailed to the appellant and the county agricultural commissioner.

(8) Any person who does not request a hearing pursuant to subdivision (c) may not file an appeal pursuant to this subdivision.

(9) Review of a decision of the director may be sought by the appellant within 30 days of the date of the decision pursuant to Section 1094.5 of the Code of Civil Procedure.

(e) The county agricultural commissioner may levy a civil penalty pursuant to subdivisions (a), (c), and (d) against a person violating paragraph (1), (2), or (8) of subdivision (a) of Section 1695 of the Labor Code, that pertains to registration with the county agricultural commissioner, carrying proof of that registration, and filing changes of address with the county agricultural commissioner.

(f) After the exhaustion of the appeal and review procedures provided in this section, the county agricultural commissioner or their representative may file a certified copy of a final decision of the county agricultural commissioner that directs the payment of a civil penalty and, if applicable, a copy of any decision of the director or their authorized representative rendered on an appeal from the county agricultural commissioner's decision and a copy of any order that denies a petition for a writ of administrative mandamus, with the clerk of the superior court of any county. Judgment shall be entered immediately by the clerk in conformity with the decision or order. Fees shall not be charged by the clerk of the superior court for the performance of official service required in connection with the entry of judgment pursuant to this section.

SEC. 8. Section 12999.6 is added to the Food and Agricultural Code, to read:

12999.6. (a) For purposes of this section, the following terms have the following meanings:

(1) "Multijurisdictional priority investigation" means a priority investigation involving more than one county or a priority investigation involving a person that is the subject of priority investigations in more than one county.

(2) "Priority investigation" has the same meaning as in the 2005 Cooperative Agreement, or the most current version of the Cooperative Agreement, between the department, the California Agricultural Commissioners and Sealers Association, and the United States Environmental Protection Agency, Region 9.

(b) In lieu of a civil penalty levied by the county agricultural commissioner, the director may levy a civil penalty of not more than twenty thousand dollars (\$20,000) for each violation described in subdivision (c), or may refer any of those violations to the proper enforcement agency, including the district attorney of the county where the violations occurred or the Attorney General.

(c) The director may initiate and maintain an enforcement action for a violation of a statute or implementing regulation described in Section 12999.5 meeting any of the following conditions:

(1) Where the county agricultural commissioner and director agree that enforcement by the department is appropriate.

(2) After consultation with the county agricultural commissioner for either of the following violations:

(A) A violation related to a multijurisdictional priority investigation involving human or environmental health effects.

(B) A violation that caused a health, property, or environmental hazard where the director finds the county agricultural commissioner has failed to discharge their duties pursuant to Section 2281.

(d) Before a civil penalty is levied, the person charged with the violation shall be given a written notice of the proposed action, including the nature of the violation and the amount of the proposed penalty, and shall have the right to request a hearing within 20 days after receiving notice of the proposed action. A notice of the proposed action that is sent by certified mail to the last known address of the person charged shall be considered received even if delivery is refused or the notice is not accepted at that address. If a hearing is requested, notice of the time and place of the hearing shall be given at least 10 days before the date set for the hearing. Before the hearing, the person shall be given an opportunity to review the director's evidence. At the hearing, the person shall be given the opportunity to present evidence on their own behalf. If a hearing is not timely requested, the director may take the action proposed without a hearing.

(e) If the person against whom the director levied a civil penalty requested and appeared at a hearing, the person may seek judicial review of the director's decision within 30 days of the date of the decision pursuant to Section 1094.5 of the Code of Civil Procedure.

(f) After exhaustion of the review procedures provided in this section, the director, or the director's representative, may file a certified copy of a final decision of the director that directs the payment of a civil penalty and, if applicable, any order that denies a petition for writ of administrative mandamus, with the clerk of the superior court of any county. Judgment shall be entered immediately by the clerk in conformity with the decision or order. Pursuant to Section 6103 of the Government Code, the clerk of the superior court shall not charge a fee for the performance of any official service required in connection with the entry of judgment pursuant to this section.

(g) Any money recovered under this section shall be paid to the investigating county agricultural commissioner to reimburse the cost of the

investigation with the remainder going into the Department of Pesticide Regulation Fund for use by the department, upon appropriation, in administering this division and Division 6 (commencing with Section 11401).

(h) This section shall only apply to violations that occur on or after January 1, 2023.

SEC. 9. Section 13001 is added to the Food and Agricultural Code, to read:

13001. The director may, by regulation, adjust the level of statutory minimum and maximum civil monetary penalties provided under this article and in Section 11893 to account for inflation. The director shall make inflation adjustments consistent with the formula used by the United States Environmental Protection Agency pursuant to federal law for civil monetary penalties inflation adjustment for civil penalties provided under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 135 et seq.).

SEC. 10. Section 51179 of the Government Code is amended to read:

51179. (a) A local agency shall designate, by ordinance, moderate, high, and very high fire hazard severity zones in its jurisdiction within 120 days of receiving recommendations from the State Fire Marshal pursuant to Section 51178.

(b) (1) A local agency may, at its discretion, include areas within the jurisdiction of the local agency, not identified as very high fire hazard severity zones by the State Fire Marshal, as very high fire hazard severity zones following a finding supported by substantial evidence in the record that the requirements of Section 51182 are necessary for effective fire protection within the area.

(2) A local agency may, at its discretion, include areas within the jurisdiction of the local agency, not identified as moderate and high fire hazard severity zones by the State Fire Marshal, as moderate and high fire hazard severity zones, respectively.

(3) A local agency shall not decrease the level of fire hazard severity zone as identified by the State Fire Marshal for any area within the jurisdiction of the local agency, and, in exercising its discretion pursuant to paragraph (2), may only increase the level of fire hazard severity zone as identified by the State Fire Marshal for any area within the jurisdiction of the local agency.

(c) The local agency shall transmit a copy of an ordinance adopted pursuant to subdivision (a) to the State Board of Forestry and Fire Protection within 30 days of adoption.

(d) Changes made by a local agency to the recommendations made by the State Fire Marshal shall be final and shall not be rebuttable by the State Fire Marshal.

(e) The State Fire Marshal shall prepare and adopt a model ordinance that provides for the establishment of very high fire hazard severity zones.

(f) Any ordinance adopted by a local agency pursuant to this section that substantially conforms to the model ordinance of the State Fire Marshal shall be presumed to be in compliance with the requirements of this section.

(g) A local agency shall post a notice at the office of the county recorder, county assessor, and county planning agency identifying the location of the map provided by the State Fire Marshal pursuant to Section 51178. If the agency amends the map, pursuant to subdivision (b) or (c) of this section, the notice shall instead identify the location of the amended map.

SEC. 11. Section 44274.10 of the Health and Safety Code is amended to read:

44274.10. For purposes of this article, the following definitions apply:

(a) “Financing tools” includes, but is not limited to, any of the following:

(1) Capital instruments, which are financing instruments that increase access to capital or other resources or reduce the cost of capital, or both, such as interest rate reductions, public-backed “soft” loans, grants, bonds, and investment aggregation, also known as warehousing.

(2) Risk reduction instruments, which are financing instruments that reduce exposure to risk or uncertainty, such as performance guarantees and asset residual value guarantees.

(3) Cost smoothing instruments, which are financing instruments that reduce and smooth up-front or recurrent costs, or both, such as operational leasing, all-inclusive leasing, also known as wet leasing, lease-purchase agreements, and on-bill financing.

(b) “Fleet” means one or more vehicles under common control or ownership.

(c) “Medium- and heavy-duty vehicle” includes, but is not limited to, trucks, buses, and vehicles used for construction and earth moving purposes.

(d) “Nonfinancial supports” means technical support, such as supports for technical management of electric medium- and heavy-duty vehicles, technical assistance for financing approaches, battery health programs, and creation of residual markets, or policy action, such as policy measures to enable financing or encourage fleet transitions.

(e) “Program” means the Medium- and Heavy-Duty Zero-Emission Vehicle Fleet Purchasing Assistance Program established pursuant to Section 44274.11.

(f) “Underserved community” means any of the following communities:

(1) A low-income community as defined by paragraph (2) of subdivision (d) of Section 39713.

(2) A community identified as a disadvantaged community by the California Environmental Protection Agency pursuant to Section 39711.

(3) A community selected by the state board pursuant to Section 44391.2.

(4) A community located on lands belonging to a federally recognized California Native American tribe.

SEC. 12. Section 44274.11 of the Health and Safety Code is amended to read:

44274.11. The Medium- and Heavy-Duty Zero-Emission Vehicle Fleet Purchasing Assistance Program is hereby established within the state board’s Air Quality Improvement Program established pursuant to Section 44274 to make financing tools and nonfinancial supports available to the operators

of medium- and heavy-duty vehicle fleets to enable those operators to transition their fleets to zero-emission vehicles.

SEC. 13. Section 44274.12 of the Health and Safety Code is amended to read:

44274.12. (a) The state board shall do all of the following when developing and implementing the program:

(1) Seek input from environmental justice organizations, medium- and heavy-duty vehicle fleets of diverse sizes and types, financiers, original truck equipment manufacturers, transportation, logistics, and fleet management companies, nongovernmental organizations, and other relevant stakeholders on all of the following topics:

(A) Which medium- and heavy-duty fleets should be designated as high-priority fleets pursuant to paragraph (5), taking into consideration the implications for climate change, pollution and environmental justice, state policy regarding clean air and transportation, and post-COVID economic recovery.

(B) How to apply to the program the Governor's Office of Business and Economic Development's findings on the critical barriers that impede medium- and heavy-duty fleets in different sectors and of different fleet sizes from transitioning to zero-emission vehicles.

(C) The financing tools and nonfinancial supports that should be used to help overcome the critical barriers identified pursuant to subparagraph (B).

(D) How to determine whether the program is successful in meeting its goals.

(2) Develop and design, in consultation with other relevant state agencies and building on the input received pursuant to paragraph (1), financing tools and nonfinancial supports that are most appropriate for different sizes and sectors of medium- and heavy-duty vehicle fleets.

(3) Ensure the financing tools and nonfinancial supports identified pursuant to paragraph (2) have no redundancies or inefficiencies with other state programs.

(4) Ensure that a minimum of 75 percent of financing products offered under the program are directed towards operators of medium- and heavy-duty fleets whose fleets directly impact, or operate in, an underserved community.

(5) Designate which medium- and heavy-duty fleets are the high-priority fleets that will have access to the program first based on a consideration of state transportation policy and the input received pursuant to paragraph (1). The state board shall designate port and drayage truck fleets as one of the high-priority fleets until a date determined by the state board.

(6) Provide financing tools to operators of small and microfleets of medium- and heavy-duty vehicles that include, but are not limited to, direct assistance, such as incentives, grants, and vouchers, that increase access to capital and reduce exposure to market risks or uncertainties. The state board shall determine how many vehicles constitute a small fleet and a microfleet for purposes of the program.

(7) Provide financing tools to operators of large fleets of medium- and heavy-duty vehicles to increase access to private capital in ways that make it easier, less expensive, or reduce uncertainties, or any combination of these things, for the operators to transition to zero-emission vehicles. The state board shall determine how many vehicles constitute a large fleet for purposes of the program.

(8) Enable the stacking or coordinated combination of financial tools and nonfinancial supports.

(9) Facilitate the decommissioning of high-polluting medium- and heavy-duty vehicles in accordance with the state's clean air targets and goals.

