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SB-85 Public resources: omnibus trailer bill. (2019-2020)

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Senate Bill No. 85

CHAPTER 31

An act to amend Sections 2787, 2791, and 2796 of the Fish and Game Code, to amend Sections 224 and 49015 of the Food and Agricultural Code, to amend Sections 13108, 13146, 13146.1, 13146.2, 13146.3, 13217, 38591.2, 43019, 43019.1, and 43019.2 of, and to add Sections 13146.6, 16022.5, and 44391.4 to, the Health and Safety Code, to amend Section 2795 of, to add Article 3 (commencing with Section 4050) to Chapter 2 of Part 1 of Division 4 of, and to add Section 4123 to, the Public Resources Code, relating to public resources, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[Approved by Governor June 27, 2019. Filed with Secretary of State June 27, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

SB 85, Committee on Budget and Fiscal Review. Public resources: omnibus trailer bill.

(1) Proposition 117, an initiative measure approved by the electors at the June 5, 1990, direct primary election, enacted the California Wildlife Protection Act of 1990. The act creates the Habitat Conservation Fund and requires the moneys in the fund to be used for specified purposes generally relating to the acquisition, enhancement, or restoration of wildlife habitat. The act requires the Controller, until June 30, 2020, to annually transfer \$30,000,000 from the General Fund to the Habitat Conservation Fund, less any amount transferred to the Habitat Conservation Fund from specified accounts and funds. The act, until July 1, 2020, continuously appropriates specified amounts from the Habitat Conservation Fund to the Department of Parks and Recreation, the State Coastal Conservancy, the Santa Monica Mountains Conservancy, and the California Tahoe Conservancy, and continuously appropriates the balance of the fund to the Wildlife Conservation Board.

This bill would require the Controller to continue to annually transfer \$30,000,000 from the General Fund, less any amount transferred to the Habitat Conservation Fund from specified accounts and funds, to the Habitat Conservation Fund until June 30, 2030, and would continuously appropriate that amount on an annual basis in the same proportions to the specified entities until July 1, 2030. The bill would also make conforming and nonsubstantive changes.

(2) Existing law provides for the distribution to counties of funds transferred to the Department of Food and Agriculture Fund from the Motor Vehicle Fuel Account as partial reimbursement for county expenses incurred in carrying out various agricultural programs, as specified.

This bill would also provide for the distribution of any moneys in reserve to counties for these purposes. The bill would also provide for the distribution of these funds to the Department of Food and Agriculture for expenditure on statewide agricultural programs as agreed upon by the Secretary of Food and Agriculture and the county agricultural commissioners. Because the bill would make money in a continuously appropriated fund available for a new purpose, it would make an appropriation.

(3) Existing law creates the Healthy Stores Refrigeration Grant Program in the Department of Food and Agriculture upon the appropriation of funds. Existing law requires the department to administer the Healthy Stores Refrigeration Grant Program and to award grants to qualified entities, which is defined to include, among others, certain nonprofit entities applying on behalf of a small business or corner store or a collection of small businesses or corner stores. Existing law requires grant funds to be provided to corner stores and small businesses that are located within low-income census tracts with low access to a supermarket or large grocery store for the purchase of an energy-efficient refrigeration unit or units. Existing law requires those refrigeration units to be stocked only with California-grown fresh fruits, nuts, vegetables, and minimally processed prepared foods.

This bill would require that a grant recipient be located in a low-income area or a low-access area and would define "low-access area." The bill would revise the criteria required for a nonprofit entity to qualify to apply for a grant and would authorize a nonprofit entity to use grant funds to sell California-grown fresh fruits, nuts, vegetables, and minimally processed prepared foods directly in low-income areas or low-access areas. The bill would require the department, when awarding grants, to give priority based on, but not limited to, the prevalence of any of specified conditions in the communities that would be served by the qualified entity, including, among others, the prevalence of people who are eligible for, or are receiving, nutrition benefits from certain state or federal programs. The bill would revise the requirement that the refrigeration units be stocked only with specified products to be silent as to whether that list of products is exclusive.

