

AMENDED IN ASSEMBLY JULY 23, 2009

SENATE BILL

No. 63

**Introduced by ~~Committee on Budget and Fiscal Review~~ Senator
Strickland**

(Principal coauthors: Assembly Members Huber and Audra Strickland)

January 20, 2009

An act relating to the ~~Budget Act of 2009~~. An act to amend Sections 11553 and 12805 of the Government Code, and to amend Sections 14510.5, 14510.6, 40110, 40431, 40501, 71300, 71301, 71302, 71303, 71304, and 71305 of, to amend the heading of Chapter 3 (commencing with Section 40400) of Part 1 of Division 30 of, to add Sections 40120.05, 40506.5, and 40506.7 to, to repeal Sections 40433, 40500, and 40504 of, to repeal and add Section 40430 of, and to repeal and add Article 1 (commencing with Section 40400) of Chapter 3 of Part 1 of Division 30 of, the Public Resources Code, relating to waste management, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 63, as amended, ~~Committee on Budget and Fiscal Review~~ Strickland. ~~Budget Act of 2009~~. Waste management.

(1) Existing law creates the California Integrated Waste Management Board with specified powers and duties.

This bill would abolish the California Integrated Waste Management Board and transfer its duties and responsibilities to the Department of Resources Recycling and Recovery, which would be created by the bill in the Natural Resources Agency, under the direction of an executive officer known as the Director of Resources Recycling and Recovery.

The bill would authorize the director to accept on behalf of the department federal grants, and require the grants to be deposited in

the Special Deposit Fund, which is continuously appropriated, thereby making an appropriation.

(2) Under existing law, the Department of Conservation administers the California Beverage Container Recycling and Litter Reduction Act.

This bill would transfer those duties to the Division of Recycling that the bill would establish within the newly created Department of Resources Recycling and Recovery.

(3) Existing law establishes the Office of Education and the Environment in the California Integrated Waste Management Board.

This bill would transfer the Office of Education and the Environment to the California Environmental Protection Agency.

~~This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2009.~~

Vote: majority. Appropriation: ~~no~~ yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

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

1 SECTION 1. Section 11553 of the Government Code is
2 amended to read:

3 11553. (a) Effective January 1, 1988, an annual salary of
4 eighty-one thousand six hundred thirty-five dollars (\$81,635) shall
5 be paid to each of the following:

6 (1) Chairperson of the Unemployment Insurance Appeals Board.

7 (2) Chairperson of the Agricultural Labor Relations Board.

8 (3) President of the Public Utilities Commission.

9 (4) Chairperson of the Fair Political Practices Commission.

10 (5) Chairperson of the Energy Resources Conservation and
11 Development Commission.

12 (6) Chairperson of the Public Employment Relations Board.

13 (7) Chairperson of the Workers' Compensation Appeals Board.

14 (8) Administrative Director of the Division of Industrial
15 Accidents.

16 (9) Chairperson of the State Water Resources Control Board.

17 ~~(10) Chairperson and each member of the California Integrated
18 Waste Management Board.~~

19 (b) The annual compensation provided by this section shall be
20 increased in any fiscal year in which a general salary increase is
21 provided for state employees. The amount of the increase provided
22 by this section shall be comparable to, but shall not exceed, the

1 percentage of the general salary increases provided for state
2 employees during that fiscal year.

3 (c) Notwithstanding subdivision (b), any salary increase is
4 subject to Section 11565.5.