(10) Enable the development of replicable business models that allow private capital to fully engage, while meeting the goals of this article.

(11) Include optimal financing tools and appropriate nonfinancial supports that are designed and targeted to catalyze electrification at scale.

(12) Encourage emerging flexible business, operational, and ownership models that accomplish the goals of this article, such as lease-backs or electric vehicle managers and lessors.

(13) Ensure the financing tools and nonfinancial supports designed and developed pursuant to this section are available to operators of medium- and heavy-duty fleets by January 1, 2023.

(b) Upon appropriation by the Legislature, the state board may allocate moneys to the program from, but is not limited to funding the program from, all of the following funding sources:

(1) The Air Quality Improvement Fund created by Section 44274.5.

(2) The Greenhouse Gas Reduction Fund created by Section 16428.8 of the Government Code.

(3) The General Fund.

(c) (1) The state board shall ensure that the program aligns with milestones established in Executive Order No. N-79-20 and the goals set forth in Resolution 20-19 adopted by the state board on June 25, 2020, along with the Advanced Clean Trucks Regulation (Sections 1963 to 1963.5, inclusive, and Sections 2012 to 2012.2, inclusive, of Title 13 of the California Code of Regulations).

(2) The state board shall do both of the following:

(A) Establish penetration targets for deployment of financing tools and nonfinancial supports to operators, including, but not limited to, those whose fleets directly impact, or operate in, underserved communities for each milestone specified in paragraph (1).

(B) Compile data and information about the deployment of financing tools and nonfinancial supports provided pursuant to the program to operators, including, but not limited to, those whose fleets directly impact, or operate in, underserved communities.

(d) The state board shall coordinate with the Public Utilities Commission and the State Energy Resources Conservation and Development Commission to provide marketing, education, and outreach to underserved communities regarding the program.

SEC. 14. Section 44274.13 of the Health and Safety Code is amended to read:

44274.13. (a) In implementing the program, the state board, shall develop a data collection and dissemination strategy for the program to facilitate informed decisionmaking by other state agencies and private sector financiers.

(b) The state board shall keep confidential all business trade secrets and proprietary information about fleets that it gathers or becomes aware of through the course of implementing and administering this article, including through applications for financial assistance. Business trade secrets and proprietary information obtained pursuant to this subdivision are not subject to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code).

(c) The strategy developed pursuant to subdivision (a) shall include data that is necessary to facilitate the financing of zero-emission vehicles in order to increase the scalability of financial tools and nonfinancial supports. These data include, but are not limited to, vehicle and battery performance, upfront and operational costs, residual values, operational revenues, and zero-emission vehicle miles traveled.

SEC. 15. Section 44274.14 of the Health and Safety Code is amended to read:

44274.14. The state board shall consult with the State Energy Resources Conservation and Development Commission and the Public Utilities Commission on the use of on-bill tariff products for charging and fueling infrastructure that would allow operators of medium- and heavy-duty fleets to see fuel cost savings of zero-emission vehicles relative to diesel fuel.

SEC. 16. Section 3113 of the Public Resources Code is amended to read:

3113. (a) Notwithstanding Section 10231.5 of the Government Code, the division shall, in compliance with Section 9795 of the Government Code, annually prepare and transmit to the Legislature a report of all of the following information statewide and by district:

(1) The number of shall-witness and may-witness operations performed. The number of each type of may-witness operation as identified by law or regulation included in the total shall be provided.

(2) The number of shall-witness and may-witness operations performed that were witnessed by the division in person. The number of each type of may-witness operation as identified by law or regulation included in the total shall be provided.

(3) The number of shall witness and may-witness operations performed where division personnel did not witness the operations in person and witnessed the operations remotely. The number of each type of may-witness operation as identified by law or regulation included in the total shall be provided.

(4) The number of shall-witness and may-witness operations performed on critical wells. The number of each type of may-witness operation as identified by law or regulation included in the total shall be provided.

(5) The number of shall-witness and may-witness operations performed on critical wells that were witnessed by the division in person. The number of each type of may-witness operation as identified by law or regulation included in the total shall be provided.

(6) The number of shall-witness and may-witness operations performed on critical wells where division personnel did not witness the operations in person and witnessed the operations remotely. The number of each type of may-witness operation as identified by law or regulation included in the total shall be provided.

(7) A complete list of all shall-witness operations where division personnel did not witness the operations in person and witnessed the operations remotely. Information about each operation, including, but not limited to, the type of operation, the date, location, API number, and district, shall be included. The division shall maintain a written justification for each remote witnessing of shall-witness operations and provide it upon request.

(b) (1) The division is authorized to witness may-witness operations remotely. The division shall prioritize witnessing of may-witness operations in person to the maximum extent possible.

(2) This subdivision shall become inoperative on January 1, 2028.

(c) The supervisor may, only in writing and only on a case-by-case basis, authorize division personnel to witness shall-witness operations remotely. The supervisor shall not delegate the authority to approve witnessing of these shall-witness operations remotely. All written authorizations for division personnel to witness shall-witness operations remotely shall be maintained and available to the public upon request.

(d) The supervisor shall not set any positive numerical quotas for division personnel to witness operations remotely. The supervisor shall not provide a blanket authorization for remote witnessing of shall-witness operations. The supervisor shall provide written guidance to division personnel on minimum standards for remote witnessing of shall-witness and may-witness operations.

(e) For purposes of this section, the following terms have the following meanings:

(1) “Critical well” has the same meaning as in Section 1720 of Title 14 of the California Code of Regulations, or a successor regulation.

(2) “May-witness” means an operation performed that by law the division is authorized to witness.

(3) “Shall-witness” means an operation performed that by law the division is required to witness.

(4) “Witnessed by the division in person” means the operation is witnessed by division personnel who were physically present at the location when the operation was performed.

(5) “Witnessed the operations remotely” or “witness the operations remotely” or “witnessing the operations remotely” means the viewing or reviewing of video, livestream, photographic, or other materials or evidence of the conduct of the operation during or after the operation was conducted

without the division personnel being physically present at the location when the operation was performed.

(f) It is the policy of the state that division personnel witness operations in person that are critical to ensuring public and environmental health and safety, that the presence of division personnel in the field to regularly observe operations under the division's jurisdiction is of utmost importance, and that division staffing levels be set and maintained to ensure this policy is met.

SEC. 17. Section 4799.05 of the Public Resources Code is amended to read:

4799.05. (a) (1) The director may provide grants to, or enter into contracts or other cooperative agreements with, entities, including, but not limited to, private or nongovernmental entities, Native American tribes, or local, state, and federal public agencies, for the implementation and administration of projects and programs to improve forest health and reduce greenhouse gas emissions.

(2) (A) The director may authorize advance payments to a nonprofit organization, a local agency, a special district, a private forest landowner, or a Native American tribe from a grant awarded pursuant to this section. No single advance payment shall exceed 25 percent of the total grant award.

(B) (i) The grantee shall expend the funds from the advance payment within six months of receipt, unless the department waives this requirement.

(ii) The grantee shall file an accountability report with the department four months from the date of receiving the funds and every four months thereafter.

(C) (i) The department shall provide a report to the Legislature on or before January 1, 2023, on the outcome of the department's use of advance payments.

(ii) A report submitted pursuant to this subparagraph shall be submitted in compliance with Section 9795 of the Government Code.

(iii) The requirement for submitting a report imposed under clause (i) is inoperative on January 1, 2027, pursuant to Section 10231.5 of the Government Code.

(b) Any project or program described in this section that is funded with moneys from the Greenhouse Gas Reduction Fund, created pursuant to Section 16428.8 of the Government Code, shall comply with all statutory and program requirements applicable to the use of moneys from the fund.

(c) Moneys appropriated to the department for landscape-scale projects shall be allocated as follows:

(1) To subsidize the removal of small diameter material, especially surface fuels and ladder fuels, as well as dead trees, in order to help develop markets for beneficial uses of the material, including, but not limited to, animal bedding, biochar, cross-laminated timber, mulch, oriented strand board, pulp, post, shredding, and veneer products.

(2) For multiple benefit projects, such as tree thinning, carbon sequestration, forest resilience, and improved ecological outcome projects, including, but not limited to, restoring watershed health and function and

supporting biodiversity and wildlife adaptation to climate change. The department shall give grant funding priority to landowners who practice uneven aged forest management with a resilient forest of diverse age, size, and species class within the boundaries of the project and whose activities are conducted pursuant to an approved timber harvest plan, nonindustrial timber harvest plan, or working forest management plan. An application for a grant for a project under this paragraph shall include a description of how the proposed project will increase average stem diameter and provide other site-specific improvement to forest complexity, as demonstrated by the expansion of the variety of tree age classes and species persisting for a period of at least 50 years. The department shall also give funding priority to landowners who agree to long-term forest management goals prescribed by the department.

(3) For activities on national forest lands to increase tree stand heterogeneity, create forest openings of less than one acre, and increase average tree stand diameter of residual trees. Any grants provided under this paragraph shall be approved by the department, in collaboration with appropriate state agencies, including the State Air Resources Board.

(d) (1) Division 13 (commencing with Section 21000) does not apply to prescribed fire, reforestation, habitat restoration, thinning, or fuel reduction projects, or to related activities included in the project description, undertaken, in whole or in part, on federal lands to reduce the risk of high-severity wildfire that have been reviewed under the federal National Environmental Policy Act of 1969 (42 U.S.C. Sec. 4321 et seq.) if either of the following is satisfied:

(A) The primary role of a state or local agency is providing funding or staffing for those projects.

(B) A state or local agency is undertaking those projects pursuant to the federal Good Neighbor Authority (Public Law 113-79) or a stewardship agreement with the federal government entered into pursuant to Public Law 113-79.

(2) Division 13 (commencing with Section 21000) does not apply to the issuance of a permit or other project approval by a state or local agency for projects described in paragraph (1).

(3) This section does not alter, affect, or in any way diminish the authority of a state or local agency to impose mitigation measures or conditions on projects described in paragraph (1) pursuant to other laws or regulations.

(4) (A) If the lead agency, as defined in Section 21067, determines that a project is not subject to Division 13 (commencing with Section 21000) pursuant to this subdivision and it determines to approve or carry out the project, the lead agency shall file a notice of exemption with the Office of Planning and Research and with the county clerk in the county in which the project will be located in the manner specified in subdivisions (b) and (c) of Section 21108 or subdivisions (b) and (c) of Section 21152. The lead agency shall also post the notice of exemption on its internet website together with a description of where the documents analyzing the environmental

impacts of the project under the federal National Environmental Policy Act of 1969 are available for public review.

(B) If the lead agency is not the department, the lead agency shall also provide the notice of exemption together with the information set forth in subdivision (d) of Section 4137 to the department. The department shall compile the information submitted to it pursuant to this subparagraph and post the information on the department's internet website.

(5) On or before February 1, 2027, if the Secretary of the Natural Resources Agency determines that substantial changes have been made since January 1, 2023, to the federal National Environmental Policy Act of 1969 or other federal laws that affect the management of federal forest lands in California, the secretary shall report those changes to the Legislature in accordance with Section 9795 of the Government Code.

(6) This subdivision shall become inoperative on January 1, 2028.

(e) Division 13 (commencing with Section 21000) does not apply to any discretionary approval necessary to carry out or implement projects funded by the Nature-Based Solutions Tribal Program or the tribal cultural burn and tribal wildfire funding authorized by Schedule (2) of Item 3540-101-0001 of Section 2.00 of the Budget Act of 2021, as added by Section 46 of Chapter 240 of the Statutes of 2021. This subdivision only applies to projects carried out on lands subject to the jurisdictional control or the ownership of a California Native American tribe, as defined in Section 21073.

SEC. 18. Section 14503.5.1 of the Public Resources Code is amended to read:

14503.5.1. "Bag drop recycling center" means a recycling mechanism operated by a certified recycling center at which consumers can drop off bagged empty beverage containers for redemption. A bag drop recycling center may use a bag drop machine.

SEC. 19. Section 14537.5 is added to the Public Resources Code, to read:

14537.5. The department shall provide on its internet website information that enables consumers to identify the geographic location of all points of redemption for beverage containers, to be updated at least once per year.

SEC. 20. Section 14538 of the Public Resources Code is amended to read:

14538. (a) (1) The department shall certify an operator of a recycling center pursuant to this section.

(2) The department shall review whether an application for certification or renewal is complete within 30 working days of receipt, including compliance with subdivision (c). If the department deems an application complete, the department shall approve or deny the application no later than 60 calendar days after the date when the application was deemed complete.

(b) The director shall adopt, by regulation, a procedure for the certification of recycling centers, including standards and requirements for certification. These regulations shall require that all information be submitted to the department under penalty of perjury. A recycling center shall meet all of

the standards and requirements contained in the regulations for certification. The regulations shall require, but shall not be limited to requiring, that all of the following conditions be met for certification:

(1) The operator of the recycling center demonstrates, to the satisfaction of the department, that the operator will operate in accordance with this division.

(2) If one or more certified entities have operated at the same location within the past five years, the operations at the location of the recycling center exhibit, to the satisfaction of the department, a pattern of operation in compliance with the requirements of this division and regulations adopted pursuant to this division.

(3) The operator of the recycling center notifies the department promptly of any material change in the nature of the operator's operations that conflicts with information submitted in the operator's application for certification.

(c) (1) An applicant for certification as a recycling center, and a recycling center applying for renewal of a certification, shall complete the precertification training program required by this subdivision and meet all other qualification requirements prescribed by the department, which may include, but are not limited to, requiring the applicant to obtain a passing score on an examination administered by the department.

(2) The department may use staff or industry experts, or may seek expertise available in other state agencies, to provide the training program required by this subdivision, which shall include providing technical assistance to better prepare recycling centers for successful participation in this division, thereby reducing the potential for errors, fraud, or other activities that compromise the integrity of the implementation of this division.

(d) A certified recycling center shall comply with all of the following requirements for operation:

(1) The operator of the recycling center shall not pay a refund value for, or receive a refund value from any processor for, any food or drink packaging material or any beverage container or other product that does not have a refund value established pursuant to Section 14560.

(2) The operator of a recycling center shall take actions that satisfy the department to prevent the payment of a refund value for any food or drink packaging material or any beverage container or other product that does not have a refund value established pursuant to Section 14560.

(3) (A) Unless exempted pursuant to subdivision (b) of Section 14572, a certified recycling center shall accept, and pay at least the refund value for, all empty beverage containers, regardless of type.

(B) A bag drop recycling center shall pay the refund value for beverage containers within a reasonable period of time, not to exceed three business days. The refund value may be paid electronically in accordance with Section 14531.

(4) A certified recycling center shall not pay any refund values, processing payments, or administrative fees to a noncertified recycler.

(5) A certified recycling center shall not pay any refund values, processing payments, or administrative fees on empty beverage containers or other containers that the certified recycling center knew, or should have known, were coming into the state from out of the state, or are otherwise ineligible for redemption.

(6) (A) A certified recycling center shall not claim refund values, processing payments, or administrative fees on empty beverage containers that the certified recycling center knew, or should have known, were received from noncertified recyclers.

(B) A certified recycling center shall not claim refund values, processing payments, or administrative fees on empty beverage containers that the certified recycling center knew, or should have known, come from out of the state, or are otherwise ineligible for redemption.

(7) A certified recycling center shall prepare and maintain the following documents involving empty beverage containers, as specified by the department by regulation:

(A) Shipping reports that are required to be prepared by the recycling center, or that are required to be obtained from other recycling centers.

(B) Consumer transaction receipts.

(C) Consumer transaction logs.

(D) Rejected container receipts on materials subject to this division.

(E) Receipts for transactions with beverage manufacturers on materials subject to this division.

(F) Receipts for transactions with beverage distributors on materials subject to this division.

(G) Documents authorizing the recycling center to cancel empty beverage containers.

(H) Weight tickets.

(8) In addition to the requirements of paragraph (7), a certified recycling center shall cooperate with the department and make available its records of scrap transactions when the review of these records is necessary for an audit or investigation by the department.

(e) The department may recover, in restitution pursuant to paragraph (5) of subdivision (c) of Section 14591.2, payments made from the fund to the certified recycling center pursuant to Section 14573.5 that are based on the documents specified in paragraph (7) of subdivision (d), that are not prepared or maintained in compliance with the department's regulations, and that do not allow the department to verify claims for program payments.

(f) The department may certify a recycling center that will operate less than 30 hours a week, as specified in paragraph (1) of subdivision (c) of Section 14571.

SEC. 21. Section 14548 is added to the Public Resources Code, to read:

14548. (a) For purposes of this section, "thermoform plastic container" means a plastic container, such as a clamshell, cup, drinking cup, pod, tub, lid, box, tray, egg carton, or similar rigid, nonbottle packaging, formed from sheets of extruded resin and used to package items such as fresh produce,

baked goods, nuts, deli items, and nonbottle beverages. The term does not include any of the following:

- (1) A lid or seal of a different material type from plastic.
- (2) Thermoform plastic containers that are medical devices, medical products that are required to be sterile, prescription medicine, and packaging used for those products.
- (3) A refillable thermoform plastic container that ordinarily would be returned to the manufacturer to be refilled and resold.
- (4) A plastic beverage container subject to the California Beverage Container Recycling and Litter Reduction Act (Division 12.1 (commencing with Section 14500)).
- (5) A thermoform plastic container of a resin type for which the total amount of the resin type sold in California annually is either of the following:
 - (A) Less than 1,000,000 pounds for a resin type other than expanded polystyrene.
 - (B) Less than 40,000 pounds of expanded polystyrene.
- (6) A thermoform plastic container that is designed to be composted and is eligible to be labeled “compostable” pursuant to Section 42357.
- (b) In order to improve the quality and marketability of empty beverage containers collected for recycling in the state by curbside recycling programs, the department may, subject to the availability of funds, pay a quality incentive payment for thermoform plastic containers diverted from curbside recycling programs.
- (c) The department may make a quality incentive payment pursuant to this section to any recycling center certified pursuant to this division.
- (d) The department may make a quality incentive payment only for materials that are substantially free of contamination, recycled, and not disposed of after collection.
- (e) The amount of the quality plastic incentive payment shall be up to one hundred eighty dollars (\$180) per ton, as determined by the department.
- (f) An operator of a certified recycling center receiving a quality incentive payment shall make available for inspection and review any relevant record that the department determines is necessary to verify the accuracy of data upon which the quality incentive payment is based and the operator’s or certified center’s compliance with any applicable regulation.
- (g) The department may make only one quality incentive payment for each thermoform plastic container collected pursuant to this section.
- (h) This section shall become operative on January 1, 2023.

SEC. 22. Section 14549.2 of the Public Resources Code is amended to read:

14549.2. (a) For purposes of this section, the following definitions shall apply:

- (1) “Certified entity” means a recycling center, processor, or dropoff or collection program certified pursuant to this division.
- (2) “Plastic product” means a finished plastic product that requires no further thermoforming, shaping, or processing before being sold for its specified use. “Plastic product” does not include plastic flake, pellet, sheet,

or any other form that is an output from a reclaimer's processing of empty plastic beverage containers.

(3) "Product manufacturer" means a person who manufactures a plastic product in this state.

(4) "Reclaimer" means a certified entity that purchases empty plastic beverage containers that have been collected for recycling in the state, and that washes and processes, in the state, those empty plastic beverage containers into flake, pellet, sheet, or any other form that is then usable as input for the manufacture of new plastic products by product manufacturers in the state.

(b) In order to develop California markets for empty plastic beverage containers collected for recycling in the state, the department may, consistent with Section 14581 and subject to the availability of funds, pay a market development payment to a reclaimer for empty plastic beverage containers collected and managed pursuant to this section and to a product manufacturer for plastic flake, pellet, sheet, or any other form of plastic purchased from a reclaimer pursuant to this section.

(c) The department shall make a market development payment to a reclaimer or product manufacturer in accordance with this section only if the plastic beverage container is collected, washed, and processed into flake, pellet, sheet, or any other form, and is used in manufacturing, in the state, as follows:

(1) The department shall make a market development payment to a reclaimer for empty plastic beverage containers that are collected, washed, and processed as specified in paragraph (4) of subdivision (a), including to a reclaimer that uses the services of a third party to process the empty plastic beverage containers into a form usable for the manufacture of new plastic products.

(2) The department shall make a market development payment to a product manufacturer for plastic flake, pellet, sheet, or any other form of plastic purchased from a reclaimer and used by that product manufacturer to manufacture a plastic product in the state, including to a product manufacturer that uses the services of a third party to process the plastic purchased from a reclaimer in manufacturing the plastic product.

(3) The department shall determine the amount of the market development payment, which may be set at a different level for a reclaimer and a product manufacturer, but shall not exceed one hundred fifty dollars (\$150) per ton. In setting the amount of the market development payment for both reclaimers and product manufacturers, the department shall consider all of the following:

(A) The minimum funding level needed to encourage in-state washing and processing of empty plastic beverage containers collected for recycling in this state.

(B) The minimum funding level needed to encourage in-state manufacturing that utilizes flake, pellet, sheet, or any other form processed from empty plastic beverage containers collected for recycling in this state.

(C) The total amount of funds projected to be available for plastic market development payments, and the desire to maintain the minimum funding level needed throughout the year.

(4) The department may make a market development payment to both a reclaimer and a product manufacturer for both the empty plastic beverage container and for the flake, pellet, sheet, or any other form processed by the reclaimer from that same empty plastic beverage container.

(d) This section shall become inoperative on July 1, 2026, and, as of January 1, 2027, is repealed.

SEC. 23. Section 14555 is added to the Public Resources Code, to read:

14555. (a) On or before July 1, 2025, the department shall provide to the Legislature, and post on its internet website, a report as it relates to appropriations made pursuant to the Budget Act of 2022 for purposes of the California Beverage Container Recycling and Litter Reduction Act, including, but not limited to all of the following information:

(1) Whether and how recycling opportunities and rates in underserved areas improved.

(2) A list of funding recipients.

(3) Locations, including counties, in which funding was provided.

(b) The report shall be submitted pursuant to Section 9795 of the Government Code.

SEC. 24. Section 14581 of the Public Resources Code is amended to read:

14581. (a) Subject to the availability of funds and in accordance with subdivision (b), the department shall expend the moneys set aside in the fund, pursuant to subdivision (c) of Section 14580, for the purposes of this section in the following manner:

(1) For each fiscal year, the department may expend the amount necessary to make the required handling fee payment pursuant to Section 14585.

(2) Fifteen million dollars (\$15,000,000) shall be expended annually for payments for curbside programs and neighborhood dropoff programs pursuant to Section 14549.6.

(3) (A) Ten million five hundred thousand dollars (\$10,500,000) may be expended annually for payments of five thousand dollars (\$5,000) to cities and ten thousand dollars (\$10,000) for payments to counties for beverage container recycling and litter cleanup activities, or the department may calculate the payments to counties and cities on a per capita basis, and may pay whichever amount is greater, for those activities.

(B) Eligible activities for the use of these funds may include, but are not necessarily limited to, support for new or existing curbside programs, neighborhood dropoff programs, public education promoting beverage container recycling, litter prevention, and cleanup, cooperative regional efforts among two or more cities or counties, or both, or other beverage container recycling programs.

(C) These funds shall not be used for activities unrelated to beverage container recycling or litter reduction.

(D) To receive these funds, a city, county, or city and county shall fill out and return a funding request form to the department. The form shall specify the beverage container recycling or litter reduction activities for which the funds will be used.

(E) The department shall annually prepare and distribute a funding request form to each city, county, or city and county. The form shall specify the amount of beverage container recycling and litter cleanup funds for which the jurisdiction is eligible. The form shall not exceed one double-sided page in length, and may be submitted electronically. If a city, county, or city and county does not return the funding request form within 90 days of receipt of the form from the department, the city, county, or city and county is not eligible to receive the funds for that funding cycle.

(F) For the purposes of this paragraph, per capita population shall be based on the population of the incorporated area of a city or city and county and the unincorporated area of a county. The department may withhold payment to any city, county, or city and county that has prohibited the siting of a supermarket site, caused a supermarket site to close its business, or adopted a land use policy that restricts or prohibits the siting of a supermarket site within its jurisdiction.

(4) One million five hundred thousand dollars (\$1,500,000) may be expended annually in the form of grants for beverage container recycling and litter reduction programs.

(5) (A) The department shall expend the amount necessary to pay the processing payment established pursuant to Section 14575. The department shall establish separate processing fee accounts in the fund for each beverage container material type for which a processing payment and processing fee are calculated pursuant to Section 14575, or for which a processing payment is calculated pursuant to Section 14575 and a voluntary artificial scrap value is calculated pursuant to Section 14575.1, into which account shall be deposited both of the following:

(i) All amounts paid as processing fees for each beverage container material type pursuant to Section 14575.

(ii) Funds equal to the difference between the amount in clause (i) and the amount of the processing payments established in subdivision (b) of Section 14575, and adjusted pursuant to paragraph (2) of subdivision (c) of, and subdivision (f) of, Section 14575, to reduce the processing fee to the level provided in subdivision (e) of Section 14575, or to reflect the agreement by a willing purchaser to pay a voluntary artificial scrap value pursuant to Section 14575.1.

(B) Notwithstanding Section 13340 of the Government Code, the moneys in each processing fee account are hereby continuously appropriated to the department for expenditure without regard to fiscal years, for purposes of making processing payments pursuant to Section 14575.

(6) Up to five million dollars (\$5,000,000) may be expended annually by the department for the purposes of undertaking a statewide public education and information campaign aimed at promoting increased recycling of beverage containers.

(7) Up to ten million dollars (\$10,000,000) may be expended annually by the department for quality incentive payments for empty glass beverage containers pursuant to Section 14549.1.

(8) (A) For the 2019–20 fiscal year to the 2025–26 fiscal year, inclusive, the department may expend funds for market development payments to reclaimers and product manufacturers, pursuant to Section 14549.2.

(B) For purposes of this paragraph, the definitions in subdivision (a) of Section 14549.2 apply.

(9) (A) For the 2019–20 fiscal year to the 2025–26 fiscal year, inclusive, the department may expend up to a total of five million dollars (\$5,000,000) to support the pilot projects created pursuant to Section 14571.9.

(B) Taking into consideration the recent closure of many of California's recycling centers, the Legislature finds and declares that the appropriation provided for in Chapter 793 of the Statutes of 2019 is necessary in order to ensure the continued support of, and to bolster, consumer redemption opportunities.

(b) (1) If the department determines, pursuant to a review made pursuant to Section 14556, that there may be inadequate funds to pay the payments required by this division, the department shall immediately notify the appropriate policy and fiscal committees of the Legislature regarding the inadequacy.

(2) On or before 180 days, but not less than 80 days, after the notice is sent pursuant to paragraph (1), the department may reduce or eliminate expenditures, or both, from the funds as necessary, according to the procedure set forth in subdivision (c).

(c) If the department determines that there are insufficient funds to make the payments specified pursuant to this section and Section 14575, the department shall reduce all payments proportionally.

(d) Before making an expenditure pursuant to paragraph (6) of subdivision (a), the department shall convene an advisory committee consisting of representatives of the beverage industry, beverage container manufacturers, environmental organizations, the recycling industry, nonprofit organizations, and retailers to advise the department on the most cost-effective and efficient method of the expenditure of the funds for that education and information campaign.

SEC. 25. Section 21166.3 is added to the Public Resources Code, to read:

21166.3. Notwithstanding Section 21166, the environmental review set forth in the Final Programmatic Environmental Impact Report for the Hollister Ranch Coastal Access Program, in combination with other environmental review documents related to the provision of public access to, and along the coastline of, Hollister Ranch in the County of Santa Barbara as required by Section 30610.81, shall be conclusively presumed to satisfy this division for any project to effectuate public access and associated facilities undertaken or approved by a public agency.

SEC. 26. Section 42052 of the Public Resources Code, as added by Section 2 of Chapter 75 of the Statutes of 2022, is amended to read:

42052. (a) A PRO shall register in the department's Recycling and Disposal Reporting System, or an alternative reporting system established by the department, and annually submit to the system all of the following information on behalf of each producer who participates in the PRO's approved plan:

(1) The aggregate quantities in total weight and the number of plastic components of covered material, by covered material category and by type of plastic component, manufactured, sold, distributed, or imported in or into the state, as the department deems necessary to determine compliance with this chapter in a form, manner, and frequency determined by the department pursuant to paragraph (2) of subdivision (a) of Section 42060.

(2) The aggregate quantities in total weight and number of plastic components, of covered material by covered material category recycled as the department deems necessary to determine compliance with this chapter in a form and manner determined by the department pursuant to paragraph (2) of subdivision (a) of Section 42060.

(3) For covered material not collected through a curbside collection program, the PRO shall collect, validate, and submit to the system data demonstrating take-back and dropoff and alternative collection and recycling program performance, including the amount and type of covered materials collected.

(4) Any additional information deemed necessary by the department to collect and report data pursuant to subdivision (a) of Section 42060.

(b) A PRO shall not require a producer who is a participant of the PRO's approved plan to report to the PRO covered materials that the producer is required to report pursuant to another PRO's plan or to another department-authorized stewardship organization's plan, or that the producer directly reports to the department.

(c) A producer or PRO shall respond within 14 calendar days to a request by the department for additional data. The department may grant additional time for responding that shall not exceed 60 calendar days. To determine if an extension of time is warranted, the department shall take into account, at a minimum, all of the following considerations:

(1) The amount of data requested.

(2) Whether the producer or PRO has the data readily available.

(3) Whether the data is necessary to ensure compliance with Section 42050.

(4) Whether the producer or PRO needs to obtain the data from a third party.

(5) The producer's or PRO's timely compliance with any previous data requests.

(d) A producer or PRO shall maintain records of covered materials offered for sale, sold, distributed, or imported in or into the state in a form and manner established by the department that the department determines is necessary to determine if a producer is in compliance with this chapter during an audit.

(e) Data provided by producers and collected under this section shall only be used by the PRO for the purposes of this chapter. The PRO shall consider all information provided to it by producers in compliance with this chapter to be confidential and shall not disclose the information to other producers or the public or allow the use of the information for commercial purposes. This section does not prohibit the PRO from providing data requested by the department or from releasing aggregated data that does not identify data in connection with a specific responsible entity.

(f) A PRO shall provide contact information for any of the PRO's registered participants to the department upon request.

SEC. 27. Section 42060 of the Public Resources Code, as added by Section 2 of Chapter 75 of the Statutes of 2022, is amended to read:

42060. (a) By January 1, 2025, the department shall adopt regulations necessary to implement and enforce this chapter and to ensure that the requirements of this chapter and in particular the requirements established in Section 42050 and the policy goal established in Section 41780.01 as it relates to covered material are met. The regulations shall include, but not be limited to, all of the following:

(1) Any regulations necessary to ensure the PRO fully funds plan implementation, including fully funding the budget. This shall include the costs incurred by a local jurisdiction or a local jurisdiction's recycling service providers to implement this chapter, including, but not limited to, the cost of consumer education and of collection, including the cost of containers where relevant, as well as the processing, storage, and transportation of covered materials. Costs may vary based on population density or other relevant factors and shall allow local jurisdictions to protect ratepayers from increased costs associated with the processing and marketing of covered material.

(2) (A) Establish a mandatory process for producers, retailers, and wholesalers, or a PRO operating on behalf of a producer, retailer, or wholesaler, to register with and report to the department.

(B) The process shall include establishing appropriate timelines to begin regular reporting following the adoption of the regulations. The department shall consider, along with any other factors the department deems appropriate, the amount of information being reported in developing the timelines.

(C) (i) Data requests by the department shall be consistent with the covered material categories established and posted on the department's internet website pursuant to subdivision (a) of Section 42061.

(ii) To the maximum extent feasible, the department shall seek to use records and information that the local jurisdiction, producer, retailer, wholesaler, or PRO already maintains, in order to minimize the burden imposed by the reporting and recordkeeping requirements while still enabling the department to determine compliance with this chapter.

(D) The department shall, to the extent feasible, make the reporting consistent with other recognized third-party reporting systems used by producers or other packaging extended producer responsibility programs.

(E) Market-sensitive trade secret data received by the department pursuant to this chapter shall be held confidentially by the department as required by Section 40062 and any implementing regulations, provided that the furnisher of the data complies with the requirements set forth in subdivision (b) of Section 40062 and any implementing regulations for identifying the information claimed to be a trade secret.

(F) The department shall create an online registration form to facilitate submitting reports pursuant to this subdivision. To the extent permissible under applicable law, the department may contract with an independent third-party online reporting system with recognized standards for waste characterization, source reduction, and recycling.

(3) (A) The department shall establish a process to identify covered material that, while determined to be single use for purposes of this chapter, presents unique challenges in complying with this chapter. The department may exempt covered material identified pursuant to this subparagraph from this chapter.

(B) For any covered material identified as presenting unique challenges and exempted from this chapter under subparagraph (A), the department may at any point develop a plan to phase the covered material into the requirements of this chapter.

(4) The department shall establish a process to identify covered material that cannot comply with this chapter for health and safety reasons, or because it is unsafe to recycle. The department may exempt that covered material from this chapter.

(5) The department shall establish a process to exempt from the requirements of this chapter, except for the requirements of subdivision (b) of Section 42050, small producers, small retailers, and small wholesalers based on size, revenue, number of retail locations, and market share, as follows:

(A) Subject to subparagraph (B), the department shall exempt producers, retailers, or wholesalers that, in the most recent calendar year, had gross sales of less than one million dollars (\$1,000,000) in the state.

(B) If the department determines that exempting a particular small producer, small retailer, or small wholesaler pursuant to subparagraph (A) would hinder the ability of a type of covered material or covered material category from complying with the requirements of this chapter, the department may determine that the particular small producer, small retailer, or small wholesaler will not be exempted from the requirements of this chapter.