(4) Existing law, except as provided, requires the State Fire Marshal to prepare and adopt building standards relating to fire protection in the design and construction of the means of egress and the adequacy of exit from, and the installation and maintenance of fire alarm and fire extinguishment equipment or systems in, any state-occupied building, as provided. Existing law requires the State Fire Marshal to prepare and adopt regulations other than building standards for the installation and maintenance of equipment and furnishings that present unusual fire hazards in any state-occupied building. Existing law requires, except as provided, the State Fire Marshal to enforce those regulations in all state-occupied buildings.

This bill would instead require the above provisions to apply to specified state-occupied buildings and would define specified state-occupied building for these purposes.

Existing law establishes responsibility for enforcement of building standards adopted by the State Fire Marshal relating to fire and panic safety and other regulations of the State Fire Marshal among various state and local entities and provides that any fee charged pursuant to this enforcement authority shall not exceed the estimated costs of providing the service for which the fee is charged, as provided.

This bill would clarify that a fee may be charged by the various state and local entities for those purposes.

Existing law requires the State Fire Marshal to inspect, at least every 2 years, every jail or place of detention unless specified local officials indicate in writing to the State Fire Marshal that the inspections of jails or places of detention are to be conducted by the specified local official, as provided.

This bill would require this writing to be given to the State Fire Marshal by June 30 of each applicable inspection year.

Existing law requires every city or county fire department or district providing fire protection services to annually inspect specified structures, and charge a fee for that inspection, for compliance with building standards and other regulations of the State Fire Marshal.

This bill would clarify that the above also applies to a city and county fire department and would clarify that a city and county fire department may charge and collect a fee for that inspection, as provided.

Existing law authorizes a city, county, or district that provides related fire and life safety activities to charge and collect a fee for the inspection from the owner of the structure, as provided.

The bill would instead clarify that a city, county, or city and county fire department or district providing fire protection services that provides related fire and life safety activities for specified structures, such as plan review, construction consulting, fire watch, and investigation, is authorized to charge and collect a fee from the owner of the structure in an amount sufficient to pay the costs of those related fire and life safety activities, as provided.

Existing law requires the chief of a city or county fire department or district providing fire protection services to inspect every building used as a public or private school within their jurisdiction not less than once each year. Existing law requires the State Fire Marshal to make these inspections not less than once each year in areas outside of corporate cities and districts providing fire protection services.

This bill would clarify that a city, county, or city and county fire department or district providing fire protection services is required to perform the inspections described above. The bill would authorize a city, county, or city and county fire department or district providing fire protection services and the State Fire Marshal to charge and collect a fee for this inspection.

Existing law requires that specified requirements regarding building standards relating to fire and panic safety be carried out, as far as practicable, at the local level by persons who are regular full-time members of a regularly organized fire department of a city, county, or district providing fire protection services, as provided.

This bill would authorize the governing body of a city, county, or city and county fire department or district providing fire protection services, if it relies on an all-volunteer fire department for the provision of specified fire protection services, to provide those services by either requesting the State Fire Marshal or another city, county, or city and county fire department or district providing fire protection services to enforce those building standards and other regulations, as provided.

Existing law authorizes the fire department of any city or county to annually inspect all highrise structures for compliance with building standards and other regulations of the State Fire Marshal and to charge and collect a fee for this inspection. Existing law provides that, if the local fire department elects not to conduct an inspection, the State Fire Marshal shall conduct the inspection. Existing law establishes a procedure for the State Fire Marshal to collect a fee for this inspection.

This bill would clarify that the annual highrise inspection authorization applies to a city, county, and city and county fire department and district providing fire protection services. The bill would require, if the local entity elects not to conduct an inspection, the local entity to notify, by June 30 of each year, the State Fire Marshal of this election not to inspect. The bill would require the State Fire Marshal to perform the inspection if it receives notification of this election. The bill would delete the procedures for the State Fire Marshal to collect a fee for the inspection and instead authorize the State Fire Marshal to charge and collect a fee for the inspection in an amount sufficient to pay its costs of that inspection, as provided.

Existing law requires, during construction or alteration of an essential services building, as defined, the building owner to provide for, and the local enforcement agency to require, competent, adequate, and detailed inspection by a qualified inspector.

This bill would, following the completion of construction of a state-owned or state-occupied essential services building, authorize the State Fire Marshal to conduct regular inspections of those buildings for compliance with building standards relating to fire and panic safety.