5 *SEC. 2. Section 12805 of the Government Code is amended to*
6 *read:*

7 12805. (a) The Resources Agency is hereby renamed the
8 Natural Resources Agency. The Natural Resources Agency consists
9 of the departments of Forestry and Fire Protection, Conservation,
10 Fish and Game, Boating and Waterways, Parks and Recreation,
11 *Resources Recycling and Recovery*, and Water Resources; the
12 State Lands Commission; the Colorado River Board; the San
13 Francisco Bay Conservation and Development Commission; the
14 Central Valley Flood Protection Board; the Energy Resources
15 Conservation and Development Commission; the Wildlife
16 Conservation Board; the Delta Protection Commission; the Native
17 American Heritage Commission; the California Conservation
18 Corps; the California Coastal Commission; the State Coastal
19 Conservancy; the California Tahoe Conservancy; the Santa Monica
20 Mountains Conservancy; the Coachella Valley Mountains
21 Conservancy; the San Joaquin River Conservancy; the San Gabriel
22 and Lower Los Angeles Rivers and Mountains Conservancy; the
23 Baldwin Hills Conservancy; the San Diego River Conservancy;
24 and the Sierra Nevada Conservancy.

25 (b) No existing supplies, forms, insignias, signs, or logos shall
26 be destroyed or changed as a result of changing the name of the
27 Resources Agency to the Natural Resources Agency, and those
28 materials shall continue to be used until exhausted or unserviceable.

29 *SEC. 3. Section 14510.5 of the Public Resources Code is*
30 *amended to read:*

31 14510.5. “Department” means the ~~Department of Conservation~~
32 *Division of Recycling in the Department of Resources Recycling*
33 *and Recovery*.

34 *SEC. 4. Section 14510.6 of the Public Resources Code is*
35 *amended to read:*

36 14510.6. “Director” means the Director of ~~Conservation~~
37 *Resources Recycling and Recovery*.

38 *SEC. 5. Section 40110 of the Public Resources Code is*
39 *amended to read:*

1 40110. “Board” means the ~~California Integrated Waste~~
 2 ~~Management Board~~ *Department of Resources Recycling and*
 3 *Recovery, or the Director of Resources Recycling and Recovery,*
 4 *as appropriate.*

5 SEC. 6. *Section 40120.05 is added to the Public Resources*
 6 *Code, to read:*

7 40120.05. “Director” means the *Director of Resources*
 8 *Recycling and Recovery.*

9 SEC. 7. *The heading of Chapter 3 (commencing with Section*
 10 *40400) of Part 1 of Division 30 of the Public Resources Code is*
 11 *amended to read:*

12
 13 CHAPTER 3. ~~INTEGRATED WASTE MANAGEMENT BOARD~~
 14 ~~DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY~~

15
 16 SEC. 8. *Article 1 (commencing with Section 40400) of Chapter*
 17 *3 of Part 1 of Division 30 of the Public Resources Code is repealed.*

18 SEC. 9. *Article 1 (commencing with Section 40400) is added*
 19 *to Chapter 3 of Part 1 of Division 30 of the Public Resources Code,*
 20 *to read:*

21
 22 *Article 1. General Provisions*

23
 24 40400. *There is in the Natural Resources Agency the*
 25 *Department of Resources Recycling and Recovery. The Department*
 26 *of Resources Recycling and Recovery shall be administered under*
 27 *the control of an executive officer known as the Director of*
 28 *Resources Recycling and Recovery. Any reference in any law or*
 29 *regulation to the State Solid Waste Management Board, the*
 30 *California Waste Management Board, or the California Integrated*
 31 *Waste Management Board shall hereafter apply to the Department*
 32 *of Resources Recycling and Recovery. The Director of Resources*
 33 *Recycling and Recovery shall hear and decide appeals of decisions*
 34 *of the Department of Resources Recycling and Recovery made*
 35 *pursuant to this division.*

36 40401. (a) (1) *Except as otherwise specified by statute, the*
 37 *Department of Resources Recycling and Recovery succeeds to and*
 38 *is vested with all of the authority, duties, powers, purposes,*
 39 *responsibilities, and jurisdiction of the former California Integrated*
 40 *Waste Management Board.*

1 (2) *There shall be a Division of Recycling in the Department of*
2 *Resources Recycling and Recovery. Except as otherwise specified*
3 *by statute, the Division of Recycling in the Department of*
4 *Resources Recycling and Recovery succeeds to and is vested with*
5 *all of the authority, duties, powers, purposes, responsibilities, and*
6 *jurisdiction of the Department of Conservation in the performance*
7 *of a function carrying out Division 12.1 (commencing with Section*
8 *14500).*

9 (b) (1) *All employees of the former California Integrated Waste*
10 *Management Board who, on January 1, 2010, are serving in the*
11 *state civil service, other than as temporary employees, are*
12 *transferred to the Department of Resources Recycling and*
13 *Recovery.*

14 (2) *The status, position, and rights of those persons transferred*
15 *pursuant to this subdivision shall not be affected and shall be*
16 *retained by them as employees of the department to which they*
17 *are transferred pursuant to the State Civil Service Act (Part 2*
18 *commencing with Section 18500) of Division 5 of Title 2 of the*
19 *Government Code), except as to positions exempt from civil service.*

20 (c) (1) *All officers and employees of the Department of*
21 *Conservation who, on January 1, 2010, are serving in the state*
22 *civil service, other than as temporary employees, and are engaged*
23 *in the performance of a function carrying out Division 12.1*
24 *(commencing with Section 14500), shall be transferred to the*
25 *Division of Recycling in the Department of Resources Recycling*
26 *and Recovery.*

27 (2) *The status, position, and rights of those persons transferred*
28 *pursuant to this subdivision shall not be affected and shall be*
29 *retained by them as officers and employees of the department to*
30 *which they are transferred pursuant to the State Civil Service Act*
31 *(Part 2 (commencing with Section 18500) of Division 5 of Title 2*
32 *of the Government Code), except as to positions exempt from civil*
33 *service.*

34 (d) *Any regulations adopted before January 1, 2010, by the*
35 *former California Integrated Waste Management Board and the*
36 *Department of Conservation relating to carrying out the duties*
37 *and responsibilities transferred pursuant to subdivision (a), that*
38 *are in effect on January 1, 2010, shall remain in effect on and after*
39 *January 1, 2010, and are enforceable until readopted, amended,*
40 *or repealed.*

1 (e) *The Department of Resources Recycling and Recovery shall*
2 *have possession and control of all records, papers, offices,*
3 *equipment, supplies, moneys, funds, appropriations, land and other*
4 *real or personal property, held for the benefit or use of all bodies,*
5 *offices, and officers whose duties, powers, and functions have been*
6 *transferred pursuant to subdivision (a).*

7 40402. *The Department of Resources Recycling and Recovery*
8 *may expend the money in any appropriation or in any special fund*
9 *in the State Treasury made available by law for the administration*
10 *of the statutes the administration of which is committed to the*
11 *department, or for the use, support, or maintenance of any board,*
12 *bureau, commission, department, office, or officer whose duties,*
13 *powers, and functions have been transferred to and conferred upon*
14 *the department. The department shall make those expenditures in*
15 *accordance with law in carrying out the purposes for which the*
16 *appropriations were made or the special funds created.*

17 SEC. 10. *Section 40430 of the Public Resources Code is*
18 *repealed.*

19 40430. ~~The board shall appoint an executive director who may~~
20 ~~be exempt from civil service laws. The board may delegate any~~
21 ~~power, duty, purpose, function, and jurisdiction to the executive~~
22 ~~director which the board determines to be appropriate. The board~~
23 ~~shall prescribe the duties and fix the salary of the executive~~
24 ~~director. The executive director shall perform and discharge the~~
25 ~~powers, duties, purposes, functions, and jurisdiction vested in the~~
26 ~~board and delegated to the executive director by the board. The~~
27 ~~executive director may redelegate any of the powers, duties,~~
28 ~~purposes, functions, and jurisdiction which are delegated to him~~
29 ~~or her by the board to his or her subordinates.~~

30 SEC. 11. *Section 40430 is added to the Public Resources Code,*
31 *to read:*

32 40430. *The Director of Resources Recycling and Recovery*
33 *shall be appointed by, and hold office at the pleasure of, the*
34 *Governor. The director's appointment shall be subject to*
35 *confirmation by the Senate. The director shall receive the annual*
36 *salary provided for by Chapter 6 (commencing at Section 11550)*
37 *of Part 1 of Division 3 of Title 2 of the Government Code. Chapter*
38 *2 (commencing with Section 11150) of Part 1 of Division 3 of Title*
39 *2 of the Government Code applies to the director.*