(6) (A) The department shall include mechanisms necessary to reduce the amount of covered material entering the environment, in accordance with the regulations adopted pursuant to this section.

(B) The department may consider reductions of covered material achieved by a producer before the effective date of the regulations toward a producer's compliance with this chapter if the producer can demonstrate to the satisfaction of the department that the producer reduced the covered material

in a manner consistent with this chapter and actions taken to comply with Chapter 5.5 (commencing with Section 42300).

(C) In calculating the reductions necessary to achieve the requirements adopted pursuant to subdivision (a), the department shall consider source reduction achieved pursuant to Section 42057.

(7) The department shall establish a process to require coordination between a PRO and producer that is not a participant of the PRO's approved plan and between multiple PROs as necessary. This includes determining how much each PRO shall charge producers of plastic covered material in order to prorate the funding as necessary to raise the revenue required by Section 42064.

(8) The department shall establish a methodology and process to calculate, to the extent feasible, an annual recycling rate defined in subdivision (ab) of Section 42041.

(b) (1) The department shall ensure that any regulations adopted pursuant to this chapter consider guidelines and do not conflict with regulations issued by the United States Food and Drug Administration and the United States Department of Agriculture and consider requirements imposed by other California state agencies.

(2) Neither the department nor the PRO shall impose any requirement, including, but not limited to, a recycled content requirement, in direct conflict with a federal law or regulation, including, but not limited to, laws or regulations covering tamper-evident packaging pursuant to Section 211.132 of Title 21 of the Code of Federal Regulations, laws or regulations covering child-resistant packaging pursuant to Part 1700 (commencing with Section 1700.1) of Subchapter E of Chapter II of Title 16 of the Code of Federal Regulations, regulations, rules, or guidelines issued by the United States Department of Agriculture or the United States Food and Drug Administration relevant to packaging agricultural commodities, requirements for microbial contamination, structural integrity, or safety of packaging under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 301 et seq.), 21 U.S.C. Sec. 2101 et seq., the federal FDA Food Safety Modernization Act (21 U.S.C. Sec. 2201 et seq.), the federal Poultry Products Inspection Act (21 U.S.C. Sec. 451 et seq.), the Federal Meat Inspection Act (21 U.S.C. Sec. 601 et seq.), or the federal Egg Products Inspection Act (21 U.S.C. Sec. 1031 et seq.). Neither the department nor a PRO shall impose a postconsumer recycled content requirement for covered material for fresh produce.

(c) In developing the regulations, the department shall consider relevant information on reduction programs and approaches in other states, localities, and nations, including, but not limited to, the European Union, India, Costa Rica, China, Chile, and Canada, and international standards, including, but not limited to, ISO 18602.

(d) In adopting regulations pursuant to this section, the department shall ensure the regulations, and activities conducted in accordance with the regulations, avoid or minimize disproportionate impacts to disadvantaged or low-income communities or rural areas.

SEC. 28. Part 5 (commencing with Section 75250) is added to Division 44 of the Public Resources Code, to read:

PART 5. COMMUNITY RESILIENCE CENTER PROGRAM.

75250. (a) For purposes of this section, the following definitions apply:

(1) “Council” means the Strategic Growth Council established pursuant to Section 75121.

(2) “Disadvantaged community” means a community identified pursuant to Section 39711 of the Health and Safety Code.

(3) “Disadvantaged unincorporated community” means the same as defined in Section 65302.10 of the Government Code.

(4) “Eligible entities” include, but are not limited to, nonprofit organizations, community-based organizations, coalitions or associations of nonprofit organizations, local agencies, or a tribal government.

(5) “Eligible services and amenities” means services and amenities offered by community resilience centers, including, but not limited to, hydration stations, electric charging stations, backup power, public health and mobile health services, cooling, clean air, respite, community evacuation and emergency response, and other services to mitigate the public health impacts of extreme heat and other emergency situations exacerbated by climate change, such as wildfire, poor air quality, power outages, or flooding, on local populations.

(6) “Program” means the Community Resilience Center Program established pursuant to this section.

(7) “Under-resourced community” means the same as defined in Section 71130.

(b) The Community Resilience Center Program is hereby established, to be administered by the Strategic Growth Council, in coordination with the Office of Planning and Research, to provide funding for the construction of new, or the retrofitting of existing, facilities that will serve as community resilience centers. Community resilience centers shall serve as community emergency response facilities and aid in building long-term resilience, preparedness, and recovery operations for local communities.

(c) (1) The council shall award competitive grants to eligible entities through an application process. To be eligible for a grant award, eligible entities shall demonstrate that the proposed project has all of the following attributes:

(A) Collaboration with community members that will utilize and benefit from the project.

(B) Involvement of community-based organizations and community residents within governance and decisionmaking processes, including in the selection and planning of the project.

(C) Multistakeholder partnerships.

(D) The proposed community resilience center will be accessible and offer eligible services and amenities year round to community residents.

(2) The council may award grants that include funding for technical assistance, including, but not limited to, grant writing support and other application assistance.

(3) Grants for community resilience centers may also be awarded for comprehensive upgrades to model integrated delivery of services.

(4) The council shall publicly announce grant award recipients during a public council meeting.

(d) (1) The council shall adopt guidelines and selection criteria for the awarding of grants under the program. The guidelines and selection criteria shall include, but not be limited to, all of the following:

(A) Prioritization of projects that are located in and benefit under-resourced communities.

(B) Prioritization of projects that represent the statewide geographic diversity and that are inclusive of both rural and urban communities in incorporated and unincorporated areas.

(C) The minimum number of years that each grant award recipient must offer community resilience services.

(2) Guideline and selection criteria development and adoption shall go through a public process that allows for transparency and stakeholder feedback.

(3) In developing draft guidelines and selection criteria, the council shall conduct outreach to disadvantaged communities, disadvantaged unincorporated communities, or low-income communities and encourage comments on the draft guidelines and selection criteria from those communities.

(e) The council shall use not more than 8 percent of the moneys appropriated for purposes of the program for the costs of administering the program.

(f) (1) Notwithstanding Section 10231.5 of the Government Code, on or before January 1, 2025, and annually thereafter until the funds for the program are fully expended, the council shall prepare and submit a report on the program to the relevant budget subcommittees of the Legislature and to the Legislative Analyst's Office. The council shall design the program to enable the collection of necessary data to complete the report, including, but not limited to, collecting outcome information from grant award recipients.

(2) The report shall include, but not be limited to, all of the following:

(A) Detailed information regarding how the program conducted outreach to raise awareness of grant opportunities for stakeholders in heat-vulnerable communities, which organizations and projects applied for funding, and what selection criteria the council used to award the grants.

(B) A summary of the selected projects, including project costs, locations, and descriptions.

(C) A description of the specific, measurable outcomes achieved by the program, including data on the utilization of the centers including during extreme heat events.

(D) Lessons learned and potential recommendations for improving the program.

75250.1. (a) The Strategic Growth Council may authorize advance payments on a grant awarded under Section 75250 in accordance with Section 11019 of the Government Code.

(b) This section shall become inoperative on July 1, 2025, and, as of January 1, 2026, is repealed.

SEC. 29. Section 43152.6 of the Revenue and Taxation Code, as added by Section 95 of Chapter 73 of the Statutes of 2021, is amended to read:

43152.6. (a) (1) Except as provided in paragraph (2), the fee imposed pursuant to Section 25205.2 of the Health and Safety Code that is collected and administered under Section 43053 of this code is due and payable to the California Department of Tax and Fee Administration in two equal installments, on or before November 30 and February 28 of each fiscal year.

(2) For the 2022–23 fiscal year, the fees imposed under subdivision (j) of Section 25205.2 of the Health and Safety Code collected and administered under Section 43053 are due and payable within 30 days after the date of assessment and the feepayer shall deliver a remittance of the amount of the assessed fee to the California Department of Tax and Fee Administration within that 30-day period.

(b) Every operator of a facility subject to the fee imposed pursuant to Section 25205.2 of the Health and Safety Code shall file a fiscal year return accompanying the second installment payment required pursuant to subdivision (a), in the form prescribed by the California Department of Tax and Fee Administration, and pay the proper amount of fee due. Returns shall be filed with the California Department of Tax and Fee Administration using electronic media and authenticated in a form or pursuant to methods as may be prescribed by the California Department of Tax and Fee Administration. This subdivision does not apply to an operator with respect to the operation of a facility subject to the fee imposed under subdivision (j) of Section 25205.2 of the Health and Safety Code for the 2022–23 fiscal year.

(c) For purposes of subdivision (a), the operator of a facility shall pay the applicable fee based on the type and size of the facility, as specified in Section 25205.2 of the Health and Safety Code.

(d) This section shall become operative on July 1, 2022, and shall apply to the fees due for the 2022–23 fiscal year and thereafter.

SEC. 30. Section 43152.10 of the Revenue and Taxation Code is amended to read:

43152.10. (a) The fees collected and administered under Sections 43053 and 43054 are due and payable within 30 days after the date of assessment and the feepayer shall deliver a remittance of the amount of the assessed fee to the California Department of Tax and Fee Administration within that 30-day period.

(b) This section shall become inoperative on the date on which the measure adding this subdivision takes effect, and, as of January 1, 2023, is repealed.

SEC. 31. Section 13198 of the Water Code is amended to read:

13198. For purposes of this article, the following definitions apply:

(a) “Drought scenario” means either of the following:

(1) Circumstances for which the Governor has issued a proclamation of a state of emergency, pursuant to Section 8625 of the Government Code, based on drought conditions.

(2) (A) Circumstances for which the state board determines, consistent with subparagraph (B), that drought conditions necessitate urgent and immediate action to ensure availability of safe drinking water, to protect public health and safety, or, after consultation with the Department of Fish and Wildlife, to avoid serious and irreparable harm to fish or wildlife.

(B) Before determining a drought scenario exists pursuant to subparagraph (A), the state board shall do both of the following:

(i) Provide notice, including specific geographic areas in which a determination of a drought scenario is proposed, to the Joint Legislative Budget Committee, the secretaries of the implementing agencies, and the Director of Emergency Services.

(ii) To the extent feasible, conduct a public hearing for purposes of seeking public comment on the proposed declaration of a drought scenario, and any proposed actions.

(b) “Implementing agency” means any of the following:

(1) The Natural Resources Agency.

(2) The California Environmental Protection Agency.

(3) The Department of Food and Agriculture.

(4) The California Health and Human Services Agency.

(5) Boards, departments, and offices within the agencies specified in paragraphs (1) to (4), inclusive.

(6) The Office of Emergency Services.

(c) (1) “Interim or immediate relief” means any of the following:

(A) Hauled water.

(B) Temporary community water tanks.

(C) Bottled water.

(D) Water vending machines.

(E) Emergency water interties.

(F) New wells or rehabilitation of existing wells.

(G) Construction or installation of permanent connections to adjacent water systems, recycled water projects that provide immediate relief to potable water supplies, and other projects that support immediate drought response.

(H) Fish and wildlife rescue, protection, and relocation.

(I) Education, outreach, direct installation programs, rebate programs, and other activities to increase water conservation.

(J) Drought resilience planning.

(2) Eligible costs for interim or immediate relief include technical assistance, site acquisitions, post-performance monitoring, and costs directly related to the provision of the project.

SEC. 32. Item 8570-002-0001 of Section 2.00 of the Budget Act of 2021 is amended to read:

8570-002-0001—For support of Department of Food and Agriculture..... 233,084,000

Schedule:

(0.5) 6570-Agricultural Plant and Animal Health; Pest Prevention; Food Safety Services..... 19,500,000

(0.6) 6580-Assistance to Fair and County..... 150,000,000

(1) 6590-General Agricultural Activities..... 63,584,000

(2) 9900100-Administration..... 30,000

(3) 9900100-Administration-Distributed..... -30,000

Provisions:

2. The amount appropriated in this item is available for encumbrance or expenditure until June 30, 2024.
3. Up to 5 percent of the amount appropriated in this item may be used for administrative costs.
4. Notwithstanding Provision 3, \$150,000,000 appropriated in Schedule (0.6) for fairground and community resilience centers shall be available for state operations and local assistance and, of this amount, \$10,000,000 shall be provided to the California Exposition and State Fair. \$11,500,000 appropriated in Schedule (0.5) shall be provided to the California Initiative for Biodiversity for the insect DNA barcode library and shall be available for state operations and local assistance.
5. Of the amount provided in Schedule (0.5), \$2,000,000 shall be expended to address deferred maintenance projects that represent critical infrastructure deficiencies.
6. Of the amount appropriated in Schedule (1), \$30,000,000 shall be provided to the University of California, Merced Future of Food Innovation Fund for the collaboration with CSU, Fresno and other partners to establish the Innovation Center for Research and Entrepreneurship in Ag-Food Technology and Engineering. The California Department of Food and Agriculture shall submit a report to the Legislature by January 10, 2023, which shall include the current status and progress of this project, and a description of how the funds were expended.
7. Of the amount appropriated in Schedule (0.5), the Director of Finance shall authorize \$5,000,000 to be transferred to the Invasive Species Account established pursuant to Section 7706 of the Food and Agricultural

Code for purposes of funding invasive species projects and activities recommended by the Invasive Species Council of California. Priority shall be given to projects that restore and protect biodiversity and ecosystem health.

8. Of the amount appropriated in Schedule (1), \$5,000,000 shall be used for research grants to measure and verify emissions reductions associated with livestock methane reduction projects. Research shall include an assessment of the cost-effectiveness of various livestock methane reduction strategies on a per ton basis, including a comparison of projects funded under AMMP and DDRDP, as well as alternative methane reduction strategies such as dietary modification, and research on manure-based product development, and research on manure-based product development. To the extent feasible, research shall include measurement of emissions of greenhouse gases and criteria pollutants before and after livestock methane reduction projects are implemented.

SEC. 33. Item 3540-101-0001 of Section 2.00 of the Budget Act of 2021 is amended to read:

3540-101-0001—For local assistance, Department of Forestry and Fire Protection 151,152,000

Schedule:

(1) 2465-Fire Protection.....	14,298,000
(2) 2470-Resource Management.....	136,854,000

Provisions:

1. The amount appropriated in Schedule (1) shall be available to fund one fuels crew in each of the following six counties, to assist with fuel reduction and fire prevention efforts: Kern, Los Angeles, Marin, Orange, Santa Barbara, and Ventura. This funding is provided on a one-time basis, in light of the staffing impacts that COVID-19 is having during this period of extreme fire conditions.
2. Of the amount appropriated in Schedule (2), \$67,854,000 shall be available for encumbrance or expenditure until June 30, 2024, for grants to support near-term post-fire recovery and restoration activities and workforce training and development.
3. Of the amount appropriated in Schedule (2), \$19,000,000 shall be available for encumbrance or expenditure until June 30, 2026, for tribal forest health grants to fund projects over multiple fiscal years.

4. Of the amount appropriated in Schedule (2), \$50,000,000 shall be available for encumbrance and expenditure until June 30, 2027, for post-fire reforestation and regeneration. The Department of Forestry and Fire Protection is exempt from any applicable provision of law requiring competitive bidding, subcontracting restrictions, and the supervision or approval of another department or agency of state government, with the exception of the Department of General Services. This exemption is limited to procurement, contracting, or subcontracting with vendors for forest health, fire prevention, fuels reduction, vegetation management, or environmental review for fire prevention or post-fire vegetation restoration projects funded from the amount specified in this provision.
- 5 The funds specified in Provision 4 shall be available to restore climate-resilient natural conditions, prioritizing native species and a density and distribution of seedlings that address emergency climate conditions, including increased fire and drought, consistent with the Wildfire and Forest Resilience Task Force's Reforestation Working Group. These funds shall be administered through the Forest Health Grant Program. The department, in consultation with the Wildfire and Forest Resilience Task Force, shall develop a reforestation strategy for funding projects within existing programs, based on the best available scientific information and following a public process that establishes consistency between all future reforestation expenditures and the state's biodiversity goals and emerging climate conditions, including increased temperature, fire, and drought.

SEC. 34. The Department of Resources Recycling and Recovery shall adopt emergency regulations to establish requirements for the operation of bag drop machines. The regulations shall include, but not be limited to, all of the following:

- (a) Maximum daily consumer redemption values.
- (b) Requirements for the bag drop machine to accept all types of beverage containers.
- (c) Mechanisms to ensure only eligible beverage containers are redeemed.
- (d) Tracking and reporting as required by the department regarding the empty beverage containers redeemed.
- (e) Timely payment of California Redemption Value (CRV) to consumers for beverage containers redeemed through bag drop machines by the certified recycling center.

SEC. 35. The total sum of seven hundred eighty-seven million four hundred ninety-seven thousand dollars (\$787,497,000) is hereby allocated, including five hundred thirty-four million dollars (\$534,000,000) from the General Fund and two hundred fifty-three million four hundred ninety-seven dollars (\$253,497,000) from the California Emergency Relief Fund for the 2021–22 fiscal year. This section meets the requirements of “future legislation” as identified in Control Section 19.54 of the Budget Act of 2021 (Chapter 44 of the Statutes of 2022) to be allocated under the following schedule and for the following purposes:

(a) (1) The sum of three hundred one million seven hundred fifty thousand dollars (\$301,750,000), including two hundred eighteen million dollars (\$218,000,000) from the General Fund and eighty-three million seven hundred fifty thousand dollars (\$83,750,000) from the California Emergency Relief Fund is hereby allocated to the Department of Water Resources.

(2) (A) Of the amount specified in paragraph (1), forty-eight million seven hundred fifty thousand dollars (\$48,750,000) from the California Emergency Relief Fund for activities that support immediate drought response, critical data collection, and agriculture.

(B) The amount specified in subparagraph (A) shall be available for encumbrance or expenditure until June 30, 2024, and shall be available for local assistance or state operations. These funds may be transferred to the Water Resources Revolving Fund for direct expenditure in amounts as needed to meet operational needs.

(3) (A) Of the amount specified in paragraph (1), fifty-six million dollars (\$56,000,000) from the General Fund for implementation of the Sustainable Groundwater Management Act.

(B) The amount specified in subparagraph (A) shall be available for encumbrance or expenditure until June 30, 2024, and shall be available for local assistance or state operations. Up to 5 percent of this amount may be used for administrative costs. These funds may be transferred to the Water Resources Revolving Fund for direct expenditure in amounts as needed to meet operational needs.

(C) Any guidelines adopted to implement projects or activities funded by this subparagraph are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(4) (A) Of the amount specified in paragraph (1), one hundred twenty-two million dollars (\$122,000,000) from the General Fund for multibenefit projects and programs that support aquatic habitat and drought resilience.

(B) The amount specified in subparagraph (A) shall be available for encumbrance or expenditure until June 30, 2024, and shall be available for local assistance or state operations. Up to 5 percent of this amount may be used for administrative costs. These funds may be transferred to the Water Resources Revolving Fund for direct expenditure in amounts as needed to meet operational needs.

(C) The amount specified in subparagraph (A) shall be for programs and projects that improve environmental conditions to promote recovery of

native fish species in the Sacramento-San Joaquin watershed, including habitat restoration projects, multibenefit projects that promote native species improvements while increasing climate resiliency, and projects that enable water users to make additional flows available for environmental purposes. Use of these funds should occur expeditiously, without regard to the timing of State Water Resources Control Board efforts to update the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary.

(D) Any guidelines adopted to implement projects or activities funded by this paragraph are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(5) (A) Of the amount specified in paragraph (1), fifteen million dollars (\$15,000,000) from the General Fund for solar demonstration projects.

(B) The amount specified in subparagraph (A) shall be available for encumbrance or expenditure until June 30, 2024, and shall be available for local assistance or state operations. Up to 5 percent of this amount may be used for administrative costs. These funds may be transferred to the Water Resources Revolving Fund for direct expenditure in amounts as needed to meet operational needs.

(6) (A) Of the amount specified in paragraph (1), twenty-five million dollars (\$25,000,000) from the General Fund and twenty-five million dollars (\$25,000,000) from the California Emergency Relief Fund for the Metropolitan Water District of Southern California to improve and expand its infrastructure to make its entire jurisdiction resilient to fluctuating water supplies from each of its imported water sources, to allow conveyance of water throughout its jurisdiction.

(B) The amount specified in subparagraph (A) shall be available for encumbrance or expenditure until June 30, 2024. Up to 5 percent of this amount may be used for administrative costs. These funds may be transferred to the Water Resources Revolving Fund for direct expenditure in amounts as needed to meet operational needs.

(7) (A) Of the amount specified in paragraph (1), ten million dollars (\$10,000,000) from the California Emergency Relief Fund for grants to water agencies and public agencies through the Urban Community and Multi-Benefit Drought Relief Program to fund drought resilience and identification and assessment of climate risks on a watershed basis.

(B) The amount specified in subparagraph (A) shall be available for encumbrance or expenditure until June 30, 2024. Up to 5 percent of this amount may be used for administrative costs. These funds may be transferred to the Water Resources Revolving Fund for direct expenditure in amounts as needed to meet operational needs.

(C) The amount specified in subparagraph (A) shall be prioritized in areas with the greatest risk or potential to reduce environmental conflicts. Funds may be used for longer-term planning and resilience projects including, but not limited to, watershed climate risk assessment, streamflow improvement projects, streamflow measurement and remote sensing to establish baseline conditions and monitor project performance, water use

efficiency projects with verifiable demand reduction, infrastructure to improve regional flexibility to address drought conditions, and conjunctive use and management between multiple water supply sources.

(b) (1) The sum of one hundred thirty-two million dollars (\$132,000,000), including one hundred million dollars (\$100,000,000) from the General Fund and thirty-two million dollars (\$32,000,000) from the California Emergency Relief Fund to the Department of Fish and Wildlife.

(2) (A) Of the amount specified in paragraph (1), one hundred million dollars (\$100,000,000) from the General Fund for protecting salmon.

(B) The amount specified in subparagraph (A) shall be available for encumbrance or expenditure until June 30, 2024, and shall be available for local assistance or state operations.

(3) (A) Of the amount specified in paragraph (1), thirty-two million dollars (\$32,000,000) from the California Emergency Relief Fund for improving drought resiliency on state-owned land and climate-induced hatchery upgrades.

(B) The amount specified in subparagraph (A) shall be available for encumbrance or expenditure until June 30, 2024, and shall be available for local assistance or state operations.

(c) (1) The sum of one hundred forty-three million seven hundred forty-seven thousand dollars (\$143,747,000), including one hundred million dollars (\$100,000,000) from the General Fund and forty-three million seven hundred forty-seven thousand dollars (\$43,747,000) from the California Emergency Relief Fund to the State Water Resources Control Board.

(2) (A) Of the amount specified in paragraph (1), forty-three million seven hundred forty-seven thousand dollars (\$43,747,000) from the California Emergency Relief Fund for water rights modernization.

(B) The amount specified in subparagraph (A) shall be available for encumbrance or expenditure until June 30, 2024, and shall be available for local assistance or state operations.

(3) (A) Of the amount specified in paragraph (1), one hundred million dollars (\$100,000,000) from the General Fund for water recycling.

(B) The amount specified in subparagraph (A) shall be available for encumbrance or expenditure until June 30, 2024, and shall be available for local assistance or state operations. Up to 5 percent of this amount may be used for administrative costs.

(C) Individual grants provided from this paragraph shall not exceed fifteen million dollars (\$15,000,000). If the State Water Resources Control Board determines it is necessary for the timely encumbrance of the funds, it may increase the aforementioned threshold.

(d) (1) The sum of sixty million dollars (\$60,000,000) from the General Fund to the Department of Food and Agriculture for the State Water Efficiency and Enhancement Program.

(2) The amount specified in paragraph (1) shall be available for encumbrance or expenditure until June 30, 2024. Up to 8 percent of this amount may be used for administrative costs. No less than 5 percent and

no more than five million dollars (\$5,000,000) shall be used for technical assistance grants pursuant to Section 570 of the Food and Agriculture Code.

(e) (1) The sum of forty million dollars (\$40,000,000) from the General Fund to the Department of Conservation for the Multibenefit Land Repurposing Program.

(2) The amount specified in paragraph (1) shall be available to the Department of Conservation, in consultation with the Department of Water Resources, the Department of Fish and Wildlife, the State Water Resources Control Board, and the Department of Food and Agriculture, to implement the Multibenefit Land Repurposing Program for groundwater sustainability projects that reduce groundwater use, repurpose irrigated agricultural land, and provide wildlife habitat. Projects may support implementation of the Sustainable Groundwater Management Act (Part 2.74 (commencing with Section 10720) of Division 6 of the Water Code). Eligible project expenditures include, but are not limited to, the following:

(A) Projects that create or restore permanent wildlife habitat.

(B) Projects that create or restore seasonal wetland habitat that provides aquifer replenishment.

(C) Projects that improve groundwater supply, including groundwater recharge, improved base flows in rivers and streams, and groundwater supply improvement for fish and wildlife habitat.

(D) Projects that convert land to less intensive water uses while maintaining natural and working lands.

(3) Any groundwater recharge achieved with this funding shall be subtracted from any calculation by the groundwater sustainability agency of groundwater available for extraction by water users for the duration of benefits paid for by the Multibenefit Land Repurposing Program. Payments shall be linked to achievement and delivery of defined conservation outcomes and the duration of those outcomes.

(4) The Department of Conservation shall prioritize achievement of disadvantaged community benefits when implementing the Multibenefit Land Repurposing Program.

(5) The provisions of funding under this subdivision apply to critically overdrafted groundwater basins or parts of those basins managed under an approved groundwater sustainability plan or alternate plan, or high and medium priority groundwater basins where a state emergency drought declaration has been declared.

(6) No more than 5 percent of the amount specified in paragraph (1) may be used for administrative costs.

(f) (1) The sum of twenty-three million dollars (\$23,000,000) from the California Emergency Relief Fund to the State Department of Social Services for drought food assistance.

(2) The amount specified in paragraph (1) shall be used to provide foods and funds to existing providers of the Emergency Food Assistance Program (7 C.F.R. Part 251) or the Commodity Supplemental Food Program (7 C.F.R. Part 247). Notwithstanding any other law, the State Department of Social Services shall determine the eligibility criteria and methodology of

distribution of these funds. These funds shall be available for encumbrance or expenditure until June 30, 2024.

(3) Notwithstanding any other law, the department's allocation of these funds shall be exempt from the requirements of Article 4 (commencing with Section 19130) of Chapter 5 of Part 2 of Division 5 of Title 2 of the Government Code, and from the Public Contract Code and the State Contracting Manual.

(4) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the State Department of Social Services may implement and administer this subdivision without adopting regulations.

(g) (1) The sum of seventy-one million dollars (\$71,000,000) from the California Emergency Relief Fund for drought contingency costs.

(2) Notwithstanding any other law, the Department of Finance may adjust amounts in any item of appropriation in fiscal year 2022–23 to support costs associated with preparing for and responding to the drought state of emergency, including, but not limited to, costs for the Save Our Water Program, enforcement, species protection, and drinking water shortages.

(3) The aggregate amount of California Emergency Relief Fund appropriation increases provided under this section during the fiscal year may not exceed seventy-one million dollars (\$71,000,000).

(4) The Department of Finance shall notify the Joint Legislative Budget Committee of the amount augmented within 10 days after the augmentation is made.

(5) The appropriations specified in this subdivision may occur until June 30, 2023.

(h) (1) The sum of sixteen million dollars (\$16,000,000) from the General Fund to the Wildlife Conservation Board for competitive grants through the Cascades and High Sierra Upper Watersheds Program to improve watershed protection and climate resiliency.

(2) The amount specified in paragraph (1) shall be available for encumbrance or expenditure until June 30, 2024. Up to 5 percent of this amount may be used for administrative costs.

SEC. 36. The total sum of six hundred nineteen million dollars (\$619,000,000) is hereby allocated from the General Fund for the 2021–22 fiscal year for projects and programs that promote the use and transition to zero-emission vehicles across the state. This section meets the requirements of “future legislation” as identified in Control Section 19.54 of the Budget Act of 2021 (Chapter 44 of Statutes of 2022) to be allocated under the following schedule and for the following purposes:

(a) (1) The sum of one hundred thirty-five million dollars (\$135,000,000) from the General Fund to the State Air Resources Board.

(2) Of the amount specified in paragraph (1), eighty-two million dollars (\$82,000,000) for zero-emission drayage trucks and infrastructure to be administered through the Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project.

(3) Of the amount specified in paragraph (1), fifty-three million dollars (\$53,000,000) for emerging opportunities within zero-emission vehicles, zero-emission vehicle components, and zero-emission vehicle charging or refueling equipment, established under Section 39719.2 of the Health and Safety Code.

(4) The amount specified in paragraph (1) shall be available for encumbrance or expenditure until June 30, 2025, and shall be available for local assistance or state operations. Up to 5 percent of this amount may be used for administrative costs.

(5) Eligibility for Clean Vehicle Rebate Project incentive funds shall be administered in a manner that enhances deployment of zero emission passenger vehicles. As such, the state board shall phase out funding for plug in hybrid electric vehicles in the Clean Vehicle Rebate Project no later than January 1, 2025.

(b) (1) The sum of four hundred eighty-four million dollars (\$484,000,000) from the General Fund to the State Energy Resources Conservation and Development Commission that is available for encumbrance or expenditure until June 30, 2026, and available for liquidation until June 30, 2030.

(2) With the funds allocated with this section, the State Energy Resources Conservation and Development Commission shall administer a program to fund projects consistent with Section 44272 of the Health and Safety Code, consistent with the following requirements:

(A) The commission may add these funds to existing competitively awarded agreements if existing competitive agreements are consistent with the use of funds defined in this section.

(B) The commission may adopt guidelines or other standards for this program at a commission business meeting following at least one public workshop. The Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) does not apply to guidelines or other standards for the program adopted at a commission business meeting.

(C) In addition to the authority under paragraph (3) of subdivision (g) of Section 44272 of the Health and Safety Code, the commission may advance funds, pursuant to an agreement with the commission, to a nonpublic entity if it manages a United States Department of Energy laboratory.

(D) The commission may noncompetitively award funds as match shares to entities receiving federal awards or federal financial support for projects.

(3) Of the amount specified in paragraph (1), ninety-six million dollars (\$96,000,000) to support charging and hydrogen refueling infrastructure for the deployment of zero-emission drayage trucks. Of this amount, 5 percent may be used for administrative costs by the State Energy Resources Conservation and Development Commission.

(4) Of the amount specified in paragraph (1), fifty-four million dollars (\$54,000,000) to support emerging opportunities that includes support of zero-emission aviation, locomotive, and marine vehicles and vehicle-grid integration efforts. Of this amount, 5 percent may be used for administrative

costs by the State Energy Resources Conservation and Development Commission.

(5) Of the amount specified in paragraph (1), two hundred fifteen million dollars (\$215,000,000) to support charging infrastructure for zero-emission light-duty vehicles. Of this amount, 5 percent may be used for administrative costs by the State Energy Resources Conservation and Development Commission.

(6) Of the amount specified in paragraph (1), twenty million dollars (\$20,000,000) to support the deployment of equitable at-home charging. Of this amount, 5 percent may be used for administrative costs by the State Energy Resources Conservation and Development Commission. With the deployment of this funding, the commission shall consider adopting tenant protections for participating rental properties. These protections may include requiring the consent of tenants impacted by the work, tenant education provided by community-based organizations, protections against short-term and long-term displacement, and limits on increases in rent after the upgrade.

(7) Of the amount specified in paragraph (1), ninety-nine million dollars (\$99,000,000) to support charging and hydrogen refueling infrastructure for the deployment of zero-emission clean trucks, buses, and off-road equipment, including, but not limited to, construction and agricultural vehicles and equipment. Of this amount, 5 percent may be used for administrative costs by the State Energy Resources Conservation and Development Commission.

(8) No later than June 30, 2027, the commission shall issue a report summarizing the outcomes created by this funding based on all of the following data collected from recipients of funding pursuant to paragraph (5):

(A) Number, type, date, and location of chargers or hydrogen refueling stations installed.

(B) Nameplate capacity of the installed equipment, in kilowatts (kW) for chargers and kilograms per day (kg/day) for hydrogen.

(C) Number and type of outlets per charger.

(D) Location type, such as street, parking lot, hotel, restaurant, or multiunit housing.

(E) Total cost per charger or refueling station, subsidy from the commission per charger or refueling station, federal subsidy per charger or refueling station, utility subsidy per charger or refueling station, and privately funded share per charger or refueling station.

(F) Data on the chargers over a 12-month period, including all of the following:

(i) Number of charging or refueling sessions.

(ii) Average session duration.

(iii) Average kilowatt hour (kWh) or kilogram (kg) dispensed.

(iv) Average charger or refueling station downtime.

SEC. 37. (a) The total sum of thirty million dollars (\$30,000,000) is hereby allocated from the General Fund for the 2021–22 fiscal year to the Department of Forestry and Fire Protection for projects and programs that

support wildfire and forest resilience as described herein. This section meets the requirements of “future legislation” as identified in Control Section 19.54 of the Budget Act of 2021 (Chapter 44 of the Statutes of 2022) to be allocated under the following schedule and for the following purposes:

(1) Ten million dollars (\$10,000,000) shall be available for the California Forest Legacy Program.

(2) Twenty million dollars (\$20,000,000) shall be available for urban forestry.

(b) These funds shall be available for encumbrance, expenditure, or liquidation until June 30, 2027, for support or local assistance. No more than 5 percent of the amount specified in this provision shall be used for administrative costs.

SEC. 38. It is the intent of the Legislature, upon an appropriation in the Budget Act for the 2023–24 fiscal year for these purposes, to enact future legislation that would make ten million dollars (\$10,000,000) available to the State Air Resources Board to assist with the necessary transition away from the use of hexavalent chromium. It is the further intent of the Legislature to enact future legislation that would do all of the following:

(a) Make this funding available upon the board’s adoption of an air emission rule to fully eliminate hexavalent chromium at all decorative and functional chromium plating facilities and chromic acid anodizing facilities statewide.

(b) Make at least 50 percent of the funding potentially available to create a program, or utilize an existing program, to provide incentives for chromium plating services in California operated by small businesses, based on annual gross receipts, to convert to trivalent chromium plating and chromic acid anodizing processes and technologies, as defined by the board, for use in their chromium plating services, or an alternative that is at least equally health protective. Priority would be given to facilities that are located in close proximity to sensitive receptors.

(c) Allocate funds to further customer awareness and acceptance of trivalent chromium plated projects, to further technology through demonstration or other trivalent chromium plated projects, and to further technology through other suitable projects.

SEC. 39. (a) It is the Legislature’s intent that two billion four hundred fifteen million dollars (\$2,415,000,000) be allocated to zero-emission vehicle investments, including one billion two hundred fifty million dollars (\$1,250,000,000) in the 2023–24 fiscal year, seven hundred eighty-one million dollars (\$781,000,000) in the 2024–25 fiscal year, and three hundred eighty-four million dollars (\$384,000,000) in the 2025–26 fiscal year should be appropriated in the budget acts for those respective fiscal years from fund sources to be determined based on future analyses concerning the availability of state and federal funds for these purposes.

(b) It is the intent of the Legislature that based on the fiscal analysis of funding availability in subdivision (a), and subject to a determination by the Director of Finance that sufficient resources are available, the sum of five hundred million dollars (\$500,000,000) should be available in the

2023–24 fiscal year and five hundred million dollars (\$500,000,000) should be available in the 2024–25 fiscal year to support various climate initiatives.

SEC. 40. (a) Upon appropriation by the Legislature, the sum of fifty-four million five hundred thousand dollars (\$54,500,000) shall be available in the 2023–24 fiscal year and the sum of ten million dollars (\$10,000,000) shall be available in the 2024–25 fiscal year to the Ocean Protection Council for implementation of Chapter 236 of the Statutes of 2021. The Ocean Protection Council shall work in collaboration with the State Coastal Conservancy to implement this funding, and the council shall structure these funds to maximize leveraging of any available federal funding.

(b) Upon appropriation by the Legislature, the sum of fifty-five million five hundred thousand dollars (\$55,500,000) shall be available in the 2023–24 fiscal year, the sum of sixty-nine million dollars (\$69,000,000) shall be available in the 2024–25 fiscal year, and the sum of twenty-five million dollars (\$25,000,000) shall be available in the 2025–26 fiscal year to the Department of Parks and Recreation for the statewide parks program. For the purposes of the development and adoption of program guidelines and selection criteria associated with the appropriations in this section, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code does not apply. Of these funds, at least fifteen million dollars (\$15,000,000) shall be available for a grant program for local parks to install disability accessible playsets. Notwithstanding any law, these funds shall fund all of the following for each project that receives a grant:

(1) Accessible, unobstructed routes to the playground and connecting play equipment.

(2) At least one type of ground level play component on an accessible route.

(3) Ramps that have handrails on both sides.

(4) Safety surfacing that meets criteria established by the federal Americans with Disabilities Act (42 U.S.C. Sec. 12101 et seq.).

(5) Sensory-stimulating activities.

(6) Equipment designed to be inclusive for kids on the autism spectrum.

(c) Upon appropriation by the Legislature, the sum of twenty-five million dollars (\$25,000,000) shall be available in the 2023–24 fiscal year and the sum of twenty-five million dollars (\$25,000,000) shall be available in the 2024–25 fiscal year to the Department of Parks and Recreation for outdoor equity grants.

(d) Upon appropriation by the Legislature, the sum of five million dollars (\$5,000,000) shall be available in the 2023–24 fiscal year to the Department of Parks and Recreation. The funds shall be for the City of Redondo Beach for the acquisition of land for future park development.

(e) Upon appropriation by the Legislature, the sum of forty-eight million dollars (\$48,000,000) shall be available in the 2023–24 fiscal year, twenty-five million dollars (\$25,000,000) shall be available in the 2024–25 fiscal year, and seven million dollars (\$7,000,000) shall be available in the 2025–26 fiscal year to the Wildlife Conservation Board for watershed climate

resilience grants through the cascades and high sierra upper watersheds program. These funds shall support competitive grants to improve watershed protection and climate resiliency, including, but not limited to, streamflow enhancement.

(f) Upon appropriation by the Legislature, the sum of forty-eight million dollars (\$48,000,000) shall be available in the 2023–24 fiscal year, twenty-five million dollars (\$25,000,000) shall be available in the 2024–25 fiscal year, and seven million dollars (\$7,000,000) shall be available in the 2025–26 fiscal year to the Wildlife Conservation Board for watershed climate resilience grants through the land acquisition and habitat enhancement program. These funds shall support competitive grants to improve watershed protection and climate resiliency in Southern California, including, but not limited to, streamflow enhancement.

(g) Upon appropriation by the Legislature, the sum of forty-eight million dollars (\$48,000,000) shall be available in the 2023–24 fiscal year, twenty-five million dollars (\$25,000,000) shall be available in the 2024–25 fiscal year, and eleven million dollars (\$11,000,000) shall be available in the 2025–26 fiscal year to the Department of Water Resources for watershed climate resilience grants as follows:

(1) These funds shall be provided as grants to water agencies and other public agencies for drought resilience and identification and assessment of climate risks on a watershed basis.

(2) These funds shall be prioritized in areas with greatest risk or potential to reduce environmental conflicts. Funds may be used for longer-term planning and resilience projects, including, but not limited to, watershed climate risk assessment, streamflow improvement projects, streamflow measurement and remote sensing to establish baseline conditions and monitor project performance, water use efficiency projects with verifiable demand reduction, infrastructure to improve regional flexibility to address drought conditions, and conjunctive use and management between multiple water supply sources.

(h) Upon appropriation by the Legislature, the sum of ninety-seven million dollars (\$97,000,000) shall be available in the 2023–24 fiscal year and the sum of nine million dollars (\$9,000,000) shall be available in the 2024–25 fiscal year to the State Coastal Conservancy to protect communities and natural resources from sea level rise. These funds shall be administered through the Climate Ready Program with priority given to projects that adapt public infrastructure along the coast, including urban waterfronts, ports, and ecosystems.

(i) Upon appropriation by the Legislature, the sum of four million dollars (\$4,000,000) shall be available in the 2023–24 fiscal year to the California Tahoe Conservancy to support various nature-based solutions programs.

(j) Upon appropriation by the Legislature, the sum of eleven million dollars (\$11,000,000) shall be available in the 2023–24 fiscal year to the California Tahoe Conservancy to support various wildfire prevention programs.

(k) Upon appropriation by the Legislature, the sum of ten million dollars (\$10,000,000) shall be available in the 2023–24 fiscal year to the State Coastal Conservancy to support various nature-based solutions programs.

(l) Upon appropriation by the Legislature, the sum of seventeen million dollars (\$17,000,000) shall be available in the 2023–24 fiscal year to the State Coastal Conservancy to support various wildfire prevention programs.

(m) Upon appropriation by the Legislature, the sum of four million dollars (\$4,000,000) shall be available in the 2023–24 fiscal year to the Santa Monica Mountains Conservancy to support various nature-based solutions programs.

(n) Upon appropriation by the Legislature, the sum of ten million dollars (\$10,000,000) shall be available in the 2023–24 fiscal year to the Santa Monica Mountains Conservancy to support various wildfire prevention programs.

(o) Upon appropriation by the Legislature, the sum of four million dollars (\$4,000,000) shall be available in the 2023–24 fiscal year to the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy to support various nature-based solutions programs.

(p) Upon appropriation by the Legislature, the sum of ten million dollars (\$10,000,000) shall be available in the 2023–24 fiscal year to the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy to support various wildfire prevention programs.

(q) Upon appropriation by the Legislature, the sum of one million dollars (\$1,000,000) shall be available in the 2023–24 fiscal year to the San Joaquin River Conservancy to support various nature-based solutions programs.

(r) Upon appropriation by the Legislature, the sum of one million dollars (\$1,000,000) shall be available in the 2023–24 fiscal year to the San Joaquin River Conservancy to support various wildfire prevention programs.

(s) Upon appropriation by the Legislature, the sum of one million dollars (\$1,000,000) shall be available in the 2023–24 fiscal year to the Baldwin Hills Conservancy to support various nature-based solutions programs.

(t) Upon appropriation by the Legislature, the sum of one million dollars (\$1,000,000) shall be available in the 2023–24 fiscal year to the Baldwin Hills Conservancy to support various wildfire prevention programs.

(u) Upon appropriation by the Legislature, the sum of three million dollars (\$3,000,000) shall be available in the 2023–24 fiscal year to the San Diego River Conservancy to support various nature-based solutions programs.

(v) Upon appropriation by the Legislature, the sum of ten million dollars (\$10,000,000) shall be available in the 2023–24 fiscal year to the San Diego River Conservancy to support various wildfire prevention programs.

(w) Upon appropriation by the Legislature, the sum of three million dollars (\$3,000,000) shall be available in the 2023–24 fiscal year to the Coachella Valley Mountains Conservancy to support various nature-based solutions programs.

(x) Upon appropriation by the Legislature, the sum of nine million dollars (\$9,000,000) shall be available in the 2023–24 fiscal year to the Coachella

Valley Mountains Conservancy to support various wildfire prevention programs.

(y) Upon appropriation by the Legislature, the sum of seventeen million dollars (\$17,000,000) shall be available in the 2023–24 fiscal year to the Sierra Nevada Conservancy to support various nature-based solutions programs.

(z) Upon appropriation by the Legislature, the sum of twenty-five million dollars (\$25,000,000) shall be available in the 2023–24 fiscal year to the Sierra Nevada Conservancy to support various wildfire prevention programs.

(aa) Upon appropriation by the Legislature, the sum of three million dollars (\$3,000,000) shall be available in the 2023–24 fiscal year to the Sacramento-San Joaquin Delta Conservancy to support various nature-based solutions programs.

(ab) Upon appropriation by the Legislature, the sum of six million dollars (\$6,000,000) shall be available in the 2023–24 fiscal year to the Sacramento-San Joaquin Delta Conservancy to support various wildfire prevention programs.

(ac) Upon appropriation by the Legislature, the sum of two hundred ten million dollars (\$210,000,000) shall be available in the 2023–24 fiscal year to the State Water Resources Control Board for the planning, design, and construction of water recycling projects that produce potable recycled water to supplement drinking water supplies. Individual grants provided from this funding shall not exceed fifteen million dollars (\$15,000,000), except if the State Water Resources Control Board determines it is necessary for the timely encumbrance of the funds, the board may increase the aforementioned individual grant threshold.

(ad) Upon appropriation by the Legislature, the sum of one hundred million dollars (\$100,000,000) shall be available in the 2023–24 fiscal year to the State Water Resources Control Board to address perfluoroalkyl and polyfluoroalkyl Substances (PFAS).

(ae) Upon appropriation by the Legislature, the sum of fifty million dollars (\$50,000,000) shall be available in the 2023–24 fiscal year to the Office of Planning and Research for the Community Resilience and Heat Program.

SEC. 41. In regards to Section 25 of this act, the Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstance regarding Hollister Ranch in the County of Santa Barbara.

SEC. 42. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act or because costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the

definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

SEC. 43. This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.