(5) The California Global Warming Solutions Act of 2006 establishes the State Air Resources Board as the state agency responsible for monitoring and regulating sources emitting greenhouse gases. That act requires the state board to approve a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020 and to ensure that statewide greenhouse gas emissions are reduced to at least 40% below the 1990 level by 2030. The act authorizes the state board to include the use of market-based compliance mechanisms.

The act, until January 1, 2031, establishes the Independent Emissions Market Advisory Committee with a specified membership and requires the advisory committee to at least annually hold a public meeting and report to both the state board and the Joint Legislative Committee on Climate Change Policies on the environmental and economic performance of a specified market-based compliance mechanism and other relevant climate policies.

The Bagley-Keene Open Meeting Act, with specified exceptions, requires that all meetings of a state body be open and public and all persons be permitted to attend. The Bagley-Keene Open Meeting Act defines the term "meeting" to include any congregation of a majority of the members of a state body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the state body and specifically prohibits such a majority, outside of a meeting authorized by that act, from using a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter of the state body.

This bill would exempt the advisory committee from the prohibition on serial communications outside of an authorized meeting. The bill would also specify that the committee member representing the Legislative Analyst's Office is a nonvoting member.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(6) Existing law requires the State Air Resources Board to adopt and implement motor vehicle emission standards, in-use performance standards, and motor vehicle fuel specifications for the control of air contaminants and sources of air pollution that the state board has found to be necessary, cost effective, and technologically feasible.

Existing law requires the state board to achieve the maximum degree of emissions reduction possible from vehicular and other mobile sources to accomplish the attainment of the state standards and requires the state board to adopt standards and regulations that will result in the most cost-effective combination of control measures on all classes of motor vehicles and motor vehicle fuel.

Existing law authorizes the state board to adopt a schedule of annual fees for the certification of motor vehicles and engines sold in the state to cover the costs of specified state programs relating to air pollution from mobile sources not to exceed a specified collected amount each year, as specified, and would require those fees be deposited in the Air Pollution Control Fund. Existing law authorizes the state board to adopt a schedule of fees to cover all or a portion of the state board's reasonable costs for the certification, audit, and compliance of off-road or nonvehicular engines and equipment, aftermarket parts, and emissions control components sold in the state, and requires all moneys collected by the state board as part of that schedule of fees to be deposited in the Certification and Compliance Fund.

The California Global Warming Solutions Act of 2006 authorizes the state board to adopt rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emissions reductions from sources or categories of sources, as specified. The act authorizes the state board to adopt a schedule of fees to be paid by sources of greenhouse gas emissions and requires those fees be deposited into the Cost of Implementation Account in the Air Pollution Control Fund.

This bill would, with respect to motor vehicles and engines, authorize the state board to adopt a schedule of annual fees for the certification, audit, and compliance of motor vehicles and engines sold in the state to cover the state board's reasonable costs in implementing the certification, audit, and compliance programs. The bill would eliminate the maximum amount of fees related to motor vehicles and engines collected annually. The bill would authorize the state board to adjust the fees by the annual change in the Consumer Price Index. The bill would require the fees for the certification, audit, and compliance programs for motor vehicles and engines, and for off-road or nonvehicular engines and equipment, aftermarket parts, and emissions control components adopted under the act to be deposited into the Certification and Compliance Fund.

(7) Existing law requires all moneys, except for fines and penalties, collected by the State Air Resources Board from the auction or sale of allowances as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund.

Existing law requires the state board, by October 1, 2018, to prepare and update, at least once every 5 years, a statewide strategy to reduce emissions of toxic air contaminants and criteria air pollutants in communities affected by a high cumulative exposure burden. Existing law requires the state board to select locations around the state for the preparation of community emissions reduction programs, and to provide grants to community-based organizations for technical assistance and to support community participation in the programs. Existing law requires an air quality management district or air pollution control district containing a selected location, within one year of the state board's selection, to adopt a community emissions reduction program.

This bill would specify that funds made available by an appropriation from the Greenhouse Gas Reduction Fund to reduce mobile and stationary sources of criteria air pollutants consistent with the community emissions reduction programs are available to an air district, as distributed by the state board, for projects that complement and further the rules and regulatory requirements that the state board and air district have established or are in the process of developing to reduce or mitigate emissions from mobile and stationary sources in affected communities, as provided. The bill would specify projects that are eligible for funding from those funds. The bill would require the state board, by March 1 of each year, to report to the Legislature on the use of those funds in the prior fiscal year.