1 *SEC. 12. Section 40431 of the Public Resources Code is*
2 *amended to read:*

3 ~~40431. The board Director of Resources Recycling and~~
4 ~~Recovery may appoint legal counsel, clerical and secretarial~~
5 ~~employees, technical personnel, and other staff, and acquire~~
6 ~~facilities, those deputies, officers, and other employees that it he~~
7 ~~or she finds necessary for the performance of its the functions of~~
8 ~~the Department of Resources Recycling and Recovery. The staff~~
9 ~~of the board department shall be subject to the relevant system~~
10 ~~and procedures of the state civil service. The State Civil Service~~
11 ~~Act (Part 2 (commencing with Section 18500) of Division 5 of~~
12 ~~Title 2 of the Government Code) applies to those personnel.~~

13 *SEC. 13. Section 40433 of the Public Resources Code is*
14 *repealed.*

15 ~~40433. The Governor shall appoint one adviser for each~~
16 ~~member of the board upon the recommendation of the board~~
17 ~~member.~~

18 *SEC. 14. Section 40500 of the Public Resources Code is*
19 *repealed.*

20 ~~40500. The board may appoint a committee of not less than~~
21 ~~three members of the board to carry on investigations, inquiries,~~
22 ~~or hearings which the board may undertake or hold. Every order~~
23 ~~made by a committee pursuant to an inquiry, investigation, or~~
24 ~~hearing, when approved or confirmed by the board and ordered~~
25 ~~filed in its office, shall be the order of the board.~~

26 *SEC. 15. Section 40501 of the Public Resources Code is*
27 *amended to read:*

28 ~~40501. The board Department of Resources Recycling and~~
29 ~~Recovery may hold any hearings and conduct any investigations~~
30 ~~in any part of the state necessary to carry out its powers and duties.~~
31 ~~The board shall have the same powers as are conferred upon heads~~
32 ~~of departments of the state by Article 2 (commencing with Section~~
33 ~~11180) of Chapter 2 of Part 1 of Division 3 of Title 2 of the~~
34 ~~Government Code.~~

35 *SEC. 16. Section 40504 of the Public Resources Code is*
36 *repealed.*

37 ~~40504. The board shall hold meetings at least monthly at the~~
38 ~~times and places determined by the board.~~

39 *SEC. 17. Section 40506.5 is added to the Public Resources*
40 *Code, to read:*

1 40506.5. (a) *The Director of Resources Recycling and*
2 *Recovery, with approval of the Director of Finance, may accept,*
3 *on behalf of the Department of Resources Recycling and Recovery*
4 *and its various divisions, federal grants for the purposes for which*
5 *the Department of Resources Recycling and Recovery is*
6 *established. The grants shall be deposited in the Special Deposit*
7 *Fund in the State Treasury provided for by Section 16370 of the*
8 *Government Code, and may be expended under those terms and*
9 *conditions as may be required by the federal government.*

10 (b) *Whenever the Department of Resources Recycling and*
11 *Recovery has received and deposited any money in the State*
12 *Treasury to the credit of the General Fund in an excessive amount*
13 *or in error, or whenever a refund of all or a portion of that money*
14 *is due a person, firm, or corporation because of the termination*
15 *of an agreement or other lawful reasons, payment of the refund*
16 *shall be made upon the filing of a claim by the Director of*
17 *Resources Recycling and Recovery with the Controller. The*
18 *Controller shall draw a warrant for payment of the refund from*
19 *any appropriation made for that purpose.*

20 SEC. 18. *Section 40506.7 is added to the Public Resources*
21 *Code, to read:*

22 40506.7. *For the purposes of disseminating information*
23 *relating to its activities, powers, duties, or functions, the*
24 *Department of Resources Recycling and Recovery may issue*
25 *publications, construct and maintain exhibits, and perform acts*
26 *and carry out functions that in the opinion of the Director of*
27 *Resources Recycling and Recovery will best disseminate the*
28 *information. The publications may be distributed free of charge*
29 *to public libraries and to other state departments and state officers.*
30 *The Department of Resources Recycling and Recovery may*
31 *exchange copies with contemporary publications. All money*
32 *received by the Department of Resources Recycling and Recovery*
33 *from the sale of publications, exclusive of money received by any*
34 *separate division of the department from the sale of publications,*
35 *shall be paid into the State Treasury to the credit of the General*
36 *Fund.*

37 SEC. 19. *Section 71300 of the Public Resources Code is*
38 *amended to read:*

39 71300. (a) For purposes of this part “office” means the Office
40 of Education and the Environment of the ~~Integrated Waste~~

1 ~~Management Board~~ *California Environmental Protection Agency*,
2 as established pursuant to this section.

3 (b) The Office of Education and the Environment is hereby
4 established in the ~~Integrated Waste Management Board~~ *California*
5 *Environmental Protection Agency*. The office shall report to ~~both~~
6 the Secretary for Environmental Protection ~~and the board~~. The
7 office shall dedicate its effort to implementing the statewide
8 environmental educational program prescribed pursuant to this
9 part ~~and the integrated waste management educational requirements~~
10 ~~of this division~~. The office, through staffing and resources, shall
11 give a high priority to implementing the statewide environmental
12 education program.

13 (c) The office, under the direction of the Secretary for
14 Environmental Protection ~~and the board~~, in cooperation with the
15 State Department of Education, the State Board of Education, and
16 the Secretary for Education, shall develop and implement a unified
17 education strategy on the environment for elementary and
18 secondary schools in the state. The office shall develop a unified
19 education strategy to do all of the following:

20 (1) Coordinate instructional resources and strategies for
21 providing active pupil participation with onsite conservation efforts.

22 (2) Promote service-learning opportunities between schools and
23 local communities.

24 (3) Assess the impact to participating pupils of the unified
25 education strategy on pupil achievement and resource conservation.

26 (4) On or before June 30, 2006, the office shall report to the
27 Legislature and the Governor on its progress in developing,
28 implementing, and assessing the unified education strategy.

29 (d) The State Department of Education, State Board of
30 Education, and Secretary for Education, ~~in cooperation with the~~
31 ~~board~~, shall develop and implement to the extent feasible, a teacher
32 training and implementation plan, to guide the implementation of
33 the unified education strategy, for the education of pupils, faculty,
34 and administrators on the importance of integrating environmental
35 concepts and programs in schools throughout the state. The strategy
36 shall project the phased implementation of elementary, middle,
37 and high school programs.

38 (e) In implementing this part, the office may hold public
39 meetings to receive and respond to comments from affected state

1 agencies, stakeholders, and the public regarding the development
2 of resources and materials pursuant to this part.

3 (f) In implementing this part, the office shall coordinate with
4 other agencies and groups with expertise in education and the
5 environment, including, but not limited to, the California
6 Environmental Education Interagency Network.

7 (g) Any instructional materials developed pursuant to this part
8 shall be subject to the requirements of Chapter 1 (commencing
9 with Section 60000) of Part 33 of the Education Code, including,
10 but not limited to, reviews for legal and social compliance before
11 the materials may be used in elementary or secondary public
12 schools.

13 *SEC. 20. Section 71301 of the Public Resources Code is*
14 *amended to read:*

15 71301. (a) As part of the unified education strategy, the office,
16 under the direction of the Secretary for Environmental Protection
17 ~~and the board~~, in cooperation with the *Natural Resources Agency*,
18 the State Department of Education, the State Board of Education,
19 and the Secretary for Education, shall develop education principles
20 for the environment for elementary and secondary school pupils.
21 The principles may be updated every four years beginning July 1,
22 2008. The principles shall be aligned to the academic content
23 standards adopted by the State Board of Education pursuant to
24 Section 60605 of the Education Code. The principles shall be used
25 to do all of the following:

26 (1) To direct state agencies that include environmental education
27 components for elementary and secondary education in regulatory
28 decisions or enforcement actions.

29 (2) To align state agency environmental education programs
30 and materials that are developed for elementary and secondary
31 education.

32 (b) The education principles for the environment shall include,
33 but not be limited to, concepts relating to the following topics:

34 (1) Environmental sustainability.

35 (2) Water.

36 (3) Air.

37 (4) Energy.

38 (5) Forestry.

39 (6) Fish and wildlife resources.

40 (7) Oceans.

- 1 (8) Toxics and hazardous waste.
- 2 (9) Integrated waste management.
- 3 (10) Integrated pest management.
- 4 (11) Public health and the environment.
- 5 (12) Pollution prevention.
- 6 (13) Resource conservation and recycling.
- 7 (14) Environmental justice.

8 (c) The principles shall be aligned to the applicable academic
9 content standards adopted by the State Board of Education and
10 shall not duplicate or conflict with any academic content standards.

11 (d) (1) The education principles for the environment shall be
12 incorporated, as the State Board of Education determines to be
13 appropriate, in criteria developed for textbook adoption required
14 pursuant to Section 60200 or 60400 of the Education Code in
15 Science, Mathematics, English/Language Arts, and History/Social
16 Sciences.

17 (2) If the State Board of Education determines that the education
18 principles for the environment are not appropriate for inclusion in
19 the textbook adoption criteria cited in paragraph (1), the State
20 Board of Education shall collaborate with the office to make the
21 changes necessary to ensure that the principles are included in the
22 textbook adoption criteria in Science, Mathematics,
23 English/Language Arts, and History/Social Sciences.

24 (e) If the content standards required pursuant to Section 60605
25 of the Education Code are revised, the education principles for the
26 environment shall be appropriately considered for inclusion into
27 part of the revised academic content standards.

28 *SEC. 21. Section 71302 of the Public Resources Code is*
29 *amended to read:*

30 71302. (a) Using the education principles for the environment
31 required in Section 71301, the office, under the direction of the
32 Secretary for Environmental Protection ~~and the board~~, shall
33 develop, in cooperation with ~~the California Environmental~~
34 ~~Protection Agency~~, the *Natural Resources Agency*, the State
35 Department of Education, and the State Board of Education, a
36 model environmental curriculum that incorporates these education
37 principles for the environment. The model curriculum shall be
38 aligned with applicable State Board of Education adopted academic
39 content standards in Science, Mathematics, English/Language

1 Arts, and History/Social Sciences, to the extent that any of those
2 content areas are addressed in the model curriculum.

3 (b) The model curriculum shall be submitted to the Curriculum
4 Development and Supplemental Materials Commission for review.
5 The commission shall submit its recommendation to the Secretary
6 for Environmental Protection and to the Secretary of the *Natural*
7 Resources Agency by July 1, 2005.

8 (1) The Secretary for Environmental Protection and the Secretary
9 of the *Natural* Resources Agency shall review and comment on
10 the model curriculum by January 1, 2006.

11 (2) The model curriculum along with the comments by the
12 Secretary for Environmental Protection and the Secretary of the
13 *Natural* Resources Agency shall be submitted to the State Board
14 of Education for its approval.

15 *SEC. 22. Section 71303 of the Public Resources Code is*
16 *amended to read:*

17 71303. (a) As determined appropriate by the Superintendent
18 of Public Instruction, the State Department of Education shall
19 incorporate into publications that provide examples of curriculum
20 resources for teacher use, those materials developed by the office
21 that provide information on the education principles for the
22 environment required in Section 71300.

23 (b) If the Superintendent of Public Instruction determines that
24 materials developed by the office that provide information on the
25 education principles for the environment are not appropriate for
26 inclusion in publications that provide examples of curriculum
27 resources for teacher use, the Superintendent of Public Instruction
28 shall collaborate with the office to make the changes necessary to
29 ensure that the materials are included in that information.

30 (c) The model environmental curriculum approved by the State
31 Board of Education, pursuant to Section 71302 shall be made
32 available by the office to elementary and secondary schools to the
33 extent that funds are available for this purpose. The State
34 Department of Education shall make the model curriculum
35 available electronically including posting *the model curriculum*
36 on its *Internet* Web site.

37 (d) The State Department of Education, to the extent feasible
38 and to the extent that funds are available for this purpose, shall
39 encourage the development and use of instructional materials and
40 active pupil participation in campus and community environmental

1 education programs. To the extent feasible, the environmental
2 education programs should be considered in the development and
3 promotion of after school programs for elementary and secondary
4 school pupils and state and local professional development
5 activities to provide teachers with content background and
6 resources to assist in teaching about the environment.

7 (e) (1) ~~The board~~ *California Environmental Protection Agency*
8 shall assume costs associated with the printing of the approved
9 model curriculum as set forth in subdivision (c). ~~The board~~
10 *California Environmental Protection Agency* shall use, for these
11 purposes, funds that are available for its administrative costs.

12 (2) From funds available for its administrative costs, the State
13 Department of Education shall post and maintain the model
14 curriculum on its Internet *Web* site and pay any costs associated
15 with any related online questionnaire on its Internet *Web* site as
16 set forth in subdivision (c).

17 (3) The State Department of Education shall explore
18 implementation of this section from its baseline resources dedicated
19 to this purpose and if funding is not available from that source,
20 then funding may be provided to the department, pursuant to
21 appropriation by the Legislature, under Section 71305.

22 *SEC. 23. Section 71304 of the Public Resources Code is*
23 *amended to read:*

24 71304. (a) The office, under the direction of the Secretary for
25 Environmental Protection, shall be responsible for the statewide
26 coordination of regulatory administrative decisions that require
27 the development or encourage the promotion of environmental
28 education for elementary and secondary school pupils.

29 (b) All California Environmental Protection Agency or *Natural*
30 *Resources Agency* boards, departments, or offices that take
31 regulatory actions or take enforcement actions requiring the
32 development of, or encouraging the promotion of, environmental
33 education for elementary and secondary school pupils shall, prior
34 to adoption or approval of the action, seek comments on the action
35 from the office in order to promote consistency with this part and
36 cross-media coordination.

37 (c) The office shall coordinate with all state agencies to develop
38 and distribute environmental education materials.

39 *SEC. 24. Section 71305 of the Public Resources Code is*
40 *amended to read:*

1 71305. (a) The Environmental Education Account is hereby
 2 established within the State Treasury. Moneys in the account may,
 3 upon appropriation by the Legislature, be expended by the
 4 California Environmental Protection Agency, ~~in consultation with~~
 5 ~~the board,~~ for the purposes of this part. ~~The board shall provide~~
 6 ~~recommendations to the Secretary for Environmental Protection~~
 7 ~~regarding expenditures from the account.~~ The Secretary for
 8 Environmental Protection shall administer this part, including, but
 9 not limited to, the account.

10 (b) Notwithstanding any other provision of law to the contrary,
 11 the agency may accept and receive federal, state, and local funds
 12 and contributions of funds from a public or private organization
 13 or individual. The account may also receive proceeds from a
 14 judgment in state or federal court, when the funds are contributed
 15 or the judgment specifies that the proceeds are to be used for the
 16 purposes ~~if~~ of this part. The account may receive those funds,
 17 contributions, or proceeds from judgments, that are specifically
 18 designated for use for environmental education purposes. Private
 19 contributors shall not have the authority to further influence or
 20 direct the use of their contributions.

21 (c) Notwithstanding any other provision of law, a state agency
 22 that requires the development of, or encourages the promotion of,
 23 environmental education for elementary and secondary school
 24 pupils, may contribute to the account.

25 (d) The agency shall immediately deposit any funds contributed
 26 pursuant to subdivision (b) into the account.

27 ~~SECTION 1. It is the intent of the Legislature to enact statutory~~
 28 ~~changes relating to the Budget Act of 2009.~~