

AMENDED IN ASSEMBLY JUNE 14, 2016

AMENDED IN ASSEMBLY MAY 25, 2016

SENATE BILL

No. 839

Introduced by Committee on Budget and Fiscal Review

January 7, 2016

~~An act relating to the Budget Act of 2016.~~ *An act to amend Sections 1602, 1609, 1610, 1613, 1615, 2942, 12157, and 12159.5 of, and to add Sections 2081.2, 4502.5, and 12008.1 to, the Fish and Game Code, to repeal and add Section 52334 of the Food and Agricultural Code, to amend Sections 8670.48.3 and 12812.2 of the Government Code, to amend Sections 25150.7, 25150.84, 25189.3, 25205.7, 25205.18, 25205.19, 25247, 100829, 100860.1, 100862, 105206, 116590, and 116681 of, and to add Sections 25253.5 and 43011.3 to, the Health and Safety Code, to amend Sections 10187.5 and 10190 of the Public Contract Code, to amend Sections 4629.6 and 4629.8 of, to amend, repeal, and add Section 21191 of, to add Chapter 6.5 (commencing with Section 25550) to Division 15 of, and to repeal the heading of Chapter 6.5 (commencing with Section 25550) of Division 15 of, the Public Resources Code, to amend Sections 43053 and 43152.10 of the Revenue and Taxation Code, to amend, repeal, and add Sections 5106 and 5108 of the Vehicle Code, to amend Sections 1430, 1440, and 13205 of, and to add and repeal Section 79717 of, the Water Code, to amend Section 258 of the Welfare and Institutions Code, and to amend Section 11 of Chapter 2 of the Statutes of 2009 of the Seventh Extraordinary Session, relating to public resources, and making an appropriation therefor, to take effect immediately, bill related to the budget.*

LEGISLATIVE COUNSEL'S DIGEST

SB 839, as amended, Committee on Budget and Fiscal Review.
~~Budget Act of 2016.~~ *Public resources.*

(1) Existing law prohibits an entity from substantially diverting or obstructing the natural flow of, or substantially changing or using any material from the bed, channel, or bank of, any river, stream, or lake, or from depositing certain material where it may pass into any river, stream, or lake designated by the Department of Fish and Wildlife, without first notifying the department of that activity, and entering into a lake or streambed alteration agreement if required by the department to protect fish and wildlife resources. Under existing law, it is unlawful for any person to violate those notification and agreement provisions, and a person who violates them is also subject to a civil penalty of not more than \$25,000 for each violation. For purposes of these provisions, existing law defines entity to mean any person, state or local governmental agency, or public utility subject to the notification and agreement provisions.

This bill would make it unlawful for any entity to violate those provisions, thereby imposing a state-mandated local program by changing the definition of a crime. The bill would subject to that civil penalty any entity that violates those provisions.

Existing law authorizes the director of the department to establish a graduated schedule of fees to be charged to any entity subject to the notification and agreement provisions, and authorizes the adjustment of fees. Existing law imposes a \$5,000 fee limit for any agreement.

This bill would instead authorize the department to establish that schedule of fees, and would require that the department adjust fees annually. The bill would modify that fee limit to prohibit a fee from exceeding \$5,000 for any single project.

(2) The California Endangered Species Act requires the Fish and Game Commission to establish a list of endangered species and a list of threatened species, and requires the Department of Fish and Wildlife to recommend, and the commission to adopt, criteria for determining if a species is endangered or threatened. The act prohibits the taking of an endangered, threatened, or candidate species, except as specified. Under the act, the department may authorize the take of listed species if the take is incidental to an otherwise lawful activity and the impacts are minimized and fully mitigated.

This bill would require the department to collect a permit application fee for processing applications for specified permits issued by the department to take a species listed as candidate, threatened, or endangered, except as provided. The bill would require the department to assess the permit application fee according to a graduated fee schedule based on the cost of the project and whether the project uses a department-approved conservation or mitigation bank to fulfill mitigation obligations. The bill would create the Endangered Species Permitting Account and would require the permit application fees collected by the department to be deposited in the account and used upon appropriation to pay the department's cost of processing permit applications, permit development, and compliance monitoring. The bill would make funds deposited in the account available to the department, upon appropriation by the Legislature, for those purposes and for administering and implementing the California Endangered Species Act.

Under existing law, a violation of the act is a misdemeanor subject to the punishment of a fine of not more than \$5,000 or imprisonment in the county jail for not more than one year, or both the fine and imprisonment.

This bill would increase the punishment of a violation of the prohibition against taking an endangered, threatened, or candidate species to a fine of not less than \$25,000 or more than \$50,000, imprisonment in the county jail for not more than one year, or by both that fine and imprisonment. The bill would require $\frac{1}{2}$ of any fine or forfeiture imposed for a violation of the take prohibition or any other law of the act to be deposited in the county treasury of the county in which the violation occurred and would require the other $\frac{1}{2}$ to be deposited in the Endangered Species Permitting Account.

(3) Existing law makes it unlawful to take any marine mammal, as defined, except as provided under specified federal laws.

This bill would make it unlawful to hold in captivity an orca, whether wild-caught or captive-bred, for any purpose, including for display, performance, or entertainment purposes; to breed or impregnate an orca held in captivity; to export, collect, or import the semen, other gametes, or embryos of an orca held in captivity for the purpose of artificial insemination; or to export, transport, move, or sell an orca located in the state to another state or country, except as provided.

The bill would provide that a person, corporation, or institution that intentionally or negligently violates these provisions is guilty of a

misdeemeanor punishable by a fine not to exceed \$100,000. By creating a new crime, the bill would impose a state-mandated local program.

(4) The California Seed Law regulates seed sold in California, and prohibits a city, county, or district from adopting or enforcing an ordinance that regulates plants, crops, or seeds without the consent of the Secretary of Food and Agriculture. The California Seed Law also requires the Department of Food and Agriculture to develop and maintain a list of invasive pests, as defined and which includes certain plants and seeds, that have a reasonable likelihood of entering California for which action by the state might be appropriate, as specified.

This bill would delete the provision prohibiting the adoption or enforcement of an ordinance that regulates plants, crops, or seeds without the secretary's consent. The bill would also state that the declaration of a plant, seed, nursery stock, or crop as invasive is a power reserved for the secretary.

(5) Existing law imposes a uniform oil spill response fee on specified persons, except specified independent crude oil producers, owning petroleum products and on pipeline operators transporting petroleum products into the state by means of a pipeline operating across, under, or through the marine waters of the state, during any period that the Oil Spill Response Trust Fund contains less than a designated amount. Existing law, until June 30, 2017, provides that if a loan or other transfer of money from the fund to the General Fund pursuant to the Budget Act reduces the balance of the fund to less than or equal to 95% of the designated amount, the administrator for oil spill response is not required to resume collection of the oil spill response fee if the annual Budget Act requires the transfer or loan to be repaid to the fund with interest calculated at a rate earned by the Pooled Money Investment Account and on or before June 30, 2017.

This bill would extend that date to June 30, 2019. The bill would additionally provide that if a loan or other transfer of money from the fund to a special fund pursuant to the Budget Act reduces the balance of the fund to less than or equal to 95% of the designated amount, the administrator is not required to resume collection of the oil spill response fee. The bill would make these provisions inoperative on July 1, 2019.

(6) Existing law establishes the California Environmental Protection Agency under the supervision of the Secretary for Environmental Protection, and requires the agency, among other things, to identify

disadvantaged communities for certain investment opportunities based on geographic, socioeconomic, public health, and environmental hazard criteria, as specified. Existing law requires the secretary's deputy secretary for law enforcement and counsel to, in consultation with the Attorney General, establish a cross-media enforcement unit to assist boards, departments, offices, or other agencies that implement a law or regulation within the jurisdiction of the agency, as specified.

This bill would require each board, department, or office within the California Environmental Protection Agency to participate and have representatives in the cross-media enforcement unit. The bill would require the unit to undertake activities consistent with specified environmental justice policies and focus its activities in disadvantaged communities, as specified.

(7) Existing law requires the Department of Toxic Substances Control to adopt, and revise as necessary, regulations establishing management standards for treated wood waste. Existing law makes these, and other requirements regarding treated wood waste, inoperative on December 31, 2020. Existing law requires the department, on or before January 1, 2018, to prepare, post on its Internet Web site, and provide to the appropriate policy committees of the Legislature, a comprehensive report with specified content on the compliance with, and implementation of, these laws relating to treated wood waste.

This bill would extend to July 1, 2018, the time by which the department is to prepare, post on its Internet Web site, and provide the appropriate policy committees of the Legislature the comprehensive report.

Existing law requires the department to suspend the permit of a hazardous waste facility for nonpayment of a specified facility fee or activity fee if the operator of the facility is subject to the fee and if the State Board of Equalization has certified that certain circumstances exist.

This bill would allow the department, in addition to the State Board of Equalization, to certify the existence of those circumstances, and would include within the circumstances that the department or the State Board of Equalization has notified the facility's operator of the delinquency and that the operator has exhausted certain administrative rights of appeal or dispute resolution procedures, as specified.

Existing law provides a person who applies for, or requests, specified hazardous waste permits, variances, or waste classification determinations with the option of paying a flat fee or entering into a

reimbursement agreement to reimburse the department for costs incurred in processing the application or response to the request. Existing law authorizes a reimbursement agreement to include costs incurred by the department in reviewing and overseeing corrective action but prohibits the department from assessing a fee or seeking reimbursement for reviewing and overseeing preliminary site assessment in conjunction with a hazardous waste facilities permit application.

This bill would eliminate the flat fee option. The bill would additionally require the reimbursement agreement to provide for the reimbursement of the costs incurred by the department in reviewing and overseeing corrective action and would require an applicant and the owner and the operator of the facility to pay these costs and to pay all costs incurred by the department to comply with the California Environmental Quality Act. The bill would repeal the prohibition on the department assessing a fee or seeking reimbursement for reviewing and overseeing a preliminary site assessment in conjunction with a hazardous waste facilities permit application. The bill would require at least 25% of the agreed-upon reimbursement to be made in advance, based on the department's total estimated costs of processing the application or response to the request. The bill would apply these revised fee provisions to applications and requests submitted to the department on or after April 1, 2016.

Under existing law, if a facility's permit or interim status document sets forth the facility's allowable capacity for treatment or storage, the annual facility fee is based upon that capacity, and the department may require the facility to submit an application to modify the permit to provide for an allowable capacity. Under existing law, if a facility's permit or interim status document does not set forth its type, that type is presumed for purposes of setting fees, and the department is authorized to require the facility to submit an application to modify the permit or interim status document to provide for a facility type. Existing law exempts these applications from the requirement to either pay a flat fee or enter into a reimbursement agreement.

This bill would subject these applications for modification to the above-described reimbursement requirement.

Existing law requires specified fees, including the flat fee and the fee paid under the reimbursement agreement, as applicable, to be administered and collected by the State Board of Equalization in accordance with the Hazardous Substance Tax Law.

This bill would provide that the fees, as revised above, shall instead be administered and collected by the department.

This bill would make conforming changes and delete obsolete provisions pertaining to the state's hazardous waste programs.

Existing law requires the department to adopt regulations to establish a process for evaluating chemicals of concern in consumer products, and their potential alternatives, to determine how best to limit exposure or to reduce the level of hazard posed by a chemical of concern. Existing law requires the regulations adopted to specify the range of regulatory responses that the department may take following the completion of the alternatives analysis. Under its regulatory authority, the department has adopted the 2015–17 Priority Product Work Plan, which describes categories from which the department will select priority products for which safer alternatives are to be evaluated.

This bill would require the department to revise the 2015–17 Priority Product Work Plan to include lead acid batteries for consideration and evaluation as a potential priority products.

(8) Existing law requires the State Air Resources Board to adopt and implement motor vehicle emission standards and to establish criteria for the evaluation of the effectiveness of motor vehicle pollution control devices. Existing law prohibits the disconnection, modification, or alteration of required motor vehicle pollution control devices, except with respect to an alteration, modification, or modifying device, apparatus, or mechanism that is covered by a resolution of the state board that makes specified findings. Existing law also allows aftermarket and performance parts to be sold and installed on motorcycles, concurrent with a motorcycle's transfer to an ultimate purchaser, pursuant to a valid executive order of the state board.

This bill would authorize the state board to enter into agreements with private entities and receive, on behalf of the state, contributions from private sources in the form of equipment or money in order to expedite the processing of the above-referenced resolutions and executive orders, and associated applications.

(9) Existing law, the Environmental Laboratory Accreditation Act, requires certain laboratories that conduct analyses of environmental samples for regulatory purposes to obtain a certificate of accreditation from the State Water Resources Control Board. The act requires an accredited laboratory to report, in a timely fashion and in accordance with the request for analysis, the full and complete results of all detected contaminants and pollutants to the person or entity that submitted the

material for testing. The act authorizes the board to adopt regulations to establish reporting requirements, establish the accreditation procedures, recognize the accreditation of laboratories located outside California, and collect laboratory accreditation fees. The act requires that fees collected for laboratory accreditation be adjusted annually, as specified. The act requires fees and civil penalties collected under the act to be deposited in the Environmental Laboratory Improvement Fund and that moneys in the fund be available for expenditure by the board, upon appropriation by the Legislature, for the purposes of the act.

This bill would require the board to adopt, by emergency regulations, a schedule of fees to recover costs incurred for the accreditation of environmental laboratories in an amount sufficient to recover all reasonable regulatory costs incurred for the purposes of the act, as prescribed. This bill would require the board to review and revise the fees, as necessary, each fiscal year.

Existing law, until January 1, 2017, requires, among other things, any laboratory that performs cholinesterase testing on human blood for an employer to enable the employer to satisfy his or her responsibilities for medical supervision of his or her employees who regularly handle pesticides pursuant to specified regulations or to respond to alleged exposure to cholinesterase inhibitors or known exposure to the inhibitors that resulted in illness to electronically report specified information in its possession on every person tested to the Department of Pesticide Regulation, which would be required to share the information in an electronic format with the Office of Environmental Health Hazard Assessment and the State Department of Public Health on an ongoing basis, as specified.

This bill would extend the repeal date of these provisions to January 1, 2019.

(10) Existing law, the California Safe Drinking Water Act, provides for the operation of public water systems and imposes on the State Water Resources Control Board various duties and responsibilities for the regulation and control of drinking water in the state. The act, on and after July 1, 2016, requires the board to adopt, by regulation, a fee schedule, to be paid annually by each public water system for the purpose of reimbursing the board for specified activities. The act requires funds received by the board for the purposes of the act to be deposited into the Safe Drinking Water Account and provides that the moneys in the account are available, upon appropriation by the

Legislature, for the administration of the act. The act prohibits the total amount of funds received for state operations program costs to administer the act for fiscal year 2016–17 from exceeding \$30,450,000.

This bill would raise that limit to \$38,907,000.

Existing law requires the board to conduct research, studies, and demonstration projects relating to the provision of a dependable, safe supply of drinking water, to adopt regulations to implement the act, and to enforce provisions of the federal Safe Drinking Water Act. Existing law authorizes the board to order physical or operational consolidation with a receiving water system where a public water system, or a state small water system within a disadvantaged community, consistently fails to provide an adequate supply of safe drinking water. Existing law defines a disadvantaged community for the purpose of these provisions as a community with an annual median household income that is less than 80% of the statewide annual median income and that is in an unincorporated area or is served by a mutual water company.

This bill would revise the definition of disadvantaged community to include a community with an annual median household income that is less than 80% of the statewide annual median income that is served by a small public water system, as defined.

(11) Existing law authorizes the Department of Water Resources, subject to available funding and in coordination with the Department of Fish and Wildlife, to undertake specified restoration efforts at the Salton Sea.

This bill would authorize the Department of Water Resources to use design-build procurement for projects at the Salton Sea.

Existing law requires either the Director of General Services or the Secretary of the Department of Corrections and Rehabilitation to notify the State Public Works Board regarding the method to be used for selecting a design-build entity, prior to advertising design-build project.

This bill would, for purposes of projects at the Salton Sea, instead require the Director of Water Resources to notify the California Water Commission regarding the method to be used for selecting a design-build entry, prior to advertising design-build project.

(12) Existing law creates the Timber Regulation and Forest Restoration Fund in the State Treasury and requires that specified revenues received from a lumber or engineered wood products assessment, less amounts deducted for refunds and reimbursements, be deposited in the fund and, upon appropriation by the Legislature, used

for specified purposes relating to forest management and restoration, in accordance with specified priorities.

This bill would authorize the Natural Resources Agency to use moneys in the fund, upon appropriation by the Legislature and only after certain of those specified priorities are funded, to provide a reasonable per diem for attendance at a meeting of the advisory body for the state's forest practice program by a member of the body who is not an employee of a government agency.

(13) Existing law establishes the State Energy Resources Conservation and Development Commission (Energy Commission) in the Natural Resources Agency, and specifies the powers and duties of the Energy Commission with respect to energy resources in the state. Existing law requires the Public Utilities Commission to adopt rules and procedures governing the operation, maintenance, repair, and replacement of gas pipeline facilities that it regulates and that are intrastate transmission and distribution lines to, among other things, reduce emissions of natural gas from those facilities to the maximum extent feasible to advance the state's goals in reducing emissions of greenhouse gases.

This bill would require the Energy Commission, by September 15, 2017, and in consultation with certain entities, to report to the respective budget committees of each house of the Legislature on the resources needed to develop a plan for tracking natural gas, and a recommendation for developing the plan, considering cost-effectiveness and efficacy. The bill would require the State Air Resources Board, in consultation with the Energy Commission to develop a model of fugitive and vented emissions of methane from natural gas infrastructure, as specified.

(14) Existing law authorizes the issuance of environmental license plates, also referred to as personalized license plates, upon application of the registered owner or lessee of a vehicle. Existing law imposes a fee, in addition to the regular registration fee, of \$48 for the issuance of, and \$38 for the renewal, retention, transfer, or duplication of, the environmental license plates. Existing law requires that all revenue derived from these fees be deposited in the California Environmental License Plate Fund to be used, upon appropriation by the Legislature, for specified trust purposes.

This bill would, commencing January 1, 2017, increase to \$43 the fee for the renewal, retention, transfer, or duplication of environmental

license plates. The bill would, commencing July 1, 2017, increase to \$53 the fee for the issuance of environmental license plates.

(15) Under existing law, the State Water Resources Control Board administers a water rights program pursuant to which the board grants permits and licenses to appropriate water. Existing law allows a person to apply for, and the board to issue, a temporary permit for diversion and use of water, subject to certain restrictions. Existing law allows a permittee or licensee who has an urgent need to change a point of diversion, place of use, or purpose of use to petition for, and the board to issue, a temporary change order, subject to certain restrictions. Existing law provides that the authorization for a temporary permit or a temporary change order automatically expires 180 days after the date the authorization takes effect and that the 180-day period does not include any time required for monitoring, reporting, or mitigation before or after the authorization to divert or use water under the temporary permit or temporary change order.

This bill would provide that if the temporary permit or temporary change order authorizes diversion to storage, the 180-day period is a limitation on the authorization to divert and not a limitation on the authorization for beneficial use of water diverted to storage.

Under existing law, the board and the California regional water quality control boards prescribe waste discharge requirements in accordance with the federal national pollutant discharge elimination system permit program established by the federal Clean Water Act, and the Porter-Cologne Water Quality Control Act (the act). The act establishes 9 regions, each governed by a California regional water quality control board comprised of 7 members appointed by the Governor, with prescribed experience or associations. Existing law requires that each member of a regional board receive \$100 for each day that member is engaged in the performance of official duties, except that a member is not entitled to compensation if the member otherwise receives compensation from other sources for performing those duties. Existing law prohibits the total compensation received by members of each regional board from exceeding, in any one fiscal year, the sum of \$13,500.

This bill would require that each member of a regional board receive \$250 for each day during which that member is engaged in the performance of official duties, without regard to compensation from other sources, and would specify that the performance of official duties includes reviewing agenda materials for no more than one day in

preparation for each regional board meeting. This bill would prohibit the total compensation received by members of all of the regional boards from exceeding the sum of \$378,250 in any one fiscal year.

(16) Existing law, the Water Quality, Supply, and Infrastructure Improvement Act of 2014, approved by the voters as Proposition 1 at the November 4, 2014, statewide general election, authorizes the issuance of general obligation bonds in the amount of \$7,545,000,000 to finance a water quality, supply, and infrastructure improvement program. The act requires each state agency that receives an appropriation from the funding made available by the act to administer a competitive grant or loan program under the act's provisions to develop and adopt project solicitation and evaluation guidelines before disbursing the grants or loans. The act requires the Secretary of the Natural Resources Agency to publish and post on the Natural Resources Agency's Internet Web site specified information in order to facilitate oversight of funding and projects. The act requires each state agency that receives an appropriation of funding made available by the act to be responsible for establishing metrics of success and reporting the status of projects and all uses of the funding on the state's bond accountability Internet Web site. Existing law requires each state agency that receives an appropriation of funding made available by the act to evaluate the outcomes of projects, report this evaluation on the state's bond accountability Internet Web site, and to hold a grantee of funds accountable for completing projects funded by the act on time and within scope.

This bill, on or before January 10, 2017, and annually on or before each January 10 thereafter, would require the Natural Resources Agency to submit to the relevant fiscal and policy committees of the Legislature and to the Legislative Analyst's Office a report that contains certain information relating to the act for the previous fiscal year. The bill would repeal this reporting requirement on January 1, 2022.

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. During a state of emergency, existing law authorizes the Governor to suspend any regulatory statute, or statute prescribing the procedure for conduct of state business, or the orders, rules, or regulations of any state agency where the Governor determines and declares that strict compliance with any statute, order, rule, or regulation would in any way prevent, hinder, or delay the mitigation

of the effects of the emergency. Pursuant to this authority, the Governor proclaimed a state of emergency, and a continued state of emergency, due to drought conditions and suspended certain statutes.

This bill would require the Natural Resources Agency, on or before January 1, 2020, to submit to the relevant fiscal and policy committees of the Legislature and to the Legislative Analyst’s Office a report summarizing lessons learned from the state’s response to the drought and would require the report to compile information from various state entities responsible for drought response activities.

(17) Existing law appropriates \$3,750,000 on an annual basis from fee revenue in the Water Rights Fund to the State Water resources Control Board for the purpose of funding 25 permanent water enforcement right positions.

This bill would limit that appropriation in a specific manner.

(18) This bill would appropriate \$230,000 from the Timber Regulation and Forest Restoration Fund to the Secretary of the Natural Resources Agency to provide public process and scientific expertise and per diem payments to nongovernmental participants of Timber Regulation and Forest Restoration Program working groups.

(19) This bill would incorporate additional changes to Section 1602 of the Fish and Game Code proposed by AB 1609 and SB 837, that would become operative if this bill and one or both of those bills are enacted and this bill is chaptered last.

(20) 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 no reimbursement is required by this act for a specified reason.

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

~~This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2016.~~

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

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

1 SECTION 1. Section 1602 of the Fish and Game Code is
2 amended to read:

1 1602. (a) An entity ~~may~~ *shall* not substantially divert or
2 obstruct the natural flow of, or substantially change or use any
3 material from the bed, channel, or bank of, any river, stream, or
4 lake, or deposit or dispose of debris, waste, or other material
5 containing crumbled, flaked, or ground pavement where it may
6 pass into any river, stream, or lake, unless all of the following
7 occur:

8 (1) The department receives written notification regarding the
9 activity in the manner prescribed by the department. The
10 notification shall include, but is not limited to, all of the following:

11 (A) A detailed description of the project's location and a map.

12 (B) The name, if any, of the river, stream, or lake affected.

13 (C) A detailed project description, including, but not limited to,
14 construction plans and drawings, if applicable.

15 (D) A copy of any document prepared pursuant to Division 13
16 (commencing with Section 21000) of the Public Resources Code.

17 (E) A copy of any other applicable local, state, or federal permit
18 or agreement already issued.

19 (F) Any other information required by the department.

20 (2) The department determines the notification is complete in
21 accordance with Chapter 4.5 (commencing with Section 65920)
22 of Division 1 of Title 7 of the Government Code, irrespective of
23 whether the activity constitutes a development project for the
24 purposes of that chapter.

25 (3) The entity pays the applicable fees, pursuant to Section 1609.

26 (4) One of the following occurs:

27 ~~(A)~~

28 ~~(i)~~

29 (A) (i) The department informs the entity, in writing, that the
30 activity will not substantially adversely affect an existing fish or
31 wildlife resource, and that the entity may commence the activity
32 without an agreement, if the entity conducts the activity as
33 described in the notification, including any measures in the
34 notification that are intended to protect fish and wildlife resources.

35 (ii) Each region of the department shall log the notifications of
36 activities where no agreement is required. The log shall list the
37 date the notification was received by the department, a brief
38 description of the proposed activity, and the location of the activity.
39 Each item shall remain on the log for one year. Upon written
40 request by any person, a regional office shall send the log to that

1 person monthly for one year. A request made pursuant to this
2 clause may be renewed annually.

3 (B) The department determines that the activity may
4 substantially adversely affect an existing fish or wildlife resource
5 and issues a final agreement to the entity that includes reasonable
6 measures necessary to protect the resource, and the entity conducts
7 the activity in accordance with the agreement.

8 (C) A panel of arbitrators issues a final agreement to the entity
9 in accordance with subdivision (b) of Section 1603, and the entity
10 conducts the activity in accordance with the agreement.

11 (D) The department does not issue a draft agreement to the
12 entity within 60 days from the date notification is complete, and
13 the entity conducts the activity as described in the notification,
14 including any measures in the notification that are intended to
15 protect fish and wildlife resources.

16 (b) (1) If an activity involves the routine maintenance and
17 operation of water supply, drainage, flood control, or waste
18 treatment and disposal facilities, notice to and agreement with the
19 department shall not be required after the initial notification and
20 agreement, unless the department determines either of the
21 following:

22 (A) The work described in the agreement has substantially
23 changed.

24 (B) Conditions affecting fish and wildlife resources have
25 substantially changed, and those resources are adversely affected
26 by the activity conducted under the agreement.

27 (2) This subdivision applies only if notice to, and agreement
28 with, the department was attained prior to January 1, 1977, and
29 the department has been provided a copy of the agreement or other
30 proof of the existence of the agreement that satisfies the
31 department, if requested.

32 (c) *Notwithstanding subdivision (a), the department is not*
33 *required to determine whether the notification is complete or*
34 *otherwise process the notification until the department has received*
35 *the applicable fees.*

36 (e)

37 (d) It is unlawful for any ~~person~~ entity to violate this chapter.

38 *SEC. 1.5. Section 1602 of the Fish and Game Code is amended*
39 *to read:*

1 1602. (a) An entity ~~may~~ *shall* not substantially divert or
2 obstruct the natural flow of, or substantially change or use any
3 material from the bed, channel, or bank of, any river, stream, or
4 lake, or deposit or dispose of debris, waste, or other material
5 containing crumbled, flaked, or ground pavement where it may
6 pass into any river, stream, or lake, unless all of the following
7 occur:

8 (1) The department receives written notification regarding the
9 activity in the manner prescribed by the department. The
10 notification shall include, but is not limited to, all of the following:

11 (A) A detailed description of the project's location and a map.

12 (B) The name, if any, of the river, stream, or lake affected.

13 (C) A detailed project description, including, but not limited to,
14 construction plans and drawings, if applicable.

15 (D) A copy of any document prepared pursuant to Division 13
16 (commencing with Section 21000) of the Public Resources Code.

17 (E) A copy of any other applicable local, state, or federal permit
18 or agreement already issued.

19 (F) Any other information required by the department.

20 (2) The department determines the notification is complete in
21 accordance with Chapter 4.5 (commencing with Section 65920)
22 of Division 1 of Title 7 of the Government Code, irrespective of
23 whether the activity constitutes a development project for the
24 purposes of that chapter.

25 (3) The entity pays the applicable fees, pursuant to Section 1609.

26 (4) One of the following occurs:

27 ~~(A)~~

28 ~~(i)~~

29 (A) (i) The department informs the entity, in writing, that the
30 activity will not substantially adversely affect an existing fish or
31 wildlife resource, and that the entity may commence the activity
32 without an agreement, if the entity conducts the activity as
33 described in the notification, including any measures in the
34 notification that are intended to protect fish and wildlife resources.

35 (ii) Each region of the department shall log the notifications of
36 activities where no agreement is required. The log shall list the
37 date the notification was received by the department, a brief
38 description of the proposed activity, and the location of the activity.
39 Each item shall remain on the log for one year. Upon written
40 request by any person, a regional office shall send the log to that

1 person monthly for one year. A request made pursuant to this
2 clause may be renewed annually.

3 (B) The department determines that the activity may
4 substantially adversely affect an existing fish or wildlife resource
5 and issues a final agreement to the entity that includes reasonable
6 measures necessary to protect the resource, and the entity conducts
7 the activity in accordance with the agreement.

8 (C) A panel of arbitrators issues a final agreement to the entity
9 in accordance with subdivision (b) of Section 1603, and the entity
10 conducts the activity in accordance with the agreement.

11 (D) The department does not issue a draft agreement to the
12 entity within 60 days from the date notification is complete, and
13 the entity conducts the activity as described in the notification,
14 including any measures in the notification that are intended to
15 protect fish and wildlife resources.

16 (b) (1) If an activity involves the routine maintenance and
17 operation of water supply, drainage, flood control, or waste
18 treatment and disposal facilities, notice to and agreement with the
19 department shall not be required after the initial notification and
20 agreement, unless the department determines either of the
21 following:

22 (A) The work described in the agreement has substantially
23 changed.

24 (B) Conditions affecting fish and wildlife resources have
25 substantially changed, and those resources are adversely affected
26 by the activity conducted under the agreement.

27 (2) This subdivision applies only if notice to, and agreement
28 with, the department was attained prior to January 1, 1977, and
29 the department has been provided a copy of the agreement or other
30 proof of the existence of the agreement that satisfies the
31 department, if requested.

32 (c) *Notwithstanding subdivision (a), the department is not*
33 *required to determine whether the notification is complete or*
34 *otherwise process the notification until the department has received*
35 *the applicable fees.*

36 (d) (1) *Notwithstanding subdivision (a), an entity shall not be*
37 *required to obtain an agreement with the department pursuant to*
38 *this chapter for activities authorized by a license or renewed*
39 *license for cannabis cultivation issued by the Department of Food*

1 and Agriculture for the term of the license or renewed license if
2 all of the following occur:

3 (A) The entity submits all of the following to the department:

4 (i) The written notification described in paragraph (1) of
5 subdivision (a).

6 (ii) A copy of the license or renewed license for cannabis
7 cultivation issued by the Department of Food and Agriculture that
8 includes the requirements specified in subdivisions (d), (e), and
9 (f) of Section 19332.2 of the Business and Professions Code.

10 (iii) The fee specified in paragraph (3) of subdivision (a).

11 (B) The department determines in its sole discretion that
12 compliance with the requirements specified in subdivisions (d),
13 (e), and (f) of Section 19332.2 of the Business and Professions
14 Code that are included in the license will adequately protect
15 existing fish and wildlife resources that may be substantially
16 adversely affected by the cultivation without the need for additional
17 measures that the department would include in a draft streambed
18 alteration agreement in accordance with Section 1603.

19 (C) The department notifies the entity in writing that the
20 exemption applies to the cultivation authorized by the license or
21 renewed license.

22 (2) The department shall notify the entity in writing whether the
23 exemption in paragraph (1) applies to the cultivation authorized
24 by the license or renewed license within 60 days from the date that
25 the notification is complete and the fee has been paid.

26 (3) If an entity receives an exemption pursuant to this
27 subdivision and fails to comply with any of the requirements
28 described in subdivision (d), (e), or (f) of Section 19332.2 of the
29 Business and Professions Code that are included in the license,
30 the failure shall constitute a violation under this section, and the
31 department shall notify the Department of Food and Agriculture
32 of any enforcement action taken.

33 (e)

34 (e) It is unlawful for any ~~person~~ entity to violate this chapter.

35 SEC. 2. Section 1609 of the Fish and Game Code is amended
36 to read:

37 1609. (a) The ~~director~~ department may establish a graduated
38 schedule of fees to be charged to any entity subject to this chapter.
39 The fees charged shall be established in an amount necessary to
40 pay the total costs incurred by the department in administering and

1 enforcing this chapter, including, but not limited to, preparing and
2 submitting agreements and conducting inspections. The department
3 ~~may shall annually~~ adjust the fees pursuant to Section 713. Fees
4 received pursuant to this section shall be deposited in the Fish and
5 Game Preservation Fund.

6 (b) (1) The fee schedule established pursuant to subdivision
7 (a) ~~may shall not impose~~ include a fee that exceeds five thousand
8 dollars (\$5,000) for any ~~agreement~~ *single project*.

9 (2) The fee limitation described in paragraph (1) does not apply
10 to any *project included in any* agreement issued pursuant to
11 subdivision (g) of Section 1605.

12 *SEC. 3. Section 1610 of the Fish and Game Code is amended*
13 *to read:*

14 1610. (a) Except as provided in subdivision (b), this chapter
15 does not apply to any of the following:

16 (1) Immediate emergency work necessary to protect life or
17 property.

18 (2) Immediate emergency repairs to public service facilities
19 necessary to maintain service as a result of a disaster in an area in
20 which a state of emergency has been proclaimed by the Governor
21 pursuant to Chapter 7 (commencing with Section 8550) of Division
22 1 of Title 2 of the Government Code.

23 (3) Emergency projects undertaken, carried out, or approved
24 by a state or local governmental agency to maintain, repair, or
25 restore an existing highway, as defined in Section 360 of the
26 Vehicle Code, within the existing right-of-way of the highway,
27 that has been damaged as a result of fire, flood, storm, earthquake,
28 land subsidence, gradual earth movement, or landslide, within one
29 year of the damage. Work needed in the vicinity above and below
30 a highway may be conducted outside of the existing right-of-way
31 if it is needed to stop ongoing or recurring mudslides, landslides,
32 or erosion that pose an immediate threat to the highway, or to
33 restore those roadways damaged by mudslides, landslides, or
34 erosion to their predamage condition and functionality. This
35 paragraph does not exempt from this chapter any project
36 undertaken, carried out, or approved by a state or local
37 governmental agency to expand or widen a highway damaged by
38 fire, flood, storm, earthquake, land subsidence, gradual earth
39 movement, or landslide. The exception provided in this paragraph
40 does not apply to a highway designated as an official state scenic

1 highway pursuant to Section 262 of the Streets and Highways
2 Code.

3 (b) The entity performing the emergency work described in
4 subdivision (a) shall notify the department of the work, in writing,
5 within 14 days of beginning the work. Any work described in the
6 emergency notification that does not meet the criteria for the
7 emergency work described in subdivision (a) is a violation of this
8 chapter if the entity did not first notify the department in
9 accordance with Section ~~1602~~. 1602 or 1611.

10 *SEC. 4. Section 1613 of the Fish and Game Code is amended*
11 *to read:*

12 1613. If, after receiving a notification, but before the
13 department executes a final agreement, the ~~director of the~~
14 department informs the entity, in writing, that the activity described
15 in the notification, or any activity or conduct by the entity directly
16 related thereto, violates any provision of this code or the regulations
17 that implement the code, the department may suspend processing
18 the notification, and subparagraph (D) of paragraph (4) of
19 subdivision (a) of Section 1602 and the timelines specified in
20 Section 1603 do not apply. This section ceases to apply if any of
21 the following occurs:

22 (a) The department determines that the violation has been
23 remedied.

24 (b) Legal action to prosecute the violation is not filed within
25 the applicable statute of limitations.

26 (c) Legal action to prosecute the violation has been terminated.

27 *SEC. 5. Section 1615 of the Fish and Game Code is amended*
28 *to read:*

29 1615. (a) ~~A person who~~ *An entity that* violates this chapter is
30 subject to a civil penalty of not more than twenty-five thousand
31 dollars (\$25,000) for each violation.

32 (b) The civil penalty imposed pursuant to subdivision (a) is
33 separate from, and in addition to, any other civil penalty imposed
34 pursuant to this section or any other provision of the law.

35 (c) In determining the amount of any civil penalty imposed
36 pursuant to this section, the court shall take into consideration all
37 relevant circumstances, including, but not limited to, the nature,
38 circumstance, extent, and gravity of the violation. In making this
39 determination, the court may consider the degree of toxicity and
40 volume of the discharge, the extent of harm caused by the violation,

1 whether the effects of the violation may be reversed or mitigated,
2 and, with respect to the defendant, the ability to pay, the effect of
3 any civil penalty on the ability to continue in business, any
4 voluntary cleanup efforts undertaken, any prior history of
5 violations, the gravity of the behavior, the economic benefit, if
6 any, resulting from the violation, and any other matters the court
7 determines that justice may require.

8 (d) Every civil action brought under this section shall be brought
9 by the Attorney General upon complaint by the department, or by
10 the district attorney or city attorney in the name of the people of
11 the State of California, and any actions relating to the same
12 violation may be joined or consolidated.

13 (e) (1) In any civil action brought pursuant to this chapter in
14 which a temporary restraining order, preliminary injunction, or
15 permanent injunction is sought, it is not necessary to allege or
16 prove at any stage of the proceeding any of the following:

17 (A) That irreparable damage will occur if the temporary
18 restraining order, preliminary injunction, or permanent injunction
19 is not issued.

20 (B) That the remedy at law is inadequate.

21 (2) The court shall issue a temporary restraining order,
22 preliminary injunction, or permanent injunction in a civil action
23 brought pursuant to this chapter without the allegations and without
24 the proof specified in paragraph (1).

25 (f) All civil penalties collected pursuant to this section shall not
26 be considered fines or forfeitures as defined in Section 13003, and
27 shall be apportioned in the following manner:

28 (1) Fifty percent shall be distributed to the county treasurer of
29 the county in which the action is prosecuted. Amounts paid to the
30 county treasurer shall be deposited in the county fish and wildlife
31 propagation fund established pursuant to Section 13100.

32 (2) Fifty percent shall be distributed to the department for
33 deposit in the Fish and Game Preservation Fund. These funds may
34 be expended to cover the costs of any legal actions or for any other
35 law enforcement purpose consistent with Section 9 of Article XVI
36 of the California Constitution.

37 *SEC. 6. Section 2081.2 is added to the Fish and Game Code,*
38 *to read:*

39 *2081.2. (a) For the purposes of this section, the following*
40 *terms have the following meanings:*

1 (1) “Permit” means any authorization issued by the department
2 pursuant to this article to take a species listed by this chapter as
3 candidate, threatened, or endangered.

4 (2) “Permittee” includes any individual, firm, association,
5 organization, partnership, business, trust, corporation, limited
6 liability company, district, city, county, city and county, town,
7 federal agency, and the state who applies for or who has received
8 a permit pursuant to this article.

9 (3) “Project” has the same meaning as defined in Section 21065
10 of the Public Resources Code.

11 (4) “Project cost” means the total direct and indirect project
12 expenses that include, but are not limited to, labor, equipment,
13 permanent materials and supplies, subcontracts, permits and
14 licenses, overhead, and miscellaneous costs.

15 (5) “Voluntary habitat restoration project” means a project
16 that meets both of the following requirements:

17 (A) The project’s primary purpose is voluntary habitat
18 restoration and the project may have other environmental benefits,
19 and the project is not required as mitigation due to a regulatory
20 action.

21 (B) The project is not part of a regulatory settlement, a
22 regulatory enforcement action, or a court order.

23 (b) (1) The department shall collect a permit application fee
24 for processing a permit application submitted pursuant to this
25 article at the time the permit application is submitted to the
26 department. Notwithstanding Section 2098, upon appropriation
27 to the department from the Endangered Species Permitting
28 Account, the department shall use the permit application fee to
29 pay for all or a portion of the department’s cost of processing
30 permit applications, permit development, and compliance
31 monitoring pursuant to this article.

32 (2) This subdivision does not apply to any of the following:

33 (A) Activities or costs associated with the review of projects,
34 inspection and oversight of projects, and permits necessary to
35 conduct timber operations, as defined in Section 4527 of the Public
36 Resources Code, in accordance with Article 9.5 (commencing with
37 Section 4629) of Chapter 8 of Part 2 of Division 4 of the Public
38 Resources Code.

39 (B) Permits or memoranda of understanding authorized by
40 subdivision (a) of Section 2081.

- 1 (C) *Permits for voluntary habitat restoration projects.*
2 (c) *The department shall assess the permit application fee as*
3 *follows, subject to subdivision (f):*
4 (1) *For a project, regardless of estimated project cost, that is*
5 *subject only to Section 2080.1, 2080.3, or 2080.4, the department*
6 *shall assess either of the following amounts:*
7 (A) *Seven thousand five hundred dollars (\$7,500).*
8 (B) *Six thousand dollars (\$6,000), if the project uses a*
9 *department-approved conservation or mitigation bank to fulfill*
10 *mitigation obligations pursuant to this article.*
11 (2) *For a project where the estimated project cost is less than*
12 *one hundred thousand dollars (\$100,000), the department shall*
13 *assess either of the following amounts:*
14 (A) *Seven thousand five hundred dollars (\$7,500).*
15 (B) *Six thousand dollars (\$6,000), if the project uses a*
16 *department-approved conservation or mitigation bank to fulfill*
17 *mitigation obligations pursuant to this article.*
18 (3) *For a project where the estimated project cost is one hundred*
19 *thousand dollars (\$100,000) or more but less than five hundred*
20 *thousand dollars (\$500,000), the department shall assess either*
21 *of the following amounts:*
22 (A) *Fifteen thousand dollars (\$15,000).*
23 (B) *Twelve thousand dollars (\$12,000), if the project uses a*
24 *department-approved conservation or mitigation bank to fulfill*
25 *mitigation obligations pursuant to this article.*
26 (4) *For a project where the estimated project cost is five hundred*
27 *thousand dollars (\$500,000) or more, the department shall assess*
28 *either of the following amounts:*
29 (A) *Thirty thousand dollars (\$30,000).*
30 (B) *Twenty-four thousand dollars (\$24,000), if the project uses*
31 *a department-approved conservation or mitigation bank to fulfill*
32 *mitigation obligations pursuant to this article.*
33 (5) *The department shall collect a fee of seven thousand five*
34 *hundred dollars (\$7,500) for processing permit amendments that*
35 *the department has determined are minor as defined in regulation*
36 *or fifteen thousand dollars (\$15,000) for processing permit*
37 *amendments that the department has determined are major as*
38 *defined in regulation.*
39 (d) (1) *If the permit or amendment application fee paid pursuant*
40 *to subdivision (c) is determined by the department to be insufficient*

1 to complete permitting work due to the complexity of a project or
2 the potential effects of a project, the department shall collect an
3 additional fee of up to ten thousand dollars (\$10,000) from the
4 permittee to pay for its estimated costs. Upon its determination,
5 the department shall notify the permittee of the reasons why an
6 additional fee is necessary and the estimated amount of the
7 additional fee.

8 (2) The additional fee collected pursuant to paragraph (1) shall
9 not exceed an amount that, when added to the fee paid pursuant
10 to subdivision (c), equals thirty-five thousand dollars (\$35,000).
11 The department shall collect the additional fee before a final
12 decision on the application by the department.

13 (e) (1) For an application submitted to the department pursuant
14 to this article on or after the effective date of this section, the
15 department shall collect the permit application fee at the time the
16 permit application is submitted. The department shall not deem
17 the application complete until it has collected the permit
18 application fee. A permit application submitted or deemed complete
19 prior to the effective date of this section shall not be subject to fees
20 established pursuant to this section.

21 (2) If a permit or amendment application is withdrawn within
22 30 days after paying the permit or amendment application fee, the
23 department shall refund any unused portion of the fee to the
24 permittee.

25 (3) If a permit or amendment application is withdrawn after 30
26 days of paying the permit or amendment application fee, the
27 department shall not refund any portion of the fee to the permittee.

28 (f) (1) The department shall adjust the fees in this section
29 pursuant to Section 713.

30 (2) The Legislature finds that all revenues generated under this
31 section and used for the purposes for which they were imposed
32 are not subject to Article XIII B of the California Constitution.

33 (3) The department, at least every five years, shall analyze
34 application fees pursuant to Section 713 to ensure the appropriate
35 fee amounts are charged.

36 (g) Fees paid to the department pursuant to this section shall
37 be deposited in the Endangered Species Permitting Account, which
38 is hereby established in the Fish and Game Preservation Fund.
39 Notwithstanding Section 2098, funds in the account shall be
40 available to the department, upon appropriation by the Legislature,

1 *for the purposes of administering and implementing this chapter,*
2 *except that fee moneys collected pursuant to this section shall only*
3 *be used for the purposes of this article.*

4 *SEC. 7. Section 2942 of the Fish and Game Code is amended*
5 *to read:*

6 2942. (a) (1) The secretary, in consultation and coordination
7 with the authority, shall lead the Salton Sea restoration efforts that
8 shall include all of the following:

9 (A) Early start habitat demonstration projects.

10 (B) Biological investigations relating to the restoration of the
11 Salton Sea.

12 (C) Investigations of water quality, sedimentation, and inflows
13 relating to the restoration of the Salton Sea.

14 (D) Air quality investigations, in consultation and coordination
15 with local and regional air quality agencies, relating to the
16 restoration of the Salton Sea.

17 (E) Geotechnical investigations relating to the restoration of the
18 Salton Sea.

19 (F) Financial assistance grant programs to support restoration
20 activities of local stakeholders.

21 (2) Nothing in this article shall alter any state responsibility
22 under the Quantification Settlement Agreement or the state's
23 authority to carry out any responsibility under the Quantification
24 Settlement Agreement.

25 (3) (A) To the extent that funding is appropriated to the
26 department for Salton Sea restoration activities, the Department
27 of Water Resources, in coordination and under agreement with the
28 department, may undertake restoration efforts identified in this
29 subdivision.

30 (B) The department and the Department of Water Resources
31 shall do all of the following for the Salton Sea Species
32 Conservation Habitat Project:

33 (i) Immediately make available relevant information relating to
34 the factors that influence the cost and size of the alternatives
35 discussed in the environmental impact report or environmental
36 impact statement for the species habitat conservation program.

37 (ii) Release all available detail on a final project design
38 immediately, or upon final determination of a least environmentally
39 damaging preferred alternative by the United States Army Corps

1 of Engineers. Details of a final project design shall include location,
2 configuration, size, and cost.

3 (iii) Immediately make available project evaluation protocols
4 that include the following principles of adaptive management:

5 (I) Goals and objectives of the project.
6 (II) The project design and an operations plan.
7 (III) A monitoring plan that will include metrics that identify
8 benefits to the species.
9 (IV) A performance evaluation based on species population
10 identified through monitoring.
11 (V) A decisionmaking framework to evaluate project
12 performance and guide operations and management changes.

13 (b) (1) The authority may lead a feasibility study, in
14 coordination and under contract with the secretary, to do the
15 following:

16 (A) Investigate access and utility agreements that may contribute
17 to the future funding of restoration activities at the Salton Sea.
18 (B) Analyze all feasible funding sources for restoration program
19 components and activities.
20 (C) Analyze economic development opportunities, including,
21 but not limited to, renewable energy, biofuels, mineral
22 development, and algae production for the purposes of identifying
23 new revenue sources for the Salton Sea restoration efforts.
24 (D) Identify state procurement and royalty sharing opportunities.
25 (E) Review existing long-term plans for restoration of the Salton
26 Sea and recommend to the secretary changes to existing restoration
27 plans. In any review pursuant to this subparagraph, the authority
28 shall consider the impacts of the restoration plan on air quality,
29 fish and wildlife habitat, water quality, and the technical and
30 financial feasibility of the restoration plan and shall consider the
31 impacts on other agencies responsible for air quality, endangered
32 species, and other environmental mitigation requirements for
33 implementation of the Quantification Settlement Agreement.

34 (2) No evaluation, study, review, or other activity pursuant to
35 this article shall delay the planning and implementation of ongoing
36 and planned restoration or mitigation projects, including, but not
37 limited to, the Salton Sea Species Conservation Habitat Project or
38 other measures pursuant to existing state and federal programs and
39 agreements.

1 (c) Notwithstanding any other law, the Department of Water
2 Resources is authorized to use design-build procurement authority
3 for projects constructed at the Salton Sea in accordance with
4 Article 6 (commencing with Section 10187) of Chapter 1 of Part
5 2 of Division 2 of the Public Contract Code.

6 SEC. 8. Section 4502.5 is added to the Fish and Game Code,
7 to read:

8 4502.5. This section shall be known, and may be cited, as the
9 California Orca Protection Act.

10 (a) It is unlawful for any person to do any of the following:

11 (1) (A) Except as provided in subparagraph (B) and subdivision
12 (c), hold in captivity an orca, whether wild-caught or captive-bred,
13 for any purpose, including, but not limited to, display, performance,
14 or entertainment purposes.

15 (B) An orca located in the state on January 1, 2017, may
16 continue to be held in captivity for its current purpose and after
17 June 1, 2017, may continue to be used for educational
18 presentations.

19 (2) Breed or impregnate any orca held in captivity in the state.

20 (3) Export, collect, or import the semen, other gametes, or
21 embryos of an orca held in captivity for the purpose of artificial
22 insemination.

23 (4) Export, transport, move, or sell an orca located in the state
24 to another state or country unless otherwise authorized by federal
25 law or if the transfer is to another facility within North America
26 that meets standards comparable to those provided under the
27 Animal Welfare Act (7 U.S.C. Sec. 2131 and following).

28 (b) A person, corporation, or institution that intentionally or
29 negligently violates subdivision (a) is guilty of a misdemeanor
30 and, upon conviction thereof, shall be punished by a fine not to
31 exceed one hundred thousand dollars (\$100,000).

32 (c) This section does not apply to an orca that is held by a bona
33 fide educational or scientific institution for rehabilitation after a
34 rescue or stranding or for research purposes. However, the
35 department shall be notified immediately upon the rescue or
36 acquisition of any orca, and an orca that is held for rehabilitation
37 or research purposes shall be returned to the wild whenever
38 possible. If return to the wild is not possible, the orca may be used
39 for educational presentations, but shall not be used for breeding,
40 performance, or entertainment purposes.

1 (d) As used in this section, the following terms are defined as
2 follows:

3 (1) “Educational presentation” means a live, scheduled orca
4 display in the presence of spectators that includes natural
5 behaviors, enrichment, exercise activities, and a live narration
6 and video content that provides science-based education to the
7 public about orcas.

8 (2) “Orca” means a killer whale (*Orcinus orca*).

9 (3) “Bona fide educational or scientific institution” means an
10 institution that establishes through documentation any of the
11 following:

12 (A) Educational or scientific tax exemption from the Internal
13 Revenue Service or the institution’s national, state, or local tax
14 authority.

15 (B) Accreditation as an educational or scientific institution from
16 a qualified national, regional, state, or local authority for the
17 institution’s location.

18 (C) Accreditation by a nationally or internationally recognized
19 zoological or aquarium accreditation organization.

20 (e) The provisions of this section are severable. If any provision
21 of this section or its application is held invalid, that invalidity shall
22 not affect other provisions or applications that can be given effect
23 without the invalid provision or application.

24 SEC. 9. Section 12008.1 is added to the Fish and Game Code,
25 to read:

26 12008.1. (a) Notwithstanding Section 12002 or 12008, the
27 punishment for any violation of Section 2080 or 2085 is a fine of
28 not less than twenty-five thousand dollars (\$25,000) or more than
29 fifty thousand dollars (\$50,000) for each violation or imprisonment
30 in the county jail for not more than one year, or by both that fine
31 and imprisonment.

32 (b) Notwithstanding any other law, the moneys collected from
33 any fine or forfeiture imposed or collected for violating Chapter
34 1.5 (commencing with Section 2050) of Division 3 shall be
35 deposited as follows:

36 (1) One-half in the Endangered Species Permitting Account
37 established pursuant to Section 2081.2.

38 (2) One-half in the county treasury of the county in which the
39 violation occurred. The board of supervisors shall first use
40 revenues pursuant to this subdivision to reimburse the costs

1 *incurred by the district attorney or city attorney in investigating*
2 *and prosecuting the violation. Any excess revenues may be*
3 *expended in accordance with Section 13103.*

4 *SEC. 10. Section 12157 of the Fish and Game Code is amended*
5 *to read:*

6 12157. (a) Except as provided in subdivision (b), the judge
7 before whom any person is tried for a violation of any provision
8 of this code, or regulation adopted pursuant thereto, may, upon
9 the conviction of the person tried, order the forfeiture of any device
10 or apparatus that is designed to be, or is capable of being, used to
11 take birds, mammals, fish, reptiles, or amphibia and that was used
12 in committing the offense charged.

13 (b) The judge shall, if the offense is punishable under Section
14 12008 *or* 12008.1 of this code or under subdivision (c) of Section
15 597 of the Penal Code, order the forfeiture of any device or
16 apparatus that is used in committing the offense, including, but
17 not limited to, any vehicle that is used or intended for use in
18 delivering, importing, or exporting any unlawfully taken, imported,
19 or purchased species.

20 (c) (1) The judge may, for conviction of a violation of any of
21 the following offenses, order forfeiture of any device or apparatus
22 that is used in committing the offense, including, but not limited
23 to, any vehicle used or intended for use in committing the offense:

24 (A) Section 2000 relating to deer, elk, antelope, feral pigs,
25 European wild boars, black bears, and brown or cinnamon bears.

26 (B) Any offense that involves the sale, purchase, or possession
27 of abalone for commercial purposes.

28 (C) Any offense that involves the sale, purchase, or possession
29 of sturgeon or lobster, pursuant to Section 7370 or 8254.

30 (D) Any offense that involves a violation of Section 12012.

31 (E) A violation of subdivision (b) of Section 12013.

32 (2) In considering an order of forfeiture under this subdivision,
33 the court shall take into consideration the nature, circumstances,
34 extent, and gravity of the prohibited act committed, the degree of
35 culpability of the violator, the property proposed for forfeiture,
36 and other criminal or civil penalties imposed on the violator under
37 other provisions of law for that offense. The court shall impose
38 lesser forfeiture penalties under this subdivision for those acts that
39 have little significant effect upon natural resources or the property
40 of another and greater forfeiture penalties for those acts that may

1 cause serious injury to natural resources or the property of another,
2 as determined by the court. In determining whether or not to order
3 forfeiture of a vehicle, the court shall, in addition to any other
4 relevant factor, consider whether the defendant is the owner of the
5 vehicle and whether the owner of the vehicle had knowledge of
6 the violation.

7 (3) It is the intent of the Legislature that forfeiture not be ordered
8 pursuant to this subdivision for minor or inadvertent violations,
9 as determined by the court.

10 (d) A judge shall not order the forfeiture of a vehicle under this
11 section if there is a community property interest in the vehicle that
12 is owned by a person other than the defendant and the vehicle is
13 the only vehicle available to the defendant's immediate family that
14 may be operated on the highway with a class A, class B, or class
15 C driver's license.

16 (e) Any device or apparatus ordered forfeited shall be sold, used,
17 or destroyed by the department.

18 (f) (1) The proceeds from all sales under this section, after
19 payment of any valid liens on the forfeited property, shall be paid
20 into the Fish and Game Preservation Fund.

21 (2) A lien in which the lienholder is a conspirator is not a valid
22 lien for purposes of this subdivision.

23 (g) The provisions in this section authorizing or requiring a
24 judge to order the forfeiture of a device or apparatus also apply to
25 the judge, referee, or juvenile hearing officer in a juvenile court
26 action brought under Section 258 of the Welfare and Institutions
27 Code.

28 (h) For purposes of this section, a plea of nolo contendere or no
29 contest, or forfeiture of bail, constitutes a conviction.

30 (i) Neither the disposition of the criminal action other than by
31 conviction nor the discretionary refusal of the judge to order
32 forfeiture upon conviction impairs the right of the department to
33 commence proceedings to order the forfeiture of fish nets or traps
34 pursuant to Section 8630.

35 *SEC. 11. Section 12159.5 of the Fish and Game Code is*
36 *amended to read:*

37 12159.5. The judge before whom any person is tried for a
38 violation of a provision of this code that prohibits the taking of
39 any endangered species, threatened species, or fully protected bird,
40 mammal, reptile, amphibian, or fish, as specified by ~~Section 12008,~~

1 Sections 12008 and 12008.1, may, in the court's discretion and
2 upon the conviction of that person, order the forfeiture of any
3 proceeds resulting from the taking of the endangered species,
4 threatened species, or fully protected bird, mammal, reptile,
5 amphibian, or fish.

6 SEC. 12. Section 52334 of the Food and Agricultural Code is
7 repealed.

8 ~~52334. Notwithstanding any other law, on and after January~~
9 ~~1, 2015, a city, county, or district, including a charter city or~~
10 ~~county, shall not adopt or enforce an ordinance that regulates~~
11 ~~plants, crops, or seeds without the consent of the secretary. An~~
12 ~~ordinance enacted before January 1, 2015, shall be considered part~~
13 ~~of the comprehensive program of the department and shall be~~
14 ~~enforceable.~~

15 SEC. 13. Section 52334 is added to the Food and Agricultural
16 Code, to read:

17 52334. The declaration of a plant, seed, nursery stock, or crop
18 as invasive is a power reserved for the secretary.

19 SEC. 14. Section 8670.48.3 of the Government Code is
20 amended to read:

21 8670.48.3. (a) Notwithstanding subparagraph (A) of paragraph
22 (1) of subdivision (f) of Section 8670.48, a loan or other transfer
23 of money from the fund to the General Fund *or a special fund*
24 pursuant to the Budget Act that reduces the balance of the Oil Spill
25 Response Trust Fund to less than or equal to 95 percent of the
26 designated amount specified in subdivision (a) of Section 46012
27 of the Revenue and Taxation Code shall not obligate the
28 administrator to resume collection of the oil spill response fee
29 otherwise required by this ~~article~~ *article, except that, for a General*
30 *Fund loan or transfer, the administrator's obligation is suspended*
31 *only if both of the following conditions are met:*

32 (1) The annual Budget Act requires a transfer or loan from the
33 fund to *the General Fund* to be repaid to the fund with interest
34 calculated at a rate earned by the Pooled Money Investment
35 Account as if the money had remained in the fund.

36 (2) The annual Budget Act requires ~~at~~ *the General Fund*
37 transfers or loans to be repaid to the fund on or before June 30,
38 ~~2017.~~ *2019.*

1 (b) A transfer or loan described in subdivision (a) shall be repaid
2 as soon as possible if a spill occurs and the administrator
3 determines that response funds are needed immediately.

4 (c) If there is a conflict between this section and any other law
5 or enactment, this section shall control.

6 (d) This section shall become inoperative on July 1, ~~2017~~, 2019,
7 and, as of January 1, ~~2018~~, 2020, is repealed, unless a later enacted
8 statute, that becomes operative on or before January 1, ~~2018~~, 2020,
9 deletes or extends the dates on which it becomes inoperative and
10 is repealed.

11 *SEC. 15. Section 12812.2 of the Government Code is amended*
12 *to read:*

13 12812.2. (a) One of the deputies to the Secretary for
14 Environmental Protection shall be a deputy secretary for law
15 enforcement and counsel, who, subject to the direction and
16 supervision of the secretary, shall have the responsibility and
17 authority to do all of the following:

18 (1) Develop a program to ensure that the boards, departments,
19 offices, and other agencies that implement laws or regulations
20 within the jurisdiction of the California Environmental Protection
21 Agency take consistent, effective, and coordinated compliance
22 and enforcement actions to protect public health and the
23 environment. The program shall include training and cross-training
24 of inspection and enforcement personnel of those boards,
25 departments, offices, or other agencies to ensure consistent,
26 effective, and coordinated enforcement.

27 (2) (A) In consultation with the Attorney General, establish a
28 cross-media enforcement unit to assist a board, department, office,
29 or other agency that implements a law or regulation within the
30 jurisdiction of the California Environmental Protection Agency,
31 to investigate and prepare matters for enforcement action in order
32 to protect public health and the environment. The unit may inspect
33 and investigate a violation of a law or regulation within the
34 jurisdiction of the board, department, office, or other agency,
35 including a violation involving more than one environmental
36 medium and a violation involving the jurisdiction of more than
37 one board, department, office, or agency. The unit shall exercise
38 its authority consistent with the authority granted to the head of a
39 department pursuant to Article 2 (commencing with Section 11180)
40 of Chapter 2 of Part 1.

1 (B) Each board, department, or office within the California
2 Environmental Protection Agency shall participate and have
3 representatives in the cross-media enforcement unit established
4 pursuant to this section. The unit, including those representatives,
5 shall undertake activities consistent with Section 71110 of the
6 Public Resources Code and shall give priority to activities in
7 disadvantaged communities identified by the California
8 Environmental Protection Agency pursuant to Section 39711 of
9 the Health and Safety Code.

10 (3) Refer a violation of a law or regulation within the jurisdiction
11 of a board, department, office, or other agency that implements a
12 law or regulation within the jurisdiction of the California
13 Environmental Protection Agency to the Attorney General, a
14 district attorney, or city attorney for the filing of a civil or criminal
15 action.

16 (4) Exercise the authority granted pursuant to paragraph (3)
17 only after providing notice to the board, department, office, or
18 other agency unless the secretary determines that notice would
19 compromise an investigation or enforcement action.

20 (b) Nothing in this section shall authorize the deputy secretary
21 for law enforcement and counsel to duplicate, overlap, compromise,
22 or otherwise interfere with an investigation or enforcement action
23 undertaken by a board, department, office, or other agency that
24 implements a law or regulation subject to the jurisdiction of the
25 California Environmental Protection Agency.

26 (c) The Environmental Protection Agency shall post on its Web
27 site, updated no later than December 1 of each year, the status of
28 the implementation of this section.

29 *SEC. 16. Section 25150.7 of the Health and Safety Code is*
30 *amended to read:*

31 25150.7. (a) The Legislature finds and declares that this section
32 is intended to address the unique circumstances associated with
33 the generation and management of treated wood waste. The
34 Legislature further declares that this section does not set a
35 precedent applicable to the management, including disposal, of
36 other hazardous wastes.

37 (b) For purposes of this section, the following definitions shall
38 apply:

39 (1) "Treated wood" means wood that has been treated with a
40 chemical preservative for purposes of protecting the wood against

1 attacks from insects, microorganisms, fungi, and other
2 environmental conditions that can lead to decay of the wood, and
3 the chemical preservative is registered pursuant to the Federal
4 Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136 et
5 seq.).

6 (2) “Wood preserving industry” means business concerns, other
7 than retailers, that manufacture or sell treated wood products in
8 the state.

9 (c) This section applies only to treated wood waste that, solely
10 due to the presence of a preservative in the wood, is a hazardous
11 waste and to which both of the following requirements apply:

12 (1) The treated wood waste is not subject to regulation as a
13 hazardous waste under the federal act.

14 (2) Section 25143.1.5 does not apply to the treated wood waste.

15 (d) (1) Notwithstanding Sections 25189.5 and 25201, treated
16 wood waste shall be disposed of in either a class I hazardous waste
17 landfill, or in a composite-lined portion of a solid waste landfill
18 unit that meets all requirements applicable to disposal of municipal
19 solid waste in California after October 9, 1993, and that is regulated
20 by waste discharge requirements issued pursuant to Division 7
21 (commencing with Section 13000) of the Water Code for
22 discharges of designated waste, as defined in Section 13173 of the
23 Water Code, or treated wood waste.

24 (2) A solid waste landfill that accepts treated wood waste shall
25 comply with all of the following requirements:

26 (A) Manage the treated wood waste to prevent scavenging.

27 (B) Ensure that any management of the treated wood waste at
28 the solid waste landfill before disposal, or in lieu of disposal,
29 complies with the applicable requirements of this chapter, except
30 as otherwise provided by regulations adopted pursuant to
31 subdivision (f).

32 (C) If monitoring at the composite-lined portion of a landfill
33 unit at which treated wood waste has been disposed of indicates
34 a verified release, then treated wood waste shall not be discharged
35 to that landfill unit until corrective action results in cessation of
36 the release.

37 (e) (1) Each wholesaler and retailer of treated wood and treated
38 wood-like products in this state shall conspicuously post
39 information at or near the point of display or customer selection
40 of treated wood and treated wood-like products used for fencing,

1 decking, retaining walls, landscaping, outdoor structures, and
2 similar uses. The information shall be provided to wholesalers and
3 retailers by the wood preserving industry in 22-point type, or larger,
4 and contain the following message:

5

6 Warning—Potential Danger

7

8 These products are treated with wood preservatives registered
9 with the United States Environmental Protection Agency and the
10 California Department of Pesticide Regulation and should only be
11 used in compliance with the product labels.

12 This wood may contain chemicals classified by the State of
13 California as hazardous and should be handled and disposed of
14 with care. Check product label for specific preservative information
15 and Proposition 65 warnings concerning presence of chemicals
16 known to the State of California to cause cancer or birth defects.

17 Anyone working with treated wood, and anyone removing old
18 treated wood, needs to take precautions to minimize exposure to
19 themselves, children, pets, or wildlife, including:

20

21 □ Avoid contact with skin. Wear gloves and long sleeved shirts
22 when working with treated wood. Wash exposed areas thoroughly
23 with mild soap and water after working with treated wood.

24

25 □ Wear a dust mask when machining any wood to reduce the
26 inhalation of wood dusts. Avoid frequent or prolonged inhalation
27 of sawdust from treated wood. Machining operations should be
28 performed outdoors whenever possible to avoid indoor
29 accumulations of airborne sawdust.

30

31 □ Wear appropriate eye protection to reduce the potential for eye
32 injury from wood particles and flying debris during machining.

33

34 □ If preservative or sawdust accumulates on clothes, launder
35 before reuse. Wash work clothes separately from other household
36 clothing.

37

38 □ Promptly clean up and remove all sawdust and scraps and
39 dispose of appropriately.

40

1 □ Do not use treated wood under circumstances where the
2 preservative may become a component of food or animal feed.

3
4 □ Only use treated wood that’s visibly clean and free from surface
5 residue for patios, decks, or walkways.

6
7 □ Do not use treated wood where it may come in direct or indirect
8 contact with public drinking water, except for uses involving
9 incidental contact such as docks and bridges.

10
11 □ Do not use treated wood for mulch.

12
13 □ Do not burn treated wood. Preserved wood should not be burned
14 in open fires, stoves, or fireplaces.

15
16 For further information, go to the Internet Web site
17 <http://www.preservedwood.org> and download the free Treated
18 Wood Guide mobile application.

19
20 In addition to the above listed precautions, treated wood waste
21 shall be managed in compliance with applicable hazardous waste
22 control laws.

23 (2) On or before July 1, 2005, the wood preserving industry
24 shall, jointly and in consultation with the department, make
25 information available to generators of treated wood waste,
26 including fencing, decking, and landscape contractors, solid waste
27 landfills, and transporters, that describes how to best handle,
28 dispose of, and otherwise manage treated wood waste, through the
29 use either of a toll-free telephone number, Internet Web site,
30 information labeled on the treated wood, information
31 accompanying the sale of the treated wood, or by mailing if the
32 department determines that mailing is feasible and other methods
33 of communication would not be as effective. A treated wood
34 manufacturer or supplier to a wholesaler or retailer shall also
35 provide the information with each shipment of treated wood
36 products to a wholesaler or retailer, and the wood preserving
37 industry shall provide it to fencing, decking, and landscaping
38 contractors, by mail, using the Contractors’ State License Board’s
39 available listings, and license application packages. The department

1 may provide guidance to the wood preserving industry, to the
2 extent resources permit.

3 (f) (1) On or before January 1, 2007, the department, in
4 consultation with the Department of Resources Recycling and
5 Recovery, the State Water Resources Control Board, and the Office
6 of Environmental Health Hazard Assessment, and after
7 consideration of any known health hazards associated with treated
8 wood waste, shall adopt and may subsequently revise as necessary,
9 regulations establishing management standards for treated wood
10 waste as an alternative to the requirements specified in this chapter
11 and the regulations adopted pursuant to this chapter.

12 (2) The regulations adopted pursuant to this subdivision shall,
13 at a minimum, ensure all of the following:

14 (A) Treated wood waste is properly stored, treated, transported,
15 tracked, disposed of, and otherwise managed to prevent, to the
16 extent practical, releases of hazardous constituents to the
17 environment, prevent scavenging, and prevent harmful exposure
18 of people, including workers and children, aquatic life, and animals
19 to hazardous chemical constituents of the treated wood waste.

20 (B) Treated wood waste is not reused, with or without treatment,
21 except for a purpose that is consistent with the approved use of
22 the preservative with which the wood has been treated. For
23 purposes of this subparagraph, “approved uses” means a use
24 approved at the time the treated wood waste is reused.

25 (C) Treated wood waste is managed in accordance with all
26 applicable laws.

27 (D) Any size reduction of treated wood waste is conducted in
28 a manner that prevents the uncontrolled release of hazardous
29 constituents to the environment, and that conforms to applicable
30 worker health and safety requirements.

31 (E) All sawdust and other particles generated during size
32 reduction are captured and managed as treated wood waste.

33 (F) All employees involved in the acceptance, storage, transport,
34 and other management of treated wood waste are trained in the
35 safe and legal management of treated wood waste, including, but
36 not limited to, procedures for identifying and segregating treated
37 wood waste.

38 (g) (1) A person managing treated wood waste who is subject
39 to a requirement of this chapter, including a regulation adopted
40 pursuant to this chapter, shall comply with either the alternative

1 standard specified in the regulations adopted pursuant to
2 subdivision (f) or with the requirements of this chapter.

3 (2) A person who is in compliance with the alternative standard
4 specified in the regulations adopted pursuant to subdivision (f) is
5 deemed to be in compliance with the requirement of this chapter
6 for which the regulation is identified as being an alternative, and
7 the department and any other entity authorized to enforce this
8 chapter shall consider that person to be in compliance with that
9 requirement of this chapter.

10 (h) On January 1, 2005, all variances granted by the department
11 before January 1, 2005, governing the management of treated wood
12 waste are inoperative and have no further effect.

13 (i) This section does not limit the authority or responsibility of
14 the department to adopt regulations under any other law.

15 (j) ~~(H)~~ On or before ~~January~~ *July* 1, 2018, the department shall
16 prepare, post on its Internet Web site, and provide to the
17 appropriate policy committees of the Legislature, a comprehensive
18 report on the compliance with, and implementation of, this section.
19 The report shall include, but not be limited to, all of the following:

20 ~~(A)~~

21 (I) Data, and evaluation of that data, on the rates of compliance
22 with this section and injuries associated with handling treated wood
23 waste based on department inspections of treated wood waste
24 generator sites and treated wood waste disposal facilities. To gather
25 data to perform the required evaluation, the department shall do
26 all of the following:

27 ~~(i)~~

28 (A) The department shall inspect representative treated wood
29 waste generator sites and treated wood waste disposal facilities,
30 which shall not to be less than 25 percent of each.

31 ~~(ii)~~

32 (B) The department shall survey and otherwise seek information
33 on how households are currently handling, transporting, and
34 disposing of treated wood waste, including available information
35 from household hazardous waste collection facilities, solid waste
36 transfer facilities, solid waste disposal facility load check programs,
37 and CUPAs.

38 ~~(iii)~~

39 (C) The department shall, by survey or otherwise, seek data to
40 determine whether sufficient information and convenient collection

1 and disposal options are available to household generators of
2 treated wood waste.

3 ~~(B)~~

4 (2) An evaluation of the adequacy of protective measures taken
5 in tracking, handling, and disposing of treated wood waste.

6 ~~(C)~~

7 (3) Data regarding the unauthorized disposal of treated wood
8 waste at disposal facilities that have not been approved for that
9 disposal.

10 ~~(D)~~

11 (4) Conclusions regarding the handling of treated wood waste.

12 ~~(E)~~

13 (5) Recommendations for changes to the handling of treated
14 wood waste to ensure the protection of public health and the
15 environment.

16 ~~(2) The requirement for submitting a report imposed under this~~
17 ~~subdivision is inoperative on January 1, 2022, pursuant to Section~~
18 ~~10231.5 of the Government Code.~~

19 (k) This section shall become inoperative on December 31,
20 2020, and, as of January 1, 2021, is repealed, unless a later enacted
21 statute, that becomes operative on or before January 1, 2021,
22 deletes or extends the dates on which it becomes inoperative and
23 is repealed.

24 *SEC. 17. Section 25150.84 of the Health and Safety Code is*
25 *amended to read:*

26 25150.84. (a) The department is authorized to collect an annual
27 fee from all metal shredding facilities that are subject to the
28 requirements of this chapter or to the alternative management
29 standards adopted pursuant to Section 25150.82. The department
30 shall establish and adopt regulations necessary to administer this
31 fee and to establish a fee schedule that is set at a rate sufficient to
32 reimburse the department's costs to implement this chapter as
33 applicable to metal shredder facilities. The fee schedule established
34 by the department may be updated periodically as necessary and
35 shall provide for the assessment of no more than the reasonable
36 and necessary costs of the department to implement this chapter,
37 as applicable to metal shredder facilities.

38 (b) The Controller shall establish a separate subaccount in the
39 Hazardous Waste Control Account. The fees collected pursuant
40 to this section shall be deposited into the subaccount and be

1 available for expenditure by the department upon appropriation
2 by the Legislature.

3 (c) A regulation adopted pursuant to this section may be adopted
4 as an emergency regulation in accordance with Chapter 3.5
5 (commencing with Section 11340) of Part 1 of Division 3 of Title
6 2 of the Government Code, and for the purposes of that chapter,
7 including Section 11349.6 of the Government Code, the adoption
8 of these regulations is an emergency and shall be considered by
9 the Office of Administrative Law as necessary for the immediate
10 preservation of the public peace, health, safety, and general welfare.
11 Notwithstanding Chapter 3.5 (commencing with Section 11340)
12 of Part 1 of Division 3 of Title 2 of the Government Code, an
13 emergency regulation adopted by the department pursuant to this
14 section shall be filed with, but not be repealed by, the Office of
15 Administrative Law and shall remain in effect for a period of two
16 years or until revised by the department, whichever occurs sooner.

17 (d) (1) A metal shredding facility paying an annual fee in
18 accordance with this section shall be exempt from the following
19 fees as the fees pertain to metal shredding activities and the
20 generation, handling, management, transportation, and disposal
21 of metal shredder waste:

22 (A) A fee imposed pursuant to ~~subdivision (a) or (d)~~ of Section
23 25205.7.

24 (B) A disposal fee imposed pursuant to Section 25174.1.

25 (C) A facility fee imposed pursuant to Section 25205.2.

26 (D) A generator fee imposed pursuant to Section 25205.5.

27 (E) A transportable treatment unit fee imposed pursuant to
28 Section 25205.14.

29 (2) A metal shredding facility is not exempt from the fees listed
30 in paragraph (1) for any other hazardous waste the metal shredding
31 facility generates and handles.

32 *SEC. 18. Section 25189.3 of the Health and Safety Code is*
33 *amended to read:*

34 25189.3. (a) For purposes of this section, the term “permit”
35 means a hazardous waste facilities permit, interim status
36 authorization, or standardized permit.

37 (b) The department shall suspend the permit of any facility for
38 nonpayment of any facility fee assessed pursuant to Section
39 25205.2 or activity fee assessed pursuant to ~~subdivision (d)~~ of
40 Section 25205.7, if the operator of the facility is subject to the fee,

1 and if the *department or* State Board of Equalization has certified
2 in writing to all of the following:

3 (1) The facility's operator is delinquent in the payment of the
4 fee for one or more reporting periods.

5 (2) The *department or* State Board of Equalization has notified
6 the facility's operator of the delinquency.

7 (3) ~~The~~ (A) *For a facility operator that elected to pay the flat*
8 *activity fee rate pursuant subdivision (d) of Section 25205.7, as*
9 *that section read on January 1, 2016, the operator has exhausted*
10 ~~the~~ *his or her* administrative rights of appeal provided by Chapter
11 3 (commencing with Section 43151) of Part 22 of Division 2 of
12 the Revenue and Taxation Code, and the State Board of
13 Equalization has determined that the operator is liable for the fee,
14 or that the operator has failed to assert those rights.

15 (B) *For a facility operator that pays the activity fee under a*
16 *reimbursement agreement with the department pursuant to*
17 *subdivision (a) of Section 25205.7, the operator has exhausted the*
18 *dispute resolution procedures adopted by the department pursuant*
19 *to subparagraph (H) of paragraph (2) of subdivision (b) of Section*
20 *25206.2.*

21 (c) (1) The department shall suspend the permit of any facility
22 for nonpayment of a penalty assessed upon the owner or operator
23 for failure to comply with this chapter or the regulations adopted
24 pursuant to this chapter, if the penalty has been imposed by a trial
25 court judge or by an administrative hearing officer, if the person
26 has agreed to pay the penalty pursuant to a written agreement
27 resolving a lawsuit or an administrative order, or if the penalty has
28 become final due to the person's failure to respond to the lawsuit
29 or order.

30 (2) The department may suspend a permit pursuant to this
31 subdivision only if the owner or operator is delinquent in the
32 payment of the penalty and the department has notified the owner
33 or operator of the delinquency pursuant to subdivision (d).

34 (d) Before suspending a permit pursuant to this section, the
35 department shall notify the owner or operator of its intent to do
36 so, and shall allow the owner or operator a minimum of 30 days
37 in which to cure the delinquency.

38 (e) The department may deny a new permit or refuse to renew
39 a permit on the same grounds for which the department is required

1 to suspend a permit under this section, subject to the same
2 requirements and conditions.

3 (f) (1) The department shall reinstate a permit that is suspended
4 pursuant to this section upon payment of the amount ~~due~~, *due* if
5 the permit has not otherwise been revoked or suspended pursuant
6 to any other provision of this chapter or regulation. Until the
7 department reinstates a permit suspended pursuant to this section,
8 if the facility stores, treats, disposes of, or recycles hazardous
9 wastes, the facility shall be in violation of this chapter. If the
10 operator of the facility subsequently pays the amount due, the
11 period of time for which the operator shall have been in violation
12 of this chapter shall be from the date of the activity that is in
13 violation until the day after the owner or operator submits the
14 payment to the department.

15 (2) Except as otherwise provided in this section, the department
16 is not required to take any other statutory or regulatory procedures
17 governing the suspension of the permit before suspending a permit
18 in compliance with the procedures of this section.

19 (g) (1) A suspension under this section shall be stayed while
20 an authorized appeal of the fee or penalty is pending before a court
21 or an administrative agency.

22 (2) For purposes of this subdivision, “an authorized appeal”
23 means any appeal allowed pursuant to an applicable regulation or
24 statute.

25 (h) The department may suspend a permit under this section
26 based on a failure to pay the required fee or penalty that
27 commenced ~~prior to~~ *before* January 1, 2002, if the failure to pay
28 has been ongoing for at least 30 days following that date.

29 (i) Notwithstanding Section 43651 of the Revenue and Taxation
30 Code, the suspension of a permit pursuant to this section, the reason
31 for the suspension, and any documentation supporting the
32 suspension, shall be a matter of public record.

33 (j) (1) This section does not authorize the department to suspend
34 a permit held by a government agency if the agency does not
35 dispute the payment but nonetheless is unable to process the
36 payment in a timely manner.

37 (2) This section does not apply to a site owned or operated by
38 a federal agency if the department has entered into an agreement
39 with that federal agency regarding the remediation of that site.

40 (k) This section does not limit or supersede Section 25186.

1 SEC. 19. Section 25205.7 of the Health and Safety Code is
2 amended to read:

3 25205.7. (a) (1) ~~Except as otherwise provided in this section,~~
4 ~~any~~A person who applies for, or requests, ~~one~~ any of the following
5 shall enter into a written agreement with the department pursuant
6 to which that person shall reimburse the department, pursuant to
7 Article 9.2 (commencing with Section 25206.1), for the costs
8 incurred by the department in processing the application or
9 responding to the request:

10 (A) A new hazardous waste facilities permit, including a
11 standardized permit.

12 (B) A hazardous waste facilities permit for postclosure.

13 (C) A renewal of an existing hazardous waste facilities permit,
14 including a standardized permit or postclosure permit.

15 (D) A class 2 or class 3 modification of an existing hazardous
16 waste facilities permit or grant of interim status, including a
17 standardized permit or grant of interim status or a postclosure
18 permit.

19 (E) A variance.

20 (F) A waste classification determination.

21 (2) ~~Any~~An agreement required pursuant to paragraph (1) ~~may~~
22 ~~shall~~ provide for ~~some, or all, at least 25 percent~~ of the
23 reimbursement to be made in advance of the processing of the
24 application or the response to the request. ~~The 25-percent advance~~
25 ~~payment shall be based upon the department's total estimated~~
26 ~~costs of processing the application or response to the request.~~

27 (3) ~~Any~~An agreement entered into pursuant to this subdivision
28 ~~may~~ section shall, if applicable, include costs of reviewing and
29 overseeing corrective action as set forth in subdivision (b).

30 (4) ~~This subdivision does not apply to any application or request~~
31 ~~submitted to the department prior to July 1, 1998. Any person who~~
32 ~~submitted such an application or request shall pay the applicable~~
33 ~~fee, if not already paid, for the application or request as required~~
34 ~~by this chapter as it read prior to January 1, 1998, unless the~~
35 ~~department and the applicant or requester mutually agree to enter~~
36 ~~into a reimbursement agreement in lieu of any unpaid portion of~~
37 ~~the required fee.~~

38 (b) ~~The department~~An applicant pursuant to paragraph (1) of
39 subdivision (a) and the owner and the operator of the facility shall
40 ~~recover all~~ pay the department's costs in reviewing and overseeing

1 any corrective action program described in the application for a
2 standardized permit pursuant to subparagraph (C) of paragraph
3 (2) of subdivision (c) of Section 25201.6 or required pursuant to
4 subdivision (b) of Section 25200.10, and in reviewing and
5 overseeing any corrective action work undertaken at the facility
6 pursuant to that corrective action program.

7 *(c) (1) An applicant pursuant to paragraph (1) of subdivision*
8 *(a) and the owner and the operator of the facility shall, pursuant*
9 *to Section 21089 of the Public Resources Code, pay all costs*
10 *incurred by the department for purposes of complying with the*
11 *California Environmental Quality Act (Division 13 (commencing*
12 *with Section 21000) of the Public Resources Code), in conjunction*
13 *with an application or request for any of the activities identified*
14 *in subdivision (a), including any activities associated with*
15 *correction action.*

16 *(2) Paragraph (1) does not apply to projects that are exempt*
17 *from the California Environmental Quality Act (Division 13*
18 *(commencing with Section 21000) of the Public Resources Code).*

19 *(e)*

20 *(d) Any reimbursements received pursuant to this section shall*
21 *be placed in the Hazardous Waste Control Account for*
22 *appropriation in accordance with Section 25174.*

23 ~~*(d) (1) In lieu of entering into a reimbursement agreement with*~~
24 ~~*the department pursuant to subdivision (a), any person who applies*~~
25 ~~*for a new permit, a permit for postclosure, a renewal of an existing*~~
26 ~~*permit, or a class 2 or class 3 permit modification may instead*~~
27 ~~*elect to pay a fee as follows:*~~

28 ~~*(A) A person submitting a hazardous waste facilities permit*~~
29 ~~*application for a land disposal facility shall pay one hundred four*~~
30 ~~*thousand one hundred eighty-seven dollars (\$104,187) for a small*~~
31 ~~*facility, two hundred twenty-two thousand one hundred*~~
32 ~~*eighty-three dollars (\$222,183) for a medium facility, and three*~~
33 ~~*hundred eighty-one thousand six hundred two dollars (\$381,602)*~~
34 ~~*for a large facility.*~~

35 ~~*(B) A person submitting a hazardous waste facilities permit*~~
36 ~~*application for any incinerator shall pay sixty-two thousand seven*~~
37 ~~*hundred sixty-two dollars (\$62,762) for a small facility, one*~~
38 ~~*hundred thirty-three thousand sixty dollars (\$133,060) for a*~~
39 ~~*medium facility, and two hundred twenty-eight thousand four*~~
40 ~~*hundred fifty-eight dollars (\$228,458) for a large facility.*~~

1 ~~(C) Except as provided in subparagraph (D), a person submitting~~
2 ~~a hazardous waste facility permit application for a storage facility,~~
3 ~~a treatment facility, or a storage and treatment facility shall pay~~
4 ~~twenty-one thousand three hundred forty dollars (\$21,340) for a~~
5 ~~small facility, thirty-eight thousand nine hundred thirteen dollars~~
6 ~~(\$38,913) for a medium facility, and seventy-five thousand three~~
7 ~~hundred seventeen dollars (\$75,317) for a large facility.~~

8 ~~(D) A person submitting an application for a standardized permit~~
9 ~~for a storage facility, a treatment facility, or a storage and treatment~~
10 ~~facility, as specified in Section 25201.6, shall pay thirty-two~~
11 ~~thousand fifty-two dollars (\$32,052) for a Series A standardized~~
12 ~~permit, twenty thousand eleven dollars (\$20,011) for a Series B~~
13 ~~standardized permit, and five thousand three hundred thirty-two~~
14 ~~dollars (\$5,332) for a Series C standardized permit. The board~~
15 ~~shall assess the fees specified in this subparagraph, in accordance~~
16 ~~with paragraph (2), based upon the classifications specified in~~
17 ~~subdivision (a) of Section 25201.6.~~

18 ~~(E) (i) A person submitting a hazardous waste facilities permit~~
19 ~~application for a transportable treatment unit shall pay sixteen~~
20 ~~thousand three hundred twenty dollars (\$16,320) for a small unit,~~
21 ~~thirty-seven thousand six hundred fifty-seven dollars (\$37,657)~~
22 ~~for a medium unit, and seventy-five thousand three hundred~~
23 ~~seventeen dollars (\$75,317) for a large unit.~~

24 ~~(ii) Notwithstanding clause (i), the fee for any application for~~
25 ~~a new permit, permit modification, or permit renewal for a~~
26 ~~transportable treatment unit, that was pending before the~~
27 ~~department as of January 1, 1996, shall be determined according~~
28 ~~to the type of permit authorizing operation of that unit, as provided~~
29 ~~by subdivision (d) of Section 25200.2 or the regulations adopted~~
30 ~~pursuant to subdivision (a) of Section 25200.2. Any standardized~~
31 ~~permit issued to the operator of a transportable treatment unit after~~
32 ~~January 1, 1996, that succeeds a full hazardous waste facilities~~
33 ~~permit issued by the department prior to January 1, 1996, in~~
34 ~~accordance with subdivision (d) of Section 25200.2 or the~~
35 ~~regulations adopted pursuant to subdivision (a) of Section 25200.2,~~
36 ~~shall not be considered to be a new hazardous waste facilities~~
37 ~~permit.~~

38 ~~(F) A person submitting a hazardous waste facilities permit~~
39 ~~application for a postclosure permit shall pay a fee of ten thousand~~
40 ~~forty dollars (\$10,040) for a small facility, twenty-two thousand~~

1 five hundred ninety-six dollars (\$22,596) for a medium facility,
2 and thirty-seven thousand six hundred fifty-seven dollars (\$37,657)
3 for a large facility.

4 (G) A person submitting an application for one or more class 2
5 permit modifications, including a class 2 modification to a
6 standardized permit, shall pay a fee equal to 20 percent of the fee
7 for a new permit for that facility for each unit directly impacted
8 by the modifications, up to a maximum of 40 percent for each
9 application, except that each person who applies for one or more
10 class 2 permit modifications for a land disposal facility or an
11 incinerator shall pay a fee equal to 15 percent of the fee for a new
12 permit for that facility for each unit directly impacted by the
13 modifications, up to a maximum of 30 percent for each application.

14 (H) A person submitting an application for one or more class 3
15 permit modifications, including a class 3 modification to a
16 standardized permit, shall pay a fee equal to 40 percent of the fee
17 for a new permit for that facility for each unit directly impacted
18 by the modifications, up to a maximum of 80 percent for each
19 application, except that a person who applies for one or more class
20 3 permit modifications for a land disposal facility or an incinerator
21 shall pay a fee equal to 30 percent of the fee for a new permit for
22 that facility for each unit directly impacted by the modifications,
23 up to a maximum of 60 percent for each application.

24 (I) A person who submits an application for renewal of any
25 existing permit shall pay an amount equal to the fee that would
26 have been assessed had the person requested the same changes in
27 a modification application, but not less than one-half the fee
28 required for a new permit.

29 (J) A person who submits a single application for a facility that
30 falls within more than one fee category shall pay only the higher
31 fee.

32 (2) The fees required by paragraph(1) shall be assessed by the
33 board upon application to the department. For a facility operating
34 pursuant to a grant of interim status, the submittal of the application
35 shall be the submittal of the Part B application in accordance with
36 regulations adopted by the department. The fee shall be
37 nonrefundable, even if the application is withdrawn or denied. The
38 department shall provide the board with any information that is
39 necessary to assess fees pursuant to this section. The fee shall be
40 collected in accordance with Part 22 (commencing with Section

1 43001) of Division 2 of the Revenue and Taxation Code, and
2 deposited into the Hazardous Waste Control Account.

3 (3) The amounts stated in this subdivision are the base rates for
4 the 1997 calendar year. Thereafter, the fees shall be adjusted
5 annually by the board to reflect increases or decreases in the cost
6 of living, during the prior fiscal year, as measured by the Consumer
7 Price Index issued by the Department of Industrial Relations, or
8 a successor agency.

9 (4) Except as provided in paragraph (5), for purposes of this
10 section, and notwithstanding Section 25205.1, any facility or unit
11 is “small” if it manages 0.5 tons (1,000 pounds) or less of
12 hazardous waste during any one month of the state’s current fiscal
13 year, “medium” if it manages more than 0.5 tons (1,000 pounds),
14 but less than 1,000 tons, of hazardous waste during any one month
15 of the state’s current fiscal year, and “large” if it manages 1,000
16 or more tons of hazardous waste during any one month of the
17 state’s current fiscal year.

18 (5) For purposes of subparagraph (F) of paragraph (1) of this
19 subdivision and paragraph (8) of subdivision (c) of Section
20 25205.4, any facility or unit is “small” if 0.5 tons (1,000 pounds)
21 or less of hazardous waste remain after closure, “medium” if more
22 than 0.5 tons (1,000 pounds), but less than 1,000 tons of hazardous
23 waste remain after closure, and “large” if 1,000 or more tons of
24 hazardous waste remain after closure.

25 (6) The amounts stated in this subdivision are in addition to any
26 amounts required to reimburse the department for the corrective
27 action review and oversight costs required to be recovered pursuant
28 to subdivision (b).

29 (e) Subdivision (a) does not apply to any variance granted
30 pursuant to Article 4 (commencing with Section 66263.40) of
31 Chapter 13 of Division 4.5 of Title 22 of the California Code of
32 Regulations.

33 (f) Subdivisions (a) and (d) do not apply to a permit modification
34 resulting from a revision of a facility’s or operator’s closure plan
35 if the facility is exempted from fees pursuant to subdivision (e) of
36 Section 25205.3, or if the operator is subject to paragraph (2) or
37 (3) of subdivision (d) of Section 25205.2.

38 (g) (1) Except as provided in paragraphs (3) and (4),
39 subdivisions (a) and (d) do not apply to any permit or variance to
40 operate a research, development, and demonstration facility, if the

1 duration of the permit or variance is not longer than one year,
2 unless the permit or variance is renewed pursuant to the regulations
3 adopted by the department.

4 (2) For purposes of this section, a “research, development, and
5 demonstration facility” is a facility which proposes to utilize an
6 innovative and experimental hazardous waste treatment technology
7 or process for which regulations prescribing permit standards have
8 not been adopted.

9 (3) The exemption provided by this subdivision does not apply
10 to a facility which operates as a medium or large multiuser offsite
11 commercial hazardous waste facility and which does not otherwise
12 possess a hazardous waste facilities permit pursuant to Section
13 25200.

14 (4) The fee exemption authorized pursuant to paragraph (1)
15 shall be effective for a total duration of not more than two years.

16 (h) Subdivisions (a) and (d) do

17 (f) *Subdivision (a)* does not apply to any of the following:

18 (1) Any variance issued to a public agency to transport wastes
19 for purposes of operating a household hazardous waste collection
20 facility, or to transport waste from a household hazardous waste
21 collection facility, which receives household hazardous waste or
22 hazardous waste from conditionally exempted small quantity
23 generators pursuant to Article 10.8 (commencing with Section
24 25218).

25 (2) A permanent household hazardous waste collection facility.

26 (3) Any variance issued to a public agency to conduct a
27 collection program for agricultural wastes.

28 (i) Notwithstanding subdivisions (a) and (b), the department
29 shall not assess any fees or seek any reimbursement for the
30 department’s costs in reviewing and overseeing any preliminary
31 site assessment in conjunction with a hazardous waste facilities
32 permit application.

33 (j) The changes made in this section by Chapter 870 of the
34 Statutes of 1997 do not require amendment of, or otherwise affect,
35 any agreement entered into prior to July 1, 1998, pursuant to which
36 any person has agreed to reimburse the department for the costs
37 incurred by the department in processing applications, responding
38 to requests, or otherwise providing other services pursuant to this
39 chapter.

1 (g) Fees imposed pursuant to this section shall be administered
2 and collected by the department.

3 (h) (1) The changes made in this section by the act that added
4 this subdivision apply to applications and requests submitted to
5 the department on and after April 1, 2016.

6 (2) If, on and after April 1, 2016, an applicant has submitted
7 an application and paid a fee pursuant to subdivision (d), as that
8 subdivision read on April 1, 2016, but before the act that added
9 this subdivision took effect, the department shall determine the
10 difference between the amount paid by the applicant and the
11 amount due pursuant to subdivision (a), and that applicant shall
12 be liable for that amount.

13 (3) Acknowledging a limited period of retroactive application
14 of the elimination of the flat fee option pursuant to this subdivision,
15 the Legislature finds and declares all of the following:

16 (A) The department expends a substantial amount of time and
17 resources in processing permit applications and modifications.

18 (B) The former flat fee option paid by applicants was most often
19 insufficient to cover actual costs to the department in reviewing
20 and processing the applications and modifications.

21 (C) The applicant, being the primary beneficiary of the permit
22 process, in fairness should pay the actual costs of the department
23 in reviewing permit applications and modifications.

24 (D) The amendment to this section during the 2015–16 Regular
25 Session eliminating the flat fee option and requiring applicants to
26 enter into a written reimbursement agreement with the department
27 is intended to apply to applications and modification requests filed
28 on or after April 1, 2016, in order to remedy this financial inequity
29 and to avoid an influx of the submission of applications to the
30 department before amendment to this section goes into effect.

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32 of the elimination of the flat fee option pursuant to this subdivision,
33 the Legislature finds and declares all of the following:

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35 resources in processing permit applications and modifications.

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37 insufficient to cover actual costs to the department in reviewing
38 and processing the applications and modifications.

1 (C) *The applicant, being the primary beneficiary of the permit*
2 *process, in fairness should pay the actual costs of the department*
3 *in reviewing permit applications and modifications.*

4 (D) *The amendment to this section during the 2015–16 Regular*
5 *Session eliminating the flat fee option and requiring applicants to*
6 *enter into a written reimbursement agreement with the department*
7 *is intended to apply to applications and modification requests filed*
8 *on or after April 1, 2016, in order to remedy this financial inequity*
9 *and to avoid an influx of the submission of applications to the*
10 *department before amendment to this section goes into effect.*

11 SEC. 20. *Section 25205.18 of the Health and Safety Code is*
12 *amended to read:*

13 25205.18. (a) If a facility has a permit or an interim status
14 document which sets forth the facility's allowable capacity for
15 treatment or storage, the facility's size for purposes of the annual
16 facility fee pursuant to Section 25205.2 shall be based upon that
17 capacity, except as provided in subdivision (d).

18 (b) If a facility's allowable capacity changes or is initially
19 established as a result of a permit modification, or a submission
20 of a certification pursuant to subdivision (d), the fee that is due for
21 the reporting period in which the change occurs shall be the lower
22 fee until December 31, 1994. After that date, the fee that is due
23 for the reporting period in which a change occurs shall be the
24 higher fee.

25 (c) ~~(1)~~ The department may require the facility to submit an
26 application to modify its permit to provide for an allowable
27 capacity.

28 ~~(2)~~ Subdivisions (a) and (d) of Section 25205.7 do not apply to
29 an application for modification required by the department pursuant
30 to this subdivision.

31 (d) A facility may reduce its allowable capacity below the
32 amounts specified in subdivision (a) or (c) by submitting a
33 certification signed by the owner or operator in which the owner
34 or operator pledges that the facility will not handle hazardous waste
35 at a capacity above the amount specified in the certification. In
36 that case, the facility's size for purposes of the annual facility fee
37 pursuant to Section 25205.2 shall be based upon the capacity
38 specified in the certification, until the certification is withdrawn.
39 Exceeding the capacity limits specified in a certification that has
40 not been withdrawn shall be a violation of the hazardous waste

1 control law and may subject a facility or its operator to a penalty
2 and corrective action as provided in this chapter, including, but
3 not limited to, an augmentation pursuant to Section 25191.1.
4 *chapter.*

5 (e) This section shall have no bearing on the imposition of the
6 annual postclosure facility fee.

7 *SEC. 21. Section 25205.19 of the Health and Safety Code is*
8 *amended to read:*

9 25205.19. (a) If a facility has a permit or an interim status
10 document which sets forth the facility's type, pursuant to Section
11 25205.1, as either treatment, storage, or disposal, the facility's
12 type for purposes of the annual facility fee *pursuant to Section*
13 *25205.2* shall be rebuttably presumed to be what is set forth in that
14 permit or document.

15 (b) If the facility's type changes as a result of a permit or interim
16 status modification, any change in the annual facility fee shall be
17 effective the reporting period following the one in which the
18 modification becomes effective.

19 (c) ~~(1)~~ If the facility's permit or interim status document does
20 not set forth its type, the department may require the facility to
21 submit an application to modify the permit or interim status
22 document to provide for a facility type.

23 ~~(2) Subdivisions (a) and (d) of Section 25205.7 do not apply to~~
24 ~~an application for modification pursuant to this subdivision.~~

25 (d) A permit or interim status document may set forth more than
26 one facility type or size. In accordance with subdivision ~~(e)~~ (d) of
27 Section 25205.4, the facility shall be subject only to the highest
28 applicable fee.

29 *SEC. 22. Section 25247 of the Health and Safety Code is*
30 *amended to read:*

31 25247. (a) The department shall review each plan submitted
32 pursuant to Section 25246 and shall approve the plan if it finds
33 that the plan complies with the regulations adopted by the
34 department and complies with all other applicable state and federal
35 regulations.

36 (b) The department shall not approve the plan until at least one
37 of the following occurs:

38 (1) The plan has been approved pursuant to Section 13227 of
39 the Water Code.

1 (2) Sixty days expire after the owner or operator of an interim
2 status facility submits the plan to the department. If the department
3 denies approval of a plan for an interim status facility, this 60-day
4 period shall not begin until the owner or operator resubmits the
5 plan to the department.

6 (3) The director finds that immediate approval of the plan is
7 necessary to protect public health, safety, or the environment.

8 (c) Any action taken by the department pursuant to this section
9 is subject to Section 25204.5.

10 (d) (1) To the extent consistent with the federal act, the
11 department shall impose the requirements of a hazardous waste
12 facility postclosure plan on the owner or operator of a facility
13 through the issuance of an enforcement order, entering into an
14 enforceable agreement, or issuing a postclosure permit.

15 (A) A hazardous waste facility postclosure plan imposed or
16 modified pursuant to an enforcement order, a permit, or an
17 enforceable agreement shall be approved in compliance with the
18 California Environmental Quality Act (Division 13 (commencing
19 with Section 21000) of the Public Resources Code).

20 (B) Before the department initially approves or significantly
21 modifies a hazardous waste facility postclosure plan pursuant to
22 this subdivision, the department shall provide a meaningful
23 opportunity for public involvement, which, at a minimum, shall
24 include public notice and an opportunity for public comment on
25 the proposed action.

26 (C) For the purposes of subparagraph (B), a “significant
27 modification” is a modification that the department determines
28 would constitute a class 3 permit modification if the change were
29 being proposed to a hazardous waste facilities permit. In
30 determining whether the proposed modification would constitute
31 a class 3 modification, the department shall consider the similarity
32 of the modification to class 3 modifications codified in Appendix
33 I of Chapter 20 (commencing with Section 66270.1) of Division
34 4.5 of Title 22 of the California Code of Regulations. In
35 determining whether the proposed modification would constitute
36 a class 3 modification, the department shall also consider whether
37 there is significant public concern about the proposed modification,
38 and whether the proposed change is so substantial or complex in
39 nature that the modification requires the more extensive procedures
40 of a class 3 permit modification.

1 (2) This subdivision does not limit or delay the authority of the
2 department to order any action necessary at a facility to protect
3 public health or safety.

4 (3) If the department imposes a hazardous waste facility
5 postclosure plan in the form of an enforcement order or enforceable
6 agreement, in lieu of issuing or renewing a postclosure permit, the
7 owner or operator who submits the plan for approval shall, at the
8 time the plan is submitted, ~~pay the same fee specified in~~
9 ~~subparagraph (F) of paragraph (1) of subdivision (d) of Section~~
10 ~~25205.7, or enter into a cost reimbursement agreement pursuant~~
11 ~~to subdivision (a) of Section 25205.7 and upon commencement~~
12 ~~of the postclosure period shall pay the fee required by paragraph~~
13 ~~(9) of subdivision (c) of Section 25205.4. For purposes of this~~
14 ~~paragraph and paragraph (9) of subdivision (c) of Section 25205.4,~~
15 ~~the commencement of the postclosure period shall be the effective~~
16 ~~date of the postclosure permit, enforcement order, or enforceable~~
17 ~~agreement.~~

18 (4) In addition to any other remedy available under state law to
19 enforce a postclosure plan imposed in the form of an enforcement
20 order or enforcement agreement, the department may take any of
21 the following actions:

22 (A) File an action to enjoin a threatened or continuing violation
23 of a requirement of the enforcement order or agreement.

24 (B) Require compliance with requirements for corrective action
25 or other emergency response measures that the department deems
26 necessary to protect human health and the environment.

27 (C) Assess or file an action to recover civil penalties and fines
28 for a violation of a requirement of an enforcement order or
29 agreement.

30 (e) Subdivision (d) does not apply to a postclosure plan for
31 which a final or draft permit has been issued by the department on
32 or before December 31, 2003, unless the department and the facility
33 mutually agree to replace the permit with an enforcement order or
34 enforceable agreement pursuant to the provisions of subdivision
35 (d).

36 (f) (1) Except as provided in paragraphs (2) and (3), the
37 department may only impose postclosure plan requirements through
38 an enforcement order or an enforceable agreement pursuant to
39 subdivision (d) until January 1, 2009.

1 (2) This subdivision does not apply to an enforcement order or
2 enforceable agreement issued ~~prior to~~ *before* January 1, 2009, or
3 an order or agreement for which a public notice is issued on or
4 before January 1, 2009.

5 (3) This subdivision does not apply to the modification on or
6 after January 1, 2009, of an enforcement order or enforceable
7 agreement that meets the conditions in paragraph (2).

8 (g) If the department determines that a postclosure permit is
9 necessary to enforce a postclosure plan, the department may, at
10 any time, rescind and replace an enforcement order or an
11 enforceable agreement issued pursuant to this section by issuing
12 a postclosure permit for the hazardous waste facility, in accordance
13 with the procedures specified in the department’s regulations for
14 the issuance of postclosure permits.

15 (h) Nothing in this section may be construed to limit or delay
16 the authority of the department to order any action necessary at a
17 facility to protect public health or safety, or the environment.

18 *SEC. 23. Section 25253.5 is added to the Health and Safety*
19 *Code, to read:*

20 *25253.5. The department shall revise its 2015–17 Priority*
21 *Product Work Plan to include lead acid batteries for consideration*
22 *and evaluation as a potential priority product.*

23 *SEC. 24. Section 43011.3 is added to the Health and Safety*
24 *Code, to read:*

25 *43011.3. The state board may enter into agreements with*
26 *private entities and receive, on behalf of the state, contributions*
27 *from private sources in the form of equipment or money in order*
28 *to expedite the processing of applications, resolutions, and*
29 *executive orders pertaining to subdivisions (h) and (i) of Section*
30 *27156 of the Vehicle Code. All moneys received pursuant to this*
31 *section shall be separately accounted for and deposited in the Air*
32 *Pollution Control Fund and shall be available, upon appropriation,*
33 *to the state board for purposes of this section.*

34 *SEC. 25. Section 100829 of the Health and Safety Code is*
35 *amended to read:*

36 *100829. The ~~department~~ State Water Resources Control Board*
37 *may do all of the following related to accrediting environmental*
38 *laboratories in the state:*

1 (a) Offer both state accreditation and NELAP accreditation,
2 which shall be considered equivalent for regulatory activities
3 covered by this article.

4 (b) Adopt regulations to establish the accreditation procedures
5 for both types of accreditation.

6 (c) Retain exclusive authority to grant NELAP accreditation.

7 (d) Accept certificates of accreditation from laboratories that
8 have been accredited by other NELAP-recognized accrediting
9 authorities.

10 (e) Adopt regulations to establish procedures for recognizing
11 the accreditation of laboratories located outside California for
12 activities regulated under this article.

13 (f) (1) ~~Adopt regulations a schedule of fees to recover costs~~
14 ~~incurred for the collection of laboratory accreditation fees.~~
15 *accreditation of environmental laboratories. Consistent with*
16 *Section 3 of Article XIII A of the California Constitution, the board*
17 *shall set the fees under this section in an amount sufficient to*
18 *recover all reasonable regulatory costs incurred for the purposes*
19 *of this article.*

20 ~~(2) Fees collected under this section shall be adjusted annually~~
21 ~~as provided in Section 10045. The adjustment shall be rounded to~~
22 ~~the nearest dollar.~~

23 (2) *The board shall set the amount of total revenue collected*
24 *each year through the fee schedule at an amount equal to the*
25 *amount appropriated by the Legislature in the annual Budget Act*
26 *from the Environmental Laboratory Improvement Fund for*
27 *expenditure for the administration of this article, taking into*
28 *account the reserves in the Environmental Laboratory Improvement*
29 *Fund. The board shall review and revise the fees each fiscal year*
30 *as necessary to conform with the amounts appropriated by the*
31 *Legislature. If the board determines that the revenue collected*
32 *during the preceding year was greater than, or less than, the*
33 *amounts appropriated by the Legislature, the board may further*
34 *adjust the fees to compensate for the over or under collection of*
35 *revenue.*

36 (3) *The board shall adopt the schedule of fees by emergency*
37 *regulation. The emergency regulations may include provisions*
38 *concerning the administration and collection of the fees. Any*
39 *emergency regulations adopted pursuant to this section, any*
40 *amendment to those regulations, or subsequent adjustments to the*

1 annual fees, shall be adopted by the board in accordance with
 2 Chapter 3.5 (commencing with Section 11340) of Part 1 of Division
 3 3 of Title 2 of the Government Code. The adoption of these
 4 regulations is an emergency and shall be considered by the Office
 5 of Administrative Law as necessary for the immediate preservation
 6 of the public peace, health, safety, and general welfare.
 7 Notwithstanding Chapter 3.5 (commencing with Section 11340)
 8 of Part 1 of Division 3 of Title 2 of the Government Code, any
 9 emergency regulations adopted by the board, or adjustments to
 10 the annual fees made by the board pursuant to this section, are
 11 not subject to review by the Office of Administrative Law and
 12 remain in effect until revised by the board.

13 ~~(3)~~

14 (4) Fees shall be set for the two types of accreditation provided
 15 for in subdivision ~~(a)~~. *(a)*, including application fees.

16 ~~(4)~~

17 (5) Programs operated under this article shall be fully
 18 fee-supported.

19 SEC. 26. Section 100860.1 of the Health and Safety Code is
 20 amended to read:

21 100860.1. (a) At the time of application for ELAP certification
 22 and annually thereafter, from the date of the issuance of the
 23 certificate, a laboratory shall pay an ELAP certification fee. This
 24 fee shall consist of a base or administrative fee and a fee for each
 25 of the ELAP fields of testing listed below for which the laboratory
 26 has requested ELAP certification. These fees shall be
 27 nonrefundable and adopted in regulations, and shall be sufficient
 28 to allow the ELAP program to be fully fee-supported. The fields
 29 of testing for ELAP certification and their code numbers are the
 30 following: fee, according to the fee schedule established by the
 31 State Water Resources Control Board pursuant to Section 100829.

32 ~~(E101) Microbiology of drinking water.~~

33 ~~(E102) Inorganic chemistry of drinking water.~~

34 ~~(E103) Toxic chemical elements of drinking water.~~

35 ~~(E104) Volatile organic chemistry of drinking water.~~

36 ~~(E105) Semi-volatile organic chemistry of drinking water.~~

37 ~~(E106) Radiochemistry of drinking water.~~

38 ~~(E107) Microbiology of wastewater.~~

39 ~~(E108) Inorganic chemistry of wastewater.~~

40 ~~(E109) Toxic chemical elements of wastewater.~~

- 1 ~~(E110) Volatile organic chemistry of wastewater.~~
- 2 ~~(E111) Semi-volatile organic chemistry of wastewater.~~
- 3 ~~(E112) Radiochemistry of wastewater.~~
- 4 ~~(E113) Whole effluent toxicity of wastewater.~~
- 5 ~~(E114) Inorganic chemistry and toxic chemical elements of~~
- 6 ~~hazardous waste.~~
- 7 ~~(E115) Extraction test of hazardous waste.~~
- 8 ~~(E116) Volatile organic chemistry of hazardous waste.~~
- 9 ~~(E117) Semi-volatile organic chemistry of hazardous waste.~~
- 10 ~~(E118) Radiochemistry of hazardous waste.~~
- 11 ~~(E119) Toxicity bioassay of hazardous waste.~~
- 12 ~~(E120) Physical properties of hazardous waste.~~
- 13 ~~(E121) Bulk asbestos analysis of hazardous waste.~~
- 14 ~~(E122) Microbiology of food.~~
- 15 ~~(E123) Inorganic chemistry and toxic chemical elements of~~
- 16 ~~pesticide residues in food.~~
- 17 ~~(E124) Organic chemistry of pesticide residues in food~~
- 18 ~~(measurements by MS techniques).~~
- 19 ~~(E125) Organic chemistry of pesticide residues in food~~
- 20 ~~(excluding measurements by MS techniques).~~
- 21 ~~(E126) Microbiology of recreational water.~~
- 22 ~~(E127) Air quality monitoring.~~
- 23 ~~(E128) Shellfish sanitation.~~
- 24 ~~(b) In addition to the payment of ELAP certification fees,~~
- 25 ~~laboratories located outside the State of California shall reimburse~~
- 26 ~~the department for travel and per diem necessary to perform onsite~~
- 27 ~~inspections.~~
- 28 ~~(c) If reciprocity with another jurisdiction is established by~~
- 29 ~~regulation as described in Section 100830, the regulations may~~
- 30 ~~provide for the waiver of certification fees for program activities~~
- 31 ~~considered equivalent.~~
- 32 ~~(d) Fees collected under this section shall be adjusted annually~~
- 33 ~~as specified in Section 100425. The adjustment shall be rounded~~
- 34 ~~to the nearest whole dollar. It is the intent of the Legislature that~~
- 35 ~~the programs operated under this article be fully fee-supported.~~
- 36 ~~(e)~~
- 37 ~~(b) State and local government-owned laboratories in California~~
- 38 ~~established under Section 101150 or performing work only in a~~
- 39 ~~reference capacity as a reference laboratory are exempt from the~~

1 payment of the fee *fees* prescribed under subdivision (a). *pursuant*
2 *to Section 100829.*

3 (f) ~~In addition to the payment of certification fees, laboratories~~
4 ~~certified or applying for certification in fields of testing for~~
5 ~~pesticide residues in food shall pay a fee directly to the designated~~
6 ~~proficiency testing provider for the cost of each proficiency testing~~
7 ~~sample set.~~

8 (g)
9 (c) ~~In addition to the payment of certification fees, fees~~
10 ~~authorized by Section 100829, laboratories certified or applying~~
11 ~~for certification shall pay directly to the designated proficiency~~
12 ~~testing provider the cost of the proficiency testing study.~~

13 (h)
14 (d) ~~For the purpose of this section, a reference laboratory is a~~
15 ~~laboratory owned and operated by a governmental regulatory~~
16 ~~agency for the principal purpose of analyzing samples referred by~~
17 ~~other laboratories for confirmatory analysis. Reference laboratories~~
18 ~~carry out quality assurance functions for other laboratories and~~
19 ~~may carry out unusual, highly specialized, and difficult analyses~~
20 ~~not generally available through commercial laboratories, and a~~
21 ~~limited number of routine analyses, for regulatory purposes only,~~
22 ~~and without assessing per-sample fees for the services. another~~
23 ~~governmental regulatory agency or another laboratory for~~
24 ~~confirmatory analysis.~~

25 (i) ~~This section shall become operative January 1, 2002.~~
26 *SEC. 27. Section 100862 of the Health and Safety Code is*
27 *amended to read:*

28 100862. (a) ~~At the time of application for NELAP accreditation~~
29 ~~and annually thereafter, from the date of the issuance of the~~
30 ~~accreditation, a laboratory shall pay a base fee and a fee for each~~
31 ~~of the to allow the NELAP program to be fully fee supported. The~~
32 ~~fields of testing for NELAP accreditation and their code numbers~~
33 ~~are all of the following: NELAP accreditation fee, according to~~
34 ~~the fee schedule established by the State Water Resources Control~~
35 ~~Board pursuant to Section 100829.~~

- 36 ~~(N101) Microbiology of drinking water.~~
- 37 ~~(N102) Inorganic chemistry of drinking water.~~
- 38 ~~(N103) Toxic chemical elements of drinking water.~~
- 39 ~~(N104) Volatile organic chemistry of drinking water.~~
- 40 ~~(N105) Semi-volatile organic chemistry of drinking water.~~

- 1 ~~(N106) Radiochemistry of drinking water.~~
- 2 ~~(N107) Microbiology of wastewater.~~
- 3 ~~(N108) Inorganic chemistry of wastewater.~~
- 4 ~~(N109) Toxic chemical elements of wastewater.~~
- 5 ~~(N110) Volatile organic chemistry of wastewater.~~
- 6 ~~(N111) Semi-volatile organic chemistry of wastewater.~~
- 7 ~~(N112) Radiochemistry of wastewater.~~
- 8 ~~(N113) Whole effluent toxicity of wastewater.~~
- 9 ~~(N114) Inorganic chemistry and toxic chemical elements of~~
- 10 ~~hazardous waste.~~
- 11 ~~(N115) Extraction test of hazardous waste.~~
- 12 ~~(N116) Volatile organic chemistry of hazardous waste.~~
- 13 ~~(N117) Semi-volatile organic chemistry of hazardous waste.~~
- 14 ~~(N118) Radiochemistry of hazardous waste.~~
- 15 ~~(N119) Toxicity bioassay of hazardous waste.~~
- 16 ~~(N120) Physical properties of hazardous waste.~~
- 17 ~~(N121) Bulk asbestos analysis of hazardous waste.~~
- 18 ~~(b) Fees for NELAP accreditation shall be adjusted annually as~~
- 19 ~~specified in Section 100425.~~
- 20 ~~(e)~~
- 21 ~~(b) In addition to the payment of accreditation fees, fees~~
- 22 ~~authorized by Section 100829, laboratories accredited or applying~~
- 23 ~~for accreditation shall pay directly to the designated proficiency~~
- 24 ~~testing provider the cost of the proficiency testing studies.~~
- 25 *SEC. 28. Section 105206 of the Health and Safety Code is*
- 26 *amended to read:*
- 27 *105206. (a) A laboratory that performs cholinesterase testing*
- 28 *on human blood drawn in California for an employer to enable the*
- 29 *employer to satisfy his or her responsibilities for medical*
- 30 *supervision of his or her employees who regularly handle pesticides*
- 31 *pursuant to Section 6728 of Title 3 of the California Code of*
- 32 *Regulations or to respond to alleged exposure to cholinesterase*
- 33 *inhibitors or known exposure to cholinesterase inhibitors that*
- 34 *resulted in illness shall report the information specified in*
- 35 *subdivision (b) to the Department of Pesticide Regulation. Reports*
- 36 *shall be submitted to the Department of Pesticide Regulation on,*
- 37 *at a minimum, a monthly basis. For the purpose of meeting the*
- 38 *requirements in subdivision (d), the reports shall be submitted via*
- 39 *electronic media and formatted in a manner approved by the*
- 40 *director. The Department of Pesticide Regulation shall share*

1 information from cholinesterase reports with the ~~OEHHA~~ *Office*
2 *of Environmental Health Hazard Assessment (OEHHA)* and the
3 State Department of Public Health on an ongoing basis, in an
4 electronic format, for the purpose of meeting the requirements of
5 subdivisions (e) and (f).

6 (b) The testing laboratory shall report all of the following
7 information in its possession in complying with subdivision (a):

8 (1) The test results in International Units per milliliter of sample
9 (IU/mL).

10 (2) The purpose of the test, including baseline or other periodic
11 testing, pursuant to the requirements of Section 6728 of Title 3 of
12 the California Code of Regulations, or evaluation of suspected
13 pesticide illness.

14 (3) The name of the person tested.

15 (4) The date of birth of the person tested.

16 (5) The name, address, and telephone number of the health care
17 provider or medical supervisor who ordered the analysis.

18 (6) The name, address, and telephone number of the analyzing
19 laboratory.

20 (7) The accession number of the specimen.

21 (8) The date that the sample was collected from the patient and
22 the date the result was reported.

23 (9) Contact information for the person tested and his or her
24 employer, if known and readily available.

25 (c) The medical supervisor ordering the test for a person
26 pursuant to subdivision (a) shall note in the test order the purpose
27 of the test, pursuant to paragraph (2) of subdivision (b), and ensure
28 that the person tested receives a copy of the cholinesterase test
29 results and any recommendations from the medical supervisor
30 within 14 days of the medical supervisor receiving the results.

31 (d) All information reported pursuant to this section shall be
32 confidential, as provided in Section 100330, except that the
33 OEHHA, the Department of Pesticide Regulation, and the State
34 Department of Public Health may share the information for the
35 purpose of surveillance, case management, investigation,
36 environmental remediation, or abatement with the appropriate
37 county agricultural commissioner and local health officer.

38 (e) The OEHHA shall review the cholinesterase test results and
39 may provide an appropriate medical or toxicological consultation
40 to the medical supervisor. In addition to the duties performed

1 pursuant to Section 105210, the OEHHA, in consultation with the
2 Department of Pesticide Regulation and the local health officer,
3 may provide medical and toxicological consultation, as appropriate,
4 to the county agricultural commissioner to address medical issues
5 related to the investigation of cholinesterase inhibitor-related
6 illness.

7 (f) By December 31, 2015, the Department of Pesticide
8 Regulation and the OEHHA, in consultation with the State
9 Department of Public Health, shall prepare a report on the
10 effectiveness of the medical supervision program and the utility
11 of laboratory-based reporting of cholinesterase testing for illness
12 surveillance and prevention. The joint report may include
13 recommendations to the Legislature that the Department of
14 Pesticide Regulation and the OEHHA deem necessary. The
15 Department of Pesticide Regulation and the OEHHA shall make
16 the report publicly available on their Internet Web sites.

17 (g) This section shall remain in effect only until January 1, ~~2017,~~
18 ~~2019~~, and as of that date is repealed, unless a later enacted statute,
19 that is enacted before January 1, ~~2017, 2019~~, deletes or extends
20 that date.

21 *SEC. 29. Section 116590 of the Health and Safety Code, as*
22 *added by Section 26 of Chapter 24 of the Statutes of 2015, is*
23 *amended to read:*

24 116590. (a) Funds received by the state board pursuant to this
25 chapter shall be deposited into the Safe Drinking Water ~~Account~~
26 ~~that~~ Account, which is hereby established, and shall be available
27 for use by the state board, upon appropriation by the Legislature,
28 for the purpose of providing funds necessary to administer this
29 chapter. Funds in the Safe Drinking Water Account ~~may~~ shall not
30 be expended for any purpose other than as set forth in this chapter.

31 (b) A public water system ~~may be permitted to~~ may collect a
32 fee from its customers to recover the fees paid by the public water
33 system pursuant to this chapter.

34 (c) The total amount of funds received for state operations
35 program costs to administer this chapter for fiscal year 2016–17
36 shall not exceed ~~thirty~~ *thirty-eight* million ~~four~~ *nine* hundred ~~fifty~~
37 ~~seven~~ thousand dollars ~~(\$30,450,000)~~ *(\$38,907,000)* and the total
38 amount of funds received for administering this chapter for each
39 fiscal year thereafter shall not increase by more than 5 percent of
40 the amount received in the previous fiscal year plus any changes

1 to salary, benefit, and retirement adjustments contained in each
2 annual Budget Act.

3 (d) This section shall become operative on July 1, 2016.

4 *SEC. 30. Section 116681 of the Health and Safety Code is*
5 *amended to read:*

6 116681. The following definitions shall apply to this section
7 and Sections 116682 and 116684:

8 (a) “Adequate supply” means sufficient water to meet residents’
9 health and safety needs.

10 (b) “Affected residence” means a residence reliant on a water
11 supply that is either inadequate or unsafe.

12 (c) “Consistently fails” means a failure to provide an adequate
13 supply of safe drinking water.

14 (d) “Consolidated water system” means the public water system
15 resulting from the consolidation of a public water system with
16 another public water system, state small water system, or affected
17 residences not served by a public water system.

18 (e) “Consolidation” means joining two or more public water
19 systems, state small water systems, or affected residences not
20 served by a public water system, into a single public water system.

21 (f) “Disadvantaged community” means a disadvantaged
22 community, as defined in Section 79505.5 of the Water Code, that
23 is in an unincorporated area or is served by *either* a mutual water
24 ~~company~~ *company or a small public water system.*

25 (g) “Extension of service” means the provision of service
26 through any physical or operational infrastructure arrangement
27 other than consolidation.

28 (h) “Receiving water system” means the public water system
29 that provides service to a subsumed water system through
30 consolidation or extension of service.

31 (i) “Safe drinking water” means water that meets all primary
32 and secondary drinking water standards.

33 (j) “*Small public water system*” has the same meaning as
34 *provided in subdivision (b) of Section 116395.*

35 (j)

36 (k) “Subsumed water system” means the public water system,
37 state small water system, or affected residences not served by a
38 public water system consolidated into or receiving service from
39 the receiving water system.

1 *SEC. 31. Section 10187.5 of the Public Contract Code is*
2 *amended to read:*

3 10187.5. For purposes of this article, the following definitions
4 and the definitions in subdivision (a) of Section 13332.19 of the
5 Government Code shall apply:

6 (a) “Best value” means a value determined by evaluation of
7 objective criteria that relate to price, features, functions, life-cycle
8 costs, experience, and past performance. A best value determination
9 may involve the selection of the lowest cost proposal meeting the
10 interests of the department and meeting the objectives of the
11 project, selection of the best proposal for a stipulated sum
12 established by the procuring agency, or a tradeoff between price
13 and other specified factors.

14 (b) “Construction subcontract” means each subcontract awarded
15 by the design-build entity to a subcontractor that will perform work
16 or labor or render service to the design-build entity in or about the
17 construction of the work or improvement, or a subcontractor
18 licensed by the State of California that, under subcontract to the
19 design-build entity, specially fabricates and installs a portion of
20 the work or improvement according to detailed drawings contained
21 in the plans and specifications produced by the design-build team.

22 (c) (1) “Department” means the Department of General
23 Services and the Department of Corrections and Rehabilitation.

24 (2) *For the purposes of projects at the Salton Sea, “department”*
25 *means the Department of Water Resources.*

26 (d) “Design-build” means a project delivery process in which
27 both the design and construction of a project are procured from a
28 single entity.

29 (e) “Design-build entity” means a corporation, limited liability
30 company, partnership, joint venture, or other legal entity that is
31 able to provide appropriately licensed contracting, architectural,
32 and engineering services as needed pursuant to a design-build
33 contract.

34 (f) “Design-build team” means the design-build entity itself and
35 the individuals and other entities identified by the design-build
36 entity as members of its team. Members shall include the general
37 contractor and, if utilized in the design of the project, all electrical,
38 mechanical, and plumbing contractors.

39 (g) (1) “Director” means, with respect to procurements
40 undertaken by the Department of General Services, the Director

1 of General Services or, with respect to procurements undertaken
2 by the Department of Corrections and Rehabilitation, the secretary
3 of that department.

4 (2) *For purposes of projects at the Salton Sea, “director” means*
5 *the Director of Water Resources.*

6 SEC. 32. *Section 10190 of the Public Contract Code is amended*
7 *to read:*

8 10190. (a) The director shall notify the State Public Works
9 Board regarding the method to be used for selecting the
10 design-build entity, prior to advertising the design-build project.

11 (b) *Notwithstanding subdivision (a), for purposes of projects*
12 *at the Salton Sea, the Director of Water Resources shall notify the*
13 *California Water Commission regarding the method to be used*
14 *for selecting the design-build entry, prior to advertising the*
15 *design-build project.*

16 SEC. 33. *Section 4629.6 of the Public Resources Code is*
17 *amended to read:*

18 4629.6. Moneys deposited in the fund shall, upon appropriation
19 by the Legislature, only be expended for the following purposes:

20 (a) To reimburse the State Board of Equalization for its
21 administrative costs associated with the administration, collection,
22 audit, and issuance of refunds related to the lumber products and
23 engineered wood assessment established pursuant to Section
24 4629.5.

25 (b) To pay refunds issued pursuant to Part 30 (commencing
26 with Section 55001) of Division 2 of the Revenue and Taxation
27 Code.

28 (c) To support the activities and costs of the department, the
29 Department of Conservation, the Department of Fish and Wildlife,
30 the State Water Resources Control Board, and regional water
31 quality control boards associated with the review of projects or
32 permits necessary to conduct timber operations. On or after July
33 1, 2013, except for fees applicable for fire prevention or protection
34 within state responsibility area classified lands or timber yield
35 assessments, no currently authorized or required fees shall be
36 charged by the agencies listed in this subdivision for activities or
37 costs associated with the review of a project, inspection and
38 oversight of projects, and permits necessary to conduct timber
39 operations of those departments and boards.

1 (d) For transfer to the department's Forest Improvement
2 ~~Program, upon appropriation by the Legislature, Program~~ for forest
3 resources improvement grants and projects administered by the
4 department pursuant to Chapter 1 (commencing with Section 4790)
5 and Chapter 2 (commencing with Section 4799.06) of ~~Part 2.5 of~~
6 ~~Division 4. 2.5.~~

7 (e) To fund existing restoration grant programs, with priority
8 given to the Fisheries Restoration Grant Program administered by
9 the Department of Fish and Wildlife and grant programs
10 administered by state conservancies.

11 (f) (1) As a loan to the Department of Fish and Wildlife for
12 activities to address environmental damage occurring on forest
13 lands resulting from marijuana cultivation. Not more than five
14 hundred thousand dollars (\$500,000) may be loaned from the fund
15 in a fiscal year pursuant to this paragraph. This paragraph shall
16 become inoperative on July 1, 2017.

17 (2) Any funds deposited into the ~~Timber Regulation and Forest~~
18 ~~Restoration Fund fund~~ pursuant to subdivision (d) or (f) of Section
19 12025 or subdivision (b), (c), (e), or (f) of Section 12025.1 of the
20 Fish and Game Code shall be credited toward loan repayment.

21 (3) Moneys from the General Fund shall not be used to repay
22 a loan authorized pursuant to this subdivision.

23 (g) ~~To the department, upon appropriation by the Legislature,~~
24 ~~department~~ for fuel treatment grants and projects pursuant to
25 authorities under the Wildland Fire Protection and Resources
26 Management Act of 1978 (Article 1 (commencing with Section
27 4461) of Chapter 7 of Part 2 of Division 4): 7).

28 (h) ~~To the department, upon appropriation by the Legislature,~~
29 ~~department~~ to provide grants to local agencies responsible for fire
30 protection, qualified nonprofits, recognized tribes, local and state
31 governments, and resources conservation districts, undertaken on
32 a state responsibility area (SRA) or on wildlands not in an SRA
33 that pose a threat to the SRA, to reduce the costs of wildland fire
34 suppression, reduce greenhouse gas emissions, promote adaptation
35 of forested landscapes to changing climate, improve forest health,
36 and protect homes and communities.

37 (i) *To the Natural Resources Agency to provide a reasonable*
38 *per diem for attendance at a meeting of the advisory body for the*
39 *state's forest practice program by a member of the body who is*
40 *not an employee of a government agency.*

1 *SEC. 34. Section 4629.8 of the Public Resources Code is*
2 *amended to read:*

3 4629.8. (a) Funds deposited in the ~~Timber Regulation and~~
4 ~~Forest Restoration Fund~~ *fund* shall be appropriated in accordance
5 with the following priorities:

6 (1) First priority shall be for funding associated with the
7 administration and delivery of responsibilities identified in
8 subdivisions (a) to (c), inclusive, of Section 4629.6.

9 (2) Only after paragraph (1) is funded, the second priority shall
10 be, if deposits are sufficient in future years to maintain the fund,
11 by 2016, at a minimum reserve of four million dollars (\$4,000,000),
12 for use and appropriation by the Legislature in years during which
13 revenues to the account are projected to fall short of the ongoing
14 budget allocations for support of the activities identified in
15 paragraph (1).

16 (3) Only after paragraphs (1) and (2) are funded, the third
17 priority shall be in support of activities designated in subdivisions
18 ~~(d), (e), and (f)~~ *(d) to (f), inclusive*, of Section 4629.6.

19 (4) Only after paragraphs ~~(1), (2), and (3)~~ *(1) to (3), inclusive*,
20 are funded, the fourth priority shall be to support the activities
21 designated in subdivisions ~~(g) and (h)~~ *(g) to (i), inclusive*, of Section
22 4629.6.

23 (b) Funds shall not be used to pay for or reimburse any
24 requirements, including mitigation of a project proponent or
25 applicant, as a condition of any permit.

26 *SEC. 35. Section 21191 of the Public Resources Code is*
27 *amended to read:*

28 21191. (a) The California Environmental License Plate Fund,
29 which supersedes the California Environmental Protection Program
30 Fund, is continued in existence in the State Treasury, and consists
31 of the moneys deposited in the fund pursuant to any provision of
32 law. The Legislature shall establish the amount of fees for
33 environmental license plates, which shall be not less than
34 forty-eight dollars (\$48) for the issuance or thirty-eight dollars
35 (\$38) for the renewal of an environmental license plate.

36 (b) The Controller shall transfer from the California
37 Environmental License Plate Fund to the Motor Vehicle Account
38 in the State Transportation Fund the amount appropriated by the
39 Legislature for the reimbursement of costs incurred by the
40 Department of Motor Vehicles in performing its duties pursuant

1 to Sections 5004, 5004.5, and 5022 and Article 8.5 (commencing
2 with Section 5100) of Chapter 1 of Division 3 of the Vehicle Code.
3 The reimbursement from the California Environmental License
4 Plate Fund shall only include those additional costs which are
5 directly attributable to any additional duties or special handling
6 necessary for the issuance, renewal, or retention of the
7 environmental license plates.

8 (c) The Controller shall transfer to the post fund of the Veterans'
9 Home of California, established pursuant to Section 1047 of the
10 Military and Veterans Code, all revenue derived from the issuance
11 of prisoner of war special license plates pursuant to Section 5101.5
12 of the Vehicle Code less the administrative costs of the Department
13 of Motor Vehicles in that regard.

14 (d) The Director of Motor Vehicles shall certify the amounts of
15 the administrative costs of the Department of Motor Vehicles in
16 subdivision (c) to the Controller.

17 (e) The balance of the moneys in the California Environmental
18 License Plate Fund shall be available for expenditure only for the
19 exclusive trust purposes specified in Section 21190, upon
20 appropriation by the Legislature. However, all moneys derived
21 from the issuance of commemorative 1984 Olympic reflectorized
22 license plates in the California Environmental License Plate Fund
23 shall be used only for capital outlay purposes.

24 (f) All proposed appropriations for the program shall be
25 summarized in a section in the Governor's Budget for each fiscal
26 year and shall bear the caption "California Environmental
27 Protection Program." The section shall contain a separate
28 description of each project for which an appropriation is made.
29 All of these appropriations shall be made to the department
30 performing the project and accounted for separately.

31 (g) The budget the Governor presents to the Legislature pursuant
32 to subdivision (a) of Section 12 of Article IV of the California
33 Constitution shall include, as proposed appropriations for the
34 California Environmental Protection Program, only projects and
35 programs recommended for funding by the Secretary of the Natural
36 Resources Agency pursuant to subdivision (a) of Section 21193.
37 The Secretary of the Natural Resources Agency shall consult with
38 the Secretary for Environmental Protection before making any
39 recommendations to fund projects pursuant to subdivision (a) of
40 Section 21190.

1 (h) *This section shall remain in effect only until January 1, 2017,*
2 *and as of that date is repealed, unless a later enacted statute, that*
3 *is enacted before January 1, 2017, deletes or extends that date.*

4 SEC. 36. *Section 21191 is added to the Public Resources Code,*
5 *to read:*

6 21191. (a) *The California Environmental License Plate Fund*
7 *is hereby created in the State Treasury, and consists of the moneys*
8 *deposited in the fund pursuant to any law. The annual fee for*
9 *environmental license plates is forty-eight dollars (\$48) for the*
10 *issuance or forty-three dollars (\$43) for the renewal of the plates.*

11 (b) *The Controller shall transfer from the California*
12 *Environmental License Plate Fund to the Motor Vehicle Account*
13 *in the State Transportation Fund the amount appropriated by the*
14 *Legislature for the reimbursement of costs incurred by the*
15 *Department of Motor Vehicles in performing its duties pursuant*
16 *to Sections 5004, 5004.5, and 5022 and Article 8.5 (commencing*
17 *with Section 5100) of Chapter 1 of Division 3 of the Vehicle Code.*
18 *The reimbursement from the California Environmental License*
19 *Plate Fund shall only include those additional costs that are*
20 *directly attributable to any additional duties or special handling*
21 *necessary for the issuance, renewal, or retention of the*
22 *environmental license plates.*

23 (c) *The Controller shall transfer to the post fund of the Veterans'*
24 *Home of California, established pursuant to Section 1047 of the*
25 *Military and Veterans Code, all revenue derived from the issuance*
26 *of prisoner of war special license plates pursuant to Section 5101.5*
27 *of the Vehicle Code less the administrative costs of the Department*
28 *of Motor Vehicles incurred in issuing and renewing those plates.*

29 (d) *The Director of Motor Vehicles shall certify the amounts of*
30 *the administrative costs of the Department of Motor Vehicles in*
31 *subdivision (c) to the Controller.*

32 (e) *The balance of the moneys in the California Environmental*
33 *License Plate Fund shall be available for expenditure only for the*
34 *exclusive trust purposes specified in Section 21190, upon*
35 *appropriation by the Legislature. However, all moneys derived*
36 *from the issuance of commemorative 1984 Olympic reflectorized*
37 *license plates in the California Environmental License Plate Fund*
38 *shall be used only for capital outlay purposes.*

39 (f) *All proposed appropriations for the California Environmental*
40 *Protection Program shall be summarized in a section in the*

1 Governor's Budget for each fiscal year and shall bear the caption
2 "California Environmental Protection Program." The section
3 shall contain a separate description of each project for which an
4 appropriation is made. Each of these appropriations shall be made
5 to the department performing the project and accounted for
6 separately.

7 (g) The budget the Governor presents to the Legislature
8 pursuant to subdivision (a) of Section 12 of Article IV of the
9 California Constitution shall include, as proposed appropriations
10 for the California Environmental Protection Program, only projects
11 and programs recommended for funding by the Secretary of the
12 Natural Resources Agency pursuant to subdivision (a) of Section
13 21193. The Secretary of the Natural Resources Agency shall
14 consult with the Secretary for Environmental Protection before
15 making any recommendations to fund projects pursuant to
16 subdivision (a) of Section 21190.

17 (h) This section shall become operative on January 1, 2017,
18 shall become inoperative on July 1, 2017, and as of January 1,
19 2018, is repealed, unless a later enacted statute, that becomes
20 operative on or before January 1, 2018, deletes or extends the
21 dates on which it becomes inoperative and is repealed.

22 SEC. 36.5. Section 21191 is added to the Public Resources
23 Code, to read:

24 21191. (a) The California Environmental License Plate Fund
25 is hereby created in the State Treasury, and consists of the moneys
26 deposited in the fund pursuant to any law. The annual fee for
27 environmental license plates is fifty-three dollars (\$53) for the
28 issuance or forty-three dollars (\$43) for the renewal of the plates.

29 (b) The Controller shall transfer from the California
30 Environmental License Plate Fund to the Motor Vehicle Account
31 in the State Transportation Fund the amount appropriated by the
32 Legislature for the reimbursement of costs incurred by the
33 Department of Motor Vehicles in performing its duties pursuant
34 to Sections 5004, 5004.5, and 5022 and Article 8.5 (commencing
35 with Section 5100) of Chapter 1 of Division 3 of the Vehicle Code.
36 The reimbursement from the California Environmental License
37 Plate Fund shall only include those additional costs that are
38 directly attributable to any additional duties or special handling
39 necessary for the issuance, renewal, or retention of the
40 environmental license plates.

1 (c) *The Controller shall transfer to the post fund of the Veterans’*
2 *Home of California, established pursuant to Section 1047 of the*
3 *Military and Veterans Code, all revenue derived from the issuance*
4 *of prisoner of war special license plates pursuant to Section 5101.5*
5 *of the Vehicle Code less the administrative costs of the Department*
6 *of Motor Vehicles incurred in issuing and renewing those plates.*

7 (d) *The Director of Motor Vehicles shall certify the amounts of*
8 *the administrative costs of the Department of Motor Vehicles in*
9 *subdivision (c) to the Controller.*

10 (e) *The balance of the moneys in the California Environmental*
11 *License Plate Fund shall be available for expenditure only for the*
12 *exclusive trust purposes specified in Section 21190, upon*
13 *appropriation by the Legislature. However, all moneys derived*
14 *from the issuance of commemorative 1984 Olympic reflectorized*
15 *license plates in the California Environmental License Plate Fund*
16 *shall be used only for capital outlay purposes.*

17 (f) *All proposed appropriations for the California Environmental*
18 *Protection Program shall be summarized in a section in the*
19 *Governor’s Budget for each fiscal year and shall bear the caption*
20 *“California Environmental Protection Program.” The section*
21 *shall contain a separate description of each project for which an*
22 *appropriation is made. Each of these appropriations shall be made*
23 *to the department performing the project and accounted for*
24 *separately.*

25 (g) *The budget the Governor presents to the Legislature*
26 *pursuant to subdivision (a) of Section 12 of Article IV of the*
27 *California Constitution shall include, as proposed appropriations*
28 *for the California Environmental Protection Program, only projects*
29 *and programs recommended for funding by the Secretary of the*
30 *Natural Resources Agency pursuant to subdivision (a) of Section*
31 *21193. The Secretary of the Natural Resources Agency shall*
32 *consult with the Secretary for Environmental Protection before*
33 *making any recommendations to fund projects pursuant to*
34 *subdivision (a) of Section 21190.*

35 (h) *This section shall become operative on July 1, 2017.*

36 *SEC. 37. The heading of Chapter 6.5 (commencing with Section*
37 *25550) of Division 15 of the Public Resources Code is repealed.*

38

39 ~~CHAPTER 6.5. EXPEDITED SITING OF ELECTRICAL GENERATION~~

40

1 SEC. 38. Chapter 6.5 (commencing with Section 25550) is
2 added to Division 15 of the Public Resources Code, to read:

3
4 CHAPTER 6.5. NATURAL GAS RATING AND TRACKING

5
6 Article 1. Definitions

7
8 25550. For purposes of this chapter, the following definitions
9 apply:

10 (a) “Buyer of natural gas” means a gas corporation, local
11 publicly owned gas utility, noncore gas customer, or core transport
12 agent.

13 (b) “Core transport agent” has the same meaning as set forth
14 in subdivision (b) of Section 980 of the Public Utilities Code.

15 (c) “Division” means the Division of Oil, Gas, and Geothermal
16 Resources.

17 (d) “Gas corporation” has the same meaning as set forth in
18 Section 222 of the Public Utilities Code.

19 (e) “Natural gas infrastructure” means a natural gas facility
20 used for the production, gathering and boosting, processing,
21 transmission, storage, or distribution necessary for the delivery
22 of natural gas to end-use customers in California.

23 (f) “Noncore gas customer” means an entity that procures
24 directly from natural gas producers or natural gas marketers and
25 is not a gas corporation or local publicly owned gas utility.

26 (g) “Procure” means to acquire through ownership or contract.

27 (h) “Tracking” means using a system that communicates the
28 pathway of a given volume of natural gas from its initial production
29 to its delivery to end-use customers in this state.

30
31 Article 2. Natural Gas Tracking System

32
33 25555. (a) Not later than September 15, 2017, the commission
34 shall report to the respective budget committees of each house of
35 the Legislature on the resources needed to develop a plan for
36 tracking natural gas, and a recommendation for developing the
37 plan, considering cost-effectiveness and efficacy. This report shall
38 include the resources needed to do all of the following:

39 (1) Collect data from natural gas participants to support the
40 work described in subdivision (c). The commission shall consult

1 with the State Air Resources Board to determine the most
2 appropriate data to collect.

3 (2) Consider participation in, or formation of, interstate and
4 federal working groups, compacts, or agreements.

5 (3) Establish methods to ensure natural gas tracking data
6 reporting compliance by buyers of natural gas, and natural gas
7 producers, marketers, storers, and transporters.

8 (4) Provide data collected pursuant to paragraph (1) to the
9 State Air Resources Board to support the implementation of Section
10 39731 of the Health and Safety Code.

11 (b) In the consideration of the report pursuant to subdivision
12 (a), the commission consult with, and receive information from,
13 stakeholders, including, but not limited to, the Public Utilities
14 Commission, the United States Environmental Protection Agency,
15 the United States Department of Energy, the State Air Resources
16 Board, the division, the Federal Energy Regulatory Commission,
17 the United States Department of Transportation Office of Pipeline
18 Safety, appropriate agencies in states where gas consumed in
19 California is produced, gathered and boosted, processed,
20 transmitted, stored, or distributed, representatives of the oil and
21 gas industry, and independent experts from academia and
22 nongovernmental organizations.

23 (c) The State Air Resources Board, in consultation with the
24 commission, shall develop a model of fugitive and vented emissions
25 of methane from natural gas infrastructure. The model shall do
26 all of the following:

27 (1) Quantify emissions from specific natural gas infrastructure.

28 (2) Incorporate the current condition and current management
29 practices of specific natural gas infrastructure.

30 (3) Incorporate natural gas industry best management practices
31 established by the Public Utilities Commission pursuant to section
32 975 of the Public Utilities Code for gas corporations, by the United
33 States Environmental Protection Agency, by the division, and by
34 other relevant entities.

35 SEC. 39. Section 43053 of the Revenue and Taxation Code is
36 amended to read:

37 43053. The fees imposed pursuant to Sections 25205.2,
38 25205.5, ~~25205.7~~, and 25205.14 of the Health and Safety Code
39 shall be administered and collected by the board in accordance
40 with this part.

1 *SEC. 40. Section 43152.10 of the Revenue and Taxation Code*
2 *is amended to read:*

3 43152.10. The fees ~~imposed pursuant to Sections 25205.7,~~
4 ~~25205.8, 25205.14, 25221, and 25343 of the Health and Safety~~
5 ~~Code, which are collected and administered under Sections 43053~~
6 ~~and 43054, 43054~~ are due and payable within 30 days after the
7 date of assessment and the feepayer shall deliver a remittance of
8 the amount of the assessed fee to the office of the board within
9 that 30-day period, ~~except as provided in subdivision (e) of Section~~
10 ~~25205.14 of the Health and Safety Code.~~ *period.*

11 *SEC. 41. Section 5106 of the Vehicle Code is amended to read:*

12 5106. (a) In addition to the regular registration fee or a
13 permanent trailer identification fee, the applicant shall be charged
14 a fee of forty-eight dollars (\$48) for issuance of environmental
15 license plates.

16 (b) In addition to the regular renewal fee or a permanent trailer
17 identification fee for the vehicle to which the plates are assigned,
18 the applicant for a renewal of environmental license plates shall
19 be charged an additional fee of thirty-eight dollars (\$38). An
20 applicant with a permanent trailer identification plate shall be
21 charged an annual fee of thirty-eight dollars (\$38) for renewal of
22 environmental license plates. However, applicants for renewal of
23 prisoner-of-war special license plates issued under Section 5101.5
24 shall not be charged the additional renewal fee under this
25 subdivision.

26 (c) When payment of renewal fees is not required as specified
27 in Section 4000, the holder of any environmental license plate may
28 retain the plate upon payment of an annual fee of thirty-eight
29 dollars (\$38). The fee shall be due at the expiration of the
30 registration year of the vehicle to which the environmental license
31 plate was last assigned. However, applicants for retention of
32 prisoner-of-war special license plates issued under Section 5101.5
33 shall not be charged the additional retention fee under this
34 subdivision.

35 (d) Notwithstanding Section 9265, the applicant for a duplicate
36 environmental license plate shall be charged a fee of thirty-eight
37 dollars (\$38).

38 (e) *This section shall remain in effect only until January 1, 2017,*
39 *and as of that date is repealed, unless a later enacted statute, that*
40 *is enacted before January 1, 2017, deletes or extends that date.*

1 *SEC. 42. Section 5106 is added to the Vehicle Code, to read:*

2 *5106. (a) In addition to the regular registration fee or a*
3 *permanent trailer identification fee, the applicant shall be charged*
4 *a fee of forty-eight dollars (\$48) for issuance of environmental*
5 *license plates.*

6 *(b) In addition to the regular renewal fee or a permanent trailer*
7 *identification fee for the vehicle to which the plates are assigned,*
8 *the applicant for a renewal of environmental license plates shall*
9 *be charged an additional fee of forty-three dollars (\$43). An*
10 *applicant with a permanent trailer identification plate shall be*
11 *charged an annual fee of forty-three dollars (\$43) for renewal of*
12 *environmental license plates. However, applicants for renewal of*
13 *prisoner-of-war special license plates issued under Section 5101.5*
14 *shall not be charged the additional renewal fee under this*
15 *subdivision.*

16 *(c) When payment of renewal fees is not required as specified*
17 *in Section 4000, the holder of any environmental license plate may*
18 *retain the plate upon payment of an annual fee of forty-three*
19 *dollars (\$43). The fee shall be due at the expiration of the*
20 *registration year of the vehicle to which the environmental license*
21 *plate was last assigned. However, applicants for retention of*
22 *prisoner-of-war special license plates issued under Section 5101.5*
23 *shall not be charged the additional retention fee under this*
24 *subdivision.*

25 *(d) Notwithstanding Section 9265, the applicant for a duplicate*
26 *environmental license plate shall be charged a fee of forty-three*
27 *dollars (\$43).*

28 *(e) This section shall become operative on January 1, 2017,*
29 *shall become inoperative on July 1, 2017, and as of January 1,*
30 *2018, is repealed, unless a later enacted statute, that becomes*
31 *operative on or before January 1, 2018, deletes or extends the*
32 *dates on which it becomes inoperative and is repealed.*

33 *SEC. 42.5. Section 5106 is added to the Vehicle Code, to read:*

34 *5106. (a) In addition to the regular registration fee or a*
35 *permanent trailer identification fee, the applicant shall be charged*
36 *a fee of fifty-three dollars (\$53) for issuance of environmental*
37 *license plates.*

38 *(b) In addition to the regular renewal fee or a permanent trailer*
39 *identification fee for the vehicle to which the plates are assigned,*
40 *the applicant for a renewal of environmental license plates shall*

1 *be charged an additional fee of forty-three dollars (\$43). An*
2 *applicant with a permanent trailer identification plate shall be*
3 *charged an annual fee of forty-three dollars (\$43) for renewal of*
4 *environmental license plates. However, applicants for renewal of*
5 *prisoner-of-war special license plates issued under Section 5101.5*
6 *shall not be charged the additional renewal fee under this*
7 *subdivision.*

8 *(c) When payment of renewal fees is not required as specified*
9 *in Section 4000, the holder of any environmental license plate may*
10 *retain the plate upon payment of an annual fee of forty-three*
11 *dollars (\$43). The fee shall be due at the expiration of the*
12 *registration year of the vehicle to which the environmental license*
13 *plate was last assigned. However, applicants for retention of*
14 *prisoner-of-war special license plates issued under Section 5101.5*
15 *shall not be charged the additional retention fee under this*
16 *subdivision.*

17 *(d) Notwithstanding Section 9265, the applicant for a duplicate*
18 *environmental license plate shall be charged a fee of forty-three*
19 *dollars (\$43).*

20 *(e) This section shall become operative on July 1, 2017.*

21 *SEC. 43. Section 5108 of the Vehicle Code is amended to read:*

22 *5108. (a) Whenever any person who has been issued*
23 *environmental license plates applies to the department for transfer*
24 *of the plates to another passenger vehicle, commercial motor*
25 *vehicle, trailer, or semitrailer, a transfer fee of thirty-eight dollars*
26 *(\$38) shall be charged in addition to all other appropriate fees.*

27 *(b) This section shall remain in effect only until January 1, 2017,*
28 *and as of that date is repealed, unless a later enacted statute, that*
29 *is enacted before January 1, 2017, deletes or extends that date.*

30 *SEC. 44. Section 5108 is added to the Vehicle Code, to read:*

31 *5108. (a) Whenever any person who has been issued*
32 *environmental license plates applies to the department for transfer*
33 *of the plates to another passenger vehicle, commercial motor*
34 *vehicle, trailer, or semitrailer, a transfer fee of forty-three dollars*
35 *(\$43) shall be charged in addition to all other appropriate fees.*

36 *(b) This section shall become operative on January 1, 2017.*

37 *SEC. 45. Section 1430 of the Water Code is amended to read:*

38 *1430. A temporary permit issued under this chapter shall not*
39 *result in the creation of a vested right, even of a temporary nature,*
40 *but shall be subject at all times to modification or revocation in*

1 the discretion of the board. The authorization to divert and use
 2 water under a temporary permit shall automatically expire 180
 3 days after the authorization takes effect, unless an earlier date is
 4 specified or the temporary permit is revoked. The 180-day period
 5 does not include any time required for monitoring, reporting, or
 6 mitigation before or after the authorization to divert or use water
 7 under the temporary permit. *If the temporary permit authorizes*
 8 *diversion to storage, the 180-day period is a limitation on the*
 9 *authorization to divert and not a limitation on the authorization*
 10 *for beneficial use of water diverted to storage.*

11 *SEC. 46. Section 1440 of the Water Code is amended to read:*

12 1440. A temporary change order issued under this chapter shall
 13 not result in the creation of a vested right, even of a temporary
 14 nature, but shall be subject at all times to modification or revocation
 15 in the discretion of the board. The authorization to divert and use
 16 water under a temporary change order shall automatically expire
 17 180 days after the authorization takes effect, unless an earlier date
 18 is specified or the temporary change order is revoked. The 180-day
 19 period does not include any time required for monitoring, reporting,
 20 or mitigation before or after the authorization to divert or use water
 21 under the temporary change order. *If the temporary change order*
 22 *authorizes diversion to storage, the 180-day period is a limitation*
 23 *on the authorization to divert and not a limitation on the*
 24 *authorization for beneficial use of water diverted to storage.*

25 *SEC. 47. Section 13205 of the Water Code is amended to read:*

26 13205. Each member of a regional board shall receive ~~one two~~
 27 ~~hundred fifty~~ dollars ~~(\$100)~~ (\$250) for each day during which that
 28 member is engaged in the performance of official ~~duties, except~~
 29 ~~that no member shall be entitled to receive the one hundred dollars~~
 30 ~~(\$100) compensation if the member otherwise receives~~
 31 ~~compensation from other sources for performing those duties.~~
 32 *duties. The performance of official duties includes, but is not*
 33 *limited to, reviewing agenda materials for no more than one day*
 34 *in preparation for each regional board meeting.* The total
 35 compensation received by members of ~~each~~ *all of the* regional
 36 ~~board~~ *boards* shall not exceed, in any one fiscal year, the sum of
 37 ~~thirteen three hundred seventy-eight thousand five two~~ hundred
 38 ~~fifty~~ dollars ~~(\$13,500):~~ (\$378,250). A member may decline
 39 compensation. In addition to the compensation, each member shall

1 be reimbursed for necessary traveling and other expenses incurred
2 in the performance of official duties.

3 *SEC. 48. Section 79717 is added to the Water Code, to read:*

4 *79717. (a) On or before January 10, 2017, and annually on*
5 *or before each January 10 thereafter, the Natural Resources*
6 *Agency shall submit to the relevant fiscal and policy committees*
7 *of the Legislature and to the Legislative Analyst's Office a report*
8 *that contains all of the following information relating to this*
9 *division for the previous fiscal year with the information*
10 *summarized by section of this division:*

11 *(1) Funding appropriations and encumbrances.*

12 *(2) Summary of new projects funded.*

13 *(3) Summary of projects completed.*

14 *(4) Discussion of progress towards meeting the metrics of*
15 *success established pursuant to Section 79716.*

16 *(5) Discussion of common challenges experienced by state*
17 *agencies and recipients of funding in executing projects.*

18 *(6) Discussion of major accomplishments and successes*
19 *experienced by state agencies and recipients of funding in*
20 *executing projects.*

21 *(b) This section shall remain in effect only until January 1, 2022,*
22 *and as of that date is repealed, unless a later enacted statute, that*
23 *is enacted before January 1, 2022, deletes or extends that date.*

24 *SEC. 49. Section 258 of the Welfare and Institutions Code is*
25 *amended to read:*

26 *258. (a) Upon a hearing conducted in accordance with Section*
27 *257, and upon either an admission by the minor of the commission*
28 *of a violation charged, or a finding that the minor did in fact*
29 *commit the violation, the judge, referee, or juvenile hearing officer*
30 *may do any of the following:*

31 *(1) Reprimand the minor and take no further action.*

32 *(2) Direct that the probation officer undertake a program of*
33 *supervision of the minor for a period not to exceed six months, in*
34 *addition to or in place of the following orders.*

35 *(3) Order that the minor pay a fine up to the amount that an*
36 *adult would pay for the same violation, unless the violation is*
37 *otherwise specified within this section, in which case the fine shall*
38 *not exceed two hundred fifty dollars (\$250). This fine may be*
39 *levied in addition to or in place of the following orders and the*
40 *court may waive any or all of this fine, if the minor is unable to*

1 pay. In determining the minor's ability to pay, the court shall not
2 consider the ability of the minor's family to pay.

3 (4) Subject to the minor's right to a restitution hearing, order
4 that the minor pay restitution to the victim, in lieu of all or a portion
5 of the fine specified in paragraph (3). The total dollar amount of
6 the fine, restitution, and any program fees ordered pursuant to
7 paragraph (9) shall not exceed the maximum amount which may
8 be ordered pursuant to paragraph (3). This paragraph shall not be
9 construed to limit the right to recover damages, less any amount
10 actually paid in restitution, in a civil action.

11 (5) Order that the driving privileges of the minor be suspended
12 or restricted as provided in the Vehicle Code or, notwithstanding
13 Section 13203 of the Vehicle Code or any other provision of law,
14 when the Vehicle Code does not provide for the suspension or
15 restriction of driving privileges, that, in addition to any other order,
16 the driving privileges of the minor be suspended or restricted for
17 a period of not to exceed 30 days.

18 (6) In the case of a traffic related offense, order the minor to
19 attend a licensed traffic school, or other court approved program
20 of traffic school instruction pursuant to Chapter 1.5 (commencing
21 with Section 11200) of Division 5 of the Vehicle Code, to be
22 completed by the juvenile within 60 days of the court order.

23 (7) Order that the minor produce satisfactory evidence that the
24 vehicle or its equipment has been made to conform with the
25 requirements of the Vehicle Code pursuant to Section 40150 of
26 the Vehicle Code if the violation involved an equipment violation.

27 (8) Order that the minor perform community service work in a
28 public entity or any private nonprofit entity, for not more than 50
29 hours over a period of 60 days, during times other than his or her
30 hours of school attendance or employment. Work performed
31 pursuant to this paragraph shall not exceed 30 hours during any
32 30-day period. The timeframes established by this paragraph shall
33 not be modified except in unusual cases where the interests of
34 justice would best be served. When the order to work is made by
35 a referee or a juvenile hearing officer, it shall be approved by a
36 judge of the juvenile court.

37 For purposes of this paragraph, a judge, referee, or juvenile
38 hearing officer shall not, without the consent of the minor, order
39 the minor to perform work with a private nonprofit entity that is
40 affiliated with any religion.

1 (9) In the case of a misdemeanor, order that the minor participate
2 in and complete a counseling or educational program, or, if the
3 offense involved a violation of a controlled substance law, a drug
4 treatment program, if those programs are available. Fees for
5 participation shall be subject to the right to a hearing as the minor's
6 ability to pay and shall not, together with any fine or restitution
7 order, exceed the maximum amount that may be ordered pursuant
8 to paragraph (3).

9 (10) Require that the minor attend a school program without
10 unexcused absence.

11 (11) If the offense is a misdemeanor committed between 10
12 p.m. and 6 a.m., require that the minor be at his or her legal
13 residence at hours to be specified by the juvenile hearing officer
14 between the hours of 10 p.m. and 6 a.m., except for a medical or
15 other emergency, unless the minor is accompanied by his or her
16 parent, guardian, or other person in charge of the minor. The
17 maximum length of an order made pursuant to this paragraph shall
18 be six months from the effective date of the order.

19 (12) Make any or all of the following orders with respect to a
20 violation of the Fish and Game Code which is not charged as a
21 felony:

22 (A) That the fishing or hunting license involved be suspended
23 or restricted.

24 (B) That the minor work in a park or conservation area for a
25 total of not to exceed 20 hours over a period not to exceed 30 days,
26 during times other than his or her hours of school attendance or
27 employment.

28 (C) That the minor forfeit, pursuant to Section 12157 of the Fish
29 and Game Code, any device or apparatus designed to be, and
30 capable of being, used to take birds, mammals, fish, reptiles, or
31 amphibia and that was used in committing the violation charged.
32 The judge, referee, or juvenile hearing officer shall, if the minor
33 committed an offense that is punishable under Section 12008 *or*
34 *12008.1* of the Fish and Game Code, order the device or apparatus
35 forfeited pursuant to Section 12157 of the Fish and Game Code.

36 (13) If the violation charged is of an ordinance of a city, county,
37 or local agency relating to loitering, curfew, or fare evasion on a
38 public transportation system, as defined by Section 99211 of the
39 Public Utilities Code, or is a violation of Section 640 or 640a of
40 the Penal Code, make the order that the minor shall perform

1 community service for a total time not to exceed 20 hours over a
2 period not to exceed 30 days, during times other than his or her
3 hours of school attendance or employment.

4 (b) If the minor is before the court on the basis of truancy, as
5 described in subdivision (b) of Section 601, all of the following
6 procedures and limitations shall apply:

7 (1) The judge, referee, or juvenile hearing officer shall not
8 proceed with a hearing unless both of the following have been
9 provided to the court:

10 (A) Evidence that the minor's school has undertaken the actions
11 specified in subdivisions (a), (b), and (c) of Section 48264.5 of the
12 Education Code. If the school district does not have an attendance
13 review board, as described in Section 48321 of the Education Code,
14 the minor's school is not required to provide evidence to the court
15 of any actions the school has undertaken that demonstrate the
16 intervention of a school attendance review board.

17 (B) The available record of previous attempts to address the
18 minor's truancy.

19 (2) The court is encouraged to set the hearing outside of school
20 hours, so as to avoid causing the minor to miss additional school
21 time.

22 (3) Pursuant to paragraph (1) of subdivision (a) of Section 257,
23 the minor and his or her parents shall be advised of the minor's
24 right to refuse consent to a hearing conducted upon a written notice
25 to appear.

26 (4) The minor's parents shall be permitted to participate in the
27 hearing.

28 (5) The judge, referee, or juvenile hearing officer may continue
29 the hearing to allow the minor the opportunity to demonstrate
30 improved attendance before imposing any of the orders specified
31 in paragraph (6). Upon demonstration of improved attendance, the
32 court may dismiss the case.

33 (6) Upon a finding that the minor violated subdivision (b) of
34 Section 601, the judge, referee, or juvenile hearing officer shall
35 direct his or her orders at improving the minor's school attendance.
36 The judge, referee, or juvenile hearing officer may do any of the
37 following:

38 (A) Order the minor to perform community service work, as
39 described in Section 48264.5 of the Education Code, which may
40 be performed at the minor's school.

1 (B) Order the payment of a fine by the minor of not more than
2 fifty dollars (\$50), for which a parent or legal guardian of the minor
3 may be jointly liable. The fine described in this subparagraph shall
4 not be subject to Section 1464 of the Penal Code or additional
5 penalty pursuant to any other law. The minor, at his or her
6 discretion, may perform community service, as described in
7 subparagraph (A), in lieu of any fine imposed under this
8 subparagraph.

9 (C) Order a combination of community service work described
10 in subparagraph (A) and payment of a portion of the fine described
11 in subparagraph (B).

12 (D) Restrict driving privileges in the manner set forth in
13 paragraph (5) of subdivision (a). The minor may request removal
14 of the driving restrictions if he or she provides proof of school
15 attendance, high school graduation, GED completion, or enrollment
16 in adult education, a community college, or a trade program. Any
17 driving restriction shall be removed at the time the minor attains
18 18 years of age.

19 (c) (1) The judge, referee, or juvenile hearing officer shall retain
20 jurisdiction of the case until all orders made under this section
21 have been fully complied with.

22 (2) If a minor is before the judge, referee, or juvenile hearing
23 officer on the basis of truancy, jurisdiction shall be terminated
24 upon the minor attaining 18 years of age.

25 *SEC. 50. Section 11 of Chapter 2 of the Statutes of 2009,*
26 *Seventh Extraordinary Session, is amended to read:*

27 *SEC. 11. Commencing—(a) (1) Except as provided in*
28 *paragraph (2), commencing with the 2010–11 fiscal year, and*
29 *notwithstanding Section 13340 of the Government Code, three*
30 *million seven hundred fifty thousand dollars (\$3,750,000) is hereby*
31 *continuously appropriated, without regard to fiscal years, on an*
32 *annual basis, only from the fee revenue in the Water Rights Fund*
33 *to the State Water Resources Control Board for the purposes of*
34 *funding 25.0 permanent water right enforcement positions, as*
35 *provided in Schedule (2) of Item 3940-001-0439 of Section 2.00*
36 *of the Budget Act of 2009, as amended by Chapter 2 of the Seventh*
37 *Extraordinary Session of the Statutes of 2009.*

38 *(2) This subdivision makes appropriations, on an annual basis,*
39 *only for the fiscal years commencing with the 2010–11 fiscal year*
40 *and through the 2015–16 fiscal year. Annual appropriations made*

1 under this subdivision are available for encumbrance only until
2 June 30, 2016, and appropriations encumbered under this
3 subdivision are available for expenditure only until June 30, 2018.

4 (b) Commencing with the 2016–17 fiscal year, and
5 notwithstanding Section 13340 of the Government Code, three
6 million seven hundred fifty thousand dollars (\$3,750,000) is hereby
7 appropriated, on an annual basis, only from the fee revenues in
8 the Water Rights Fund to the State Water Resources Control Board
9 for the purposes of funding the 25.0 permanent water right
10 enforcement positions described in subdivision (a). Each annual
11 appropriation shall be available for encumbrance only during the
12 fiscal year of the appropriation and available for liquidation only
13 during the fiscal year of that annual appropriation and the two
14 fiscal years immediately following that fiscal year.

15 SEC. 51. (a) On or before January 1, 2020, the Natural
16 Resources Agency shall submit to the relevant fiscal and policy
17 committees of the Legislature and to the Legislative Analyst's
18 Office a report summarizing lessons learned from the state's
19 response to the drought. The report shall compile information
20 from the various state entities responsible for drought response
21 activities, including, but not limited to, the State Water Resources
22 Control Board, the Department of Water Resources, the
23 Department of Fish and Wildlife, the Department of Forestry and
24 Fire Protection, and the Office of Emergency Services.

25 (b) The report shall discuss the state's drought response efforts
26 for at least all of the following categories:

27 (1) Drinking water.

28 (2) Water rights.

29 (3) Water supply, including groundwater and operations of the
30 State Water Project and the federal Central Valley Project.

31 (4) Water quality.

32 (5) Fish and wildlife.

33 (6) Water conservation.

34 (7) Fire protection.

35 (8) Emergency human assistance.

36 (c) The report shall include a discussion of, and data related
37 to, all of the following for each of the categories included in the
38 report pursuant to subdivision (b):

39 (1) Major drought response activities undertaken.

40 (2) Major challenges encountered.

1 (3) Efforts in which the state achieved notable successes.

2 (4) Efforts in which the state needs to make improvements.

3 (5) Recommendations for improving the state's response in the
4 future, including potential changes to state policy and additional
5 data the state should collect.

6 SEC. 52. The sum of two hundred thirty thousand dollars
7 (\$230,000) is hereby appropriated from the Timber Regulation
8 and Forest Restoration Fund to the Secretary of the Natural
9 Resources Agency to provide public process and scientific expertise
10 and per diem payments to nongovernmental participants of Timber
11 Regulation and Forest Restoration Program working groups.

12 SEC. 53. Section 1.5 of this bill incorporates amendments to
13 Section 1602 of the Fish and Game Code proposed by this bill,
14 Assembly Bill 1609, and Senate Bill 837. It shall only become
15 operative if (1) both this bill and Assembly Bill 1609 or Senate
16 Bill 837 are enacted and become effective on or before January
17 1, 2017, (2) each bill amends Section 1602 of the Fish and Game
18 Code, and (3) this bill is enacted after Assembly Bill 1609 or Senate
19 Bill 837, in which case Section 1 of this bill shall not become
20 operative.

21 SEC. 54. No reimbursement is required by this act pursuant
22 to Section 6 of Article XIII B of the California Constitution because
23 the only costs that may be incurred by a local agency or school
24 district will be incurred because this act creates a new crime or
25 infraction, eliminates a crime or infraction, or changes the penalty
26 for a crime or infraction, within the meaning of Section 17556 of
27 the Government Code, or changes the definition of a crime within
28 the meaning of Section 6 of Article XIII B of the California
29 Constitution.

30 SEC. 55. This act is a bill providing for appropriations related
31 to the Budget Bill within the meaning of subdivision (e) of Section
32 12 of Article IV of the California Constitution, has been identified
33 as related to the budget in the Budget Bill, and shall take effect
34 immediately.

35 ~~SECTION 1. It is the intent of the Legislature to enact statutory~~
36 ~~changes, relating to the Budget Act of 2016.~~