(8) The Surface Mining and Reclamation Act of 1975 governs surface mining operations and the reclamation of mined lands. Existing law requires moneys from mining activities on federal lands disbursed by the United States each fiscal year to this state to be deposited in the Surface Mining and Reclamation Account in the General Fund in an amount equal to the appropriation for the Surface Mining and Reclamation Act of 1975 contained in the annual Budget Act for that fiscal year, which is authorized to be expended, upon appropriation by the Legislature, for the purposes of that act.

This bill would require the amount to be deposited into the Surface Mining and Reclamation Account to include any statewide general administrative costs assessed to the account for that fiscal year.

(9) Existing law establishes in the Natural Resources Agency the Department of Forestry and Fire Protection (CAL-FIRE). Existing law requires CAL-FIRE to be responsible for, among other things, fire protection, fire prevention, maintenance and enhancement of the state's forest, range, and brushland resources, contract fire protection, associated emergency services, and assistance in civil disasters and other nonfire emergencies.

This bill would establish the CAL-FIRE Infrastructure Projects Revolving Fund in the State Treasury, and would require, upon the approval of the Department of Finance, the transfer of any money appropriated by the Legislature for encumbrance or expenditure on specified projects CAL-FIRE is authorized to perform. The bill would require CAL-FIRE to keep a specified record regarding the moneys in the fund. The bill would require CAL-FIRE to submit an annual report regarding the fund to the Department of Finance, as provided.

(10) Existing law requires the Department of Forestry and Fire Protection to provide fire prevention and firefighting implements and apparatus, and organize fire crews and other services, related to the prevention and control of forest fires.

This bill would require the department, when selecting a fuel reduction project, to collaborate with the State Water Resources Control Board and the Department of Fish and Wildlife to ensure the design of the fuel reduction project protects water resources and wildlife habitat while addressing fire behavior and public safety.

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

Vote: majority Appropriation: yes Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 2787 of the Fish and Game Code is amended to read:

2787. Notwithstanding Section 13340 of the Government Code, the money in the fund is continuously appropriated, without regard to fiscal years, as follows:

(a) To the Department of Parks and Recreation, four million five hundred thousand dollars (\$4,500,000) annually for allocation as follows:

(1) One million five hundred thousand dollars (\$1,500,000) for projects that are located in the Santa Lucia Mountain Range in Monterey County for expenditure by the Department of Parks and Recreation and for grants to the Monterey Peninsula Regional Park District.

(2) One million dollars (\$1,000,000) for acquisitions in, and adjacent to, units of the state park system.

(3) Two million dollars (\$2,000,000) for 50 percent matching grants to local agencies for projects meeting the purposes specified in Section 2786 and, additionally, for the acquisition of wildlife corridors and urban trails, nature interpretation programs, and other programs that bring urban residents into park and wildlife areas. The grants made pursuant to this subdivision are subject to the conditions of subdivision (d) of Section 5910, and Sections 5917 and 5919, of the Public Resources Code, as nearly as may be practicable.

(b) To the State Coastal Conservancy, four million dollars (\$4,000,000) annually.

(c) To the Santa Monica Mountains Conservancy, five million dollars (\$5,000,000) annually for the next 10 fiscal years, commencing with the 1990–91 fiscal year. The money shall be used for the purposes specified in Section 2786 for wildlife habitat, and for related open-space projects, within the Santa Monica Mountains Zone, the Rim of the Valley Corridor, and the Santa Clarita Woodlands. Of the total amount appropriated pursuant to this subdivision, not less than a total of ten million dollars (\$10,000,000) shall be spent within the Santa Susana Mountains and the Simi Hills, and not less than a total of ten million dollars (\$10,000,000) shall be spent within the Santa Clarita Woodlands. These funds shall be expended in accordance with Division 23 (commencing with Section 33000) of the Public Resources Code during the operative period of this section as specified in subdivision (f) and in Section 2797. The Legislature may, by statute, extend the period for expenditure of the funds provided by this subdivision.

(d) To the California Tahoe Conservancy, five hundred thousand dollars (\$500,000) annually.

(e) To the board, the balance of the fund.

(f) This section shall become operative on July 1, 1990, and, as of July 1, 2030, is repealed, unless a later enacted statute, which becomes effective on or before July 1, 2030, deletes or extends that date.

SEC. 2. Section 2791 of the Fish and Game Code is amended to read:

2791. The board shall expend the money appropriated to it from the fund subject to the following conditions:

(a) Not more than one and one-half ($1\frac{1}{2}$) percent shall be expended for administration of this chapter.

(b) The board shall, to the extent practicable, expend the money in a manner and for projects so that, within each 24-month period, approximately one-third of the total expenditures of the money in the fund, including, until July 1, 2030, the expenditures by the agencies receiving money from the fund pursuant to subdivisions (a) to (d), inclusive, of Section 2787, are expended for the purposes specified in subdivision (a) of Section 2786 and approximately two-thirds of the total expenditures of the money in the fund, including, until July 1, 2030, the expenditures by the agencies receiving money from the fund pursuant to subdivisions (a) to (d), inclusive, of Section 2787, are expended for the purposes specified in subdivisions (b) and (c) of Section 2786.

(c) Notwithstanding the requirement for acquisition in subdivisions (a), (b), and (c) of Section 2786, the board shall, to the extent practicable, expend the money in the fund in a manner and for projects so that, within each 24-month period, approximately six

million dollars (\$6,000,000) of the money, including, until July 1, 2030, the expenditures by the agencies receiving money from the fund pursuant to subdivisions (a) to (d), inclusive, of Section 2787, are expended for the purposes specified in subdivision (d) of Section 2786.

(d) Notwithstanding the requirement for acquisition in subdivisions (a), (b), and (c) of Section 2786, the board shall, to the extent practicable, expend the money in the fund in a manner and for projects so that, within each 24-month period, approximately six million dollars (\$6,000,000) of the money, including, until July 1, 2030, the expenditures by the agencies receiving money from the fund pursuant to subdivisions (a) to (d), inclusive, of Section 2787, are expended for the purposes specified in subdivision (e) and (f) of Section 2786.

(e) To the extent practicable, the board shall expend the money appropriated to it from the fund in a manner and for projects so that, within each 24-month period, approximately one-half of the total expenditures of the money in the fund, including, until July 1, 2030, the expenditures by the agencies receiving money from the fund pursuant to subdivisions (a) to (d), inclusive, of Section 2787, are expended in northern California and approximately one-half in southern California.

(f) Subject to the other requirements of this section, the board may allocate not more than two million dollars (\$2,000,000) annually for the purposes of this chapter to one or more state agencies created by the Legislature or the people that are authorized by other provisions of law to expend funds for the purposes of this chapter.

SEC. 3. Section 2796 of the Fish and Game Code is amended to read:

2796. (a) The Controller shall annually transfer the sum of thirty million dollars (\$30,000,000) from the General Fund to the Habitat Conservation Fund, less any amount transferred to the Habitat Conservation Fund from, but not limited to, the following accounts and funds:

(1) The Public Resources Account in the Cigarette and Tobacco Products Surtax Fund to the extent authorized by the Tobacco Tax and Health Protection Act of 1988.

(2) The Unallocated Account in the Cigarette and Tobacco Products Surtax Fund pursuant to subdivision (a) of Section 2795.

(3) The California Environmental License Plate Fund.

(4) The Endangered and Rare Fish, Wildlife, and Plant Species Conservation and Enhancement Account in the Fish and Game Preservation Fund.

(5) Any other non-General Fund accounts and funds created by the Legislature or the people for purposes that are consistent with the purposes of this act.

(6) Any bond funds that are authorized by the people after July 1, 1990, that may be used for purposes that are identical to the purposes specified in Section 2786.

(7) The Wildlife Restoration Fund.

(b) Except for transfers from the Endangered and Rare Fish, Wildlife, and Plant Species Conservation and Enhancement Account, transfers from the Fish and Game Preservation Fund are not transfers for purposes of subdivision (a) and shall not be made to the fund. Transfers of federal, local, or privately donated funds or transfers from the State Coastal Conservancy Fund pursuant to Section 31011 of the Public Resources Code to the fund are not transfers for purposes of subdivision (a).

(c) This section does not limit the amount of funds that may be transferred to the fund or that may be expended for fish and wildlife habitat protection either from the fund or from any other sources.

(d) This section shall become operative on July 1, 1990, shall become inoperative on June 30, 2030, and, as of January 1, 2031, is repealed, unless a later enacted statute, which becomes effective before January 1, 2031, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 4. Section 224 of the Food and Agricultural Code is amended to read:

224. Moneys transferred by the Controller to the Department of Food and Agriculture Fund from the Motor Vehicle Fuel Account pursuant to Section 8352.5 of the Revenue and Taxation Code shall be expended by the Secretary of Food and Agriculture as follows:

(a) Of the amount transferred each fiscal year, nine million dollars (\$9,000,000) is hereby appropriated to the Department of Food and Agriculture for payment to the counties for pesticide use enforcement programs supervised by the Director of Pesticide Regulation. Reimbursement shall be apportioned to the counties in relation to each county's expenditures to the total amount expended by all counties for the preceding fiscal year for pesticide use enforcement programs, as determined by the director, or

with the collective agreement of the county agricultural commissioners, disbursement to counties for a current fiscal year according to criteria developed in work plans, or any combination of reimbursement and disbursement as agreed upon by the director and the county agricultural commissioners. The amount to be transferred to any county for a fiscal year may be increased or decreased by the director to compensate for incorrect previous transfers to that county, or adjusted based on evaluations of annual county Pesticide Enforcement Work Plans conducted by the Department of Pesticide Regulation.

(b) Of the amount transferred each fiscal year, two hundred fifty thousand dollars (\$250,000) is hereby appropriated to the Department of Food and Agriculture for state and county liaison activities and for departmental expenses directly related to administration of this section.

(c) Of the amount transferred each fiscal year, one million five hundred thousand dollars (\$1,500,000) is hereby appropriated to the Department of Food and Agriculture for divisional and departmental overhead charges to the Department of Food and Agriculture.

(d) Of the amount transferred each fiscal year in excess of the amount transferred in the 2006–07 fiscal year, 7 percent is hereby appropriated to the Department of Food and Agriculture for full disbursement to the California Agricultural Commissioners and Sealers Association, as specified in Section 2003, and individual counties. The funds dispersed to individual counties, pursuant to subdivision (g), shall be in a proportion to offset expenses associated with programs, personnel, and materials that ensure the uniform application of state agricultural policy or administer programs supervised by the secretary.

(e) Notwithstanding any other law, of the amount transferred each fiscal year, three million dollars (\$3,000,000) is hereby appropriated for distribution to counties in a manner prescribed by the secretary for pest detection or trapping programs. These funds are intended to supplement funds available for pest detection or trapping in the annual Budget Act. As a condition of receiving these funds, counties shall not reduce their level of support from any other funds for pest detection or trapping programs. If a county declines to participate in a pest detection or trapping program, or fails to conduct the program to the state's satisfaction, the secretary shall reduce, by the amount that would otherwise be allocated to the county, funds available pursuant to this subdivision and any state allocations from the annual Budget Act. Those forfeited funds are hereby appropriated to the Department of Food and Agriculture for purposes of operating the pest detection or trapping programs in those counties.

(f) (1) Of the amount transferred each fiscal year, three million dollars (\$3,000,000) is hereby appropriated to the Department of Food and Agriculture to be used for emergency detection, investigation, or eradication of agricultural plant or animal pests or diseases during the fiscal year, upon approval of the Director of Finance. At the end of each fiscal year, any unencumbered balance of these funds shall be carried over to the next fiscal year, or at the discretion of the secretary, may be used for planning and research involving detection, investigation, eradication, and methods of quarantine compliance for agricultural plant or animal pests or diseases.

(2) The Department of Food and Agriculture shall develop policies, in consultation with the county agricultural commissioners and in compliance with any requirements of the annual Budget Act, to guide the ongoing use of these funds.

(g) The total amount transferred during each fiscal year less the amounts provided in subdivisions (a) to (f), inclusive, and any moneys in reserve, is hereby appropriated for either or both of the following purposes:

(1) To be paid to the counties for agricultural programs authorized by this code that are supervised by the Department of Food and Agriculture and administered by county agricultural commissioners. Reimbursement shall be apportioned to the counties in relation to each county's expenditures to the total amount expended by all counties for the preceding fiscal year for agricultural programs, as determined by the secretary, or with the collective agreement of the county agricultural commissioners, disbursement to counties according to criteria developed in work plans for a current fiscal year, or any combination of reimbursement and disbursement as agreed upon by the secretary and the county agricultural commissioners. The amount to be transferred to any county for a fiscal year may be increased or decreased by the secretary to provide that, insofar as those transferred unclaimed refundable gas tax funds for apportionment to the counties are available, no county shall receive smaller combined apportionments of gas taxes and unclaimed refundable gas taxes than that county would have received had the gas taxes been apportioned without the transfer required by Section 8352.5 of the Revenue and Taxation Code, as determined by the secretary, except that the amount of unclaimed refundable gas tax funds to be transferred to any county for a fiscal year may be increased or decreased by the secretary to compensate for incorrect previous transfers to that county, and to account for any failure to meet the criteria listed in Section 224.5.

(2) To be expended by the Department of Food and Agriculture for statewide agricultural programs as agreed upon by the secretary and the county agricultural commissioners.

SEC. 5. Section 49015 of the Food and Agricultural Code is amended to read:

49015. (a) For purposes of this section, the following definitions shall apply:

(1) "Corner store" means a small-scale store or grocery store, either an independent store or a chain store, that sells a limited selection of foods and other products, and that is located in a low-income area or low-access area in a rural, urban, or suburban area. "Corner store" includes, among others, stores that are not located on a corner and stores commonly referred to as convenience stores or neighborhood stores.

(2) "Low-access area" means a census tract in which there are significant barriers to accessing a supermarket or large grocery store, which may include, but is not limited to, a census tract with at least 500 persons or 33 percent of the population that lives more than one mile, for nonrural areas, or more than 10 miles, for rural areas, from a supermarket or large grocery store.

(3) "Low-income area" means a census tract in which the income of at least 20 percent of the population is at or below the federal poverty level by family size, or if the median family income of the population is at or below 80 percent of the median family income of surrounding census tracts.

(4) "Minimally processed prepared food" means food that has not been physically or chemically processed in a way that fundamentally alters the raw product, and food that has been processed only to separate the whole, intact food into component parts.

(5) "Qualified entity" means any of the following:

(A) A small business or corner store.

(B) A city, county, or city and county with representative low-income areas that contain small businesses or corner stores.

(C) A nonprofit entity that works with low-income populations or in low-income areas or low-access areas, and that would apply for grants on behalf of a small business or corner store or a collection of small businesses or corner stores or would sell California-grown fresh fruits, nuts, vegetables, and minimally processed prepared foods directly in low-income areas or low-access areas.

(6) "Recipient" means a small business, corner store, or nonprofit entity that is provided funds pursuant to subdivision (c).

(7) "Small business" means a small business, as defined in Section 14837 of the Government Code, that is authorized to accept nutrition benefits from any of the programs listed in paragraphs (1) to (6), inclusive, of subdivision (b) of Section 49012, and is located in a low-income area or low-access area.

(b) The Healthy Stores Refrigeration Grant Program shall be created in the department upon the appropriation of funds, including from a successful application of federal grant funding, if available, by the Legislature for purposes of the Healthy Stores Refrigeration Grant Program.

(c) (1) Upon an appropriation of funds as specified in subdivision (b), the department shall administer the Healthy Stores Refrigeration Grant Program and, pursuant to the program, award grants to qualified entities. If a city, county, or city and county is awarded a grant pursuant to this subdivision, it shall provide grant funds to applicant small businesses and corner stores that are located in low-income areas or low-access areas.

(2) When awarding grants, the department shall give priority based on, but not limited to, the prevalence of any of the following in the communities that would be served by the qualified entity:

(A) People who are eligible for, or are receiving, nutrition benefits from any of the programs listed in paragraphs (1) to (6), inclusive, of subdivision (b) of Section 49012.

(B) People with diabetes, obesity, or other diet-related illnesses.

(C) Low availability of and access to fresh fruits, nuts, and vegetables.

(3) When awarding grants, the department shall consider giving priority to qualified entities based on, but not limited to, demonstrated efficiency and capability in the administration of a consumer incentive program, as defined in subdivision (a) of Section 49012.

(4) The department may establish regulations, minimum standards, funding schedules, and procedures for awarding grants to qualified entities, and may adopt any other regulations to implement and administer the Healthy Stores Refrigeration Grant Program.

(d) A recipient shall be required to do all of the following:

(1) Use the grant funds provided pursuant to subdivision (c) to purchase an energy-efficient refrigeration unit or units.

(2) Stock the refrigeration unit or units purchased with Healthy Stores Refrigeration Grant Program grant funds with California-grown fresh fruits, nuts, vegetables, and minimally processed prepared foods.

(3) Offer for sale California-grown fresh fruits, nuts, vegetables, and minimally processed prepared foods.

(e) A recipient shall be subject to reporting and auditing requirements, as determined by the department.

(f) A city, county, city and county, or nonprofit entity that is awarded a grant pursuant to paragraph (1) of subdivision (c) may use up to 10 percent of Healthy Stores Refrigeration Grant Program grant funds for technical assistance.

(g) Sections 9 and 42971 do not apply for a violation of this section or any regulation adopted pursuant to paragraph (4) of subdivision (c).

SEC. 6. Section 13108 of the Health and Safety Code is amended to read:

13108. (a) Except as limited by Chapter 6 (commencing with Section 140) of Division 1 of the Labor Code and Section 18930 of this code, the State Fire Marshal shall prepare and adopt building standards, not inconsistent with existing laws or ordinances, relating to fire protection in the design and construction of the means of egress and the adequacy of exits from, and the installation and maintenance of fire alarm and fire extinguishment equipment or systems in, any state institution or other state-owned building or in any specified state-occupied building and submit those building standards to the State Building Standards Commission for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 of Division 13. The State Fire Marshal shall prepare and adopt regulations other than building standards for the installation and maintenance of equipment and furnishings that present unusual fire hazards in any state institution or other state-owned building or in any specified state-occupied building. The State Fire Marshal shall adopt those regulations as are reasonably necessary to define what buildings shall be considered as state-occupied buildings.

(b) The fire chief of any city, county, city and county, or fire protection district, or that official's authorized representative, may enter any state institution or any other state-owned or state-occupied building for the purpose of preparing a fire suppression preplanning program or for the purpose of investigating any fire in a state-occupied building.

(c) Except as otherwise provided in this section, the State Fire Marshal shall enforce the regulations adopted by the State Fire Marshal and building standards relating to fire and panic safety published in the California Building Standards Code in all state-owned buildings, specified state-occupied buildings, and state institutions throughout the state. Upon written request from the chief fire official of any city, county, city and county, or fire protection district, or a Designated Campus Fire Marshal, pursuant to Section 13146, the State Fire Marshal may authorize that person and their authorized representatives, in their geographical area of responsibility, to make fire prevention inspections of state-owned or specified state-occupied buildings, other than state institutions, for the purpose of enforcing the regulations relating to fire and panic safety adopted by the State Fire Marshal pursuant to this section and building standards relating to fire and panic safety published in the California Building Standards Code. Authorization from the State Fire Marshal shall be limited to those fire departments or fire districts that maintain a fire prevention bureau staffed by paid personnel.

(d) Any requirement or order made by a chief fire official or Designated Campus Fire Marshal pursuant to this section may be appealed to the State Fire Marshal. The State Fire Marshal shall, upon receiving an appeal and subject to Chapter 5 (commencing with Section 18945) of Part 2.5 of Division 13, determine if the requirement or order made is reasonably consistent with the fire and panic safety regulations adopted by the State Fire Marshal and building standards relating to fire and panic safety published in the California Building Standards Code.

(e) For purposes of subdivisions (a) and (c), "specified state-occupied building" shall mean a building that is leased or rented by the state, in whole or in part, and is any of the following:

(1) A building where the state has entered into a build-to-suit lease.

(2) A trial court facility with a detention area.

(3) A building used by the Department of Corrections and Rehabilitation as a reentry facility.

(4) Any other building specified by the State Fire Marshal through adopted regulations.

(f) This section does not prohibit the State Fire Marshal from entering and enforcing the regulations relating to fire and panic safety adopted by the State Fire Marshal and building standards relating to fire and panic safety published in the California Building Standards Code in any publicly or privately owned building occupied by the state, in whole or in part, whenever the State Fire Marshal determines that enforcement by the State Fire Marshal is necessary for the safety of state workers or wards.

SEC. 7. Section 13146 of the Health and Safety Code is amended to read:

13146. (a) The responsibility for enforcement of building standards adopted by the State Fire Marshal and published in the California Building Standards Code relating to fire and panic safety and other regulations of the State Fire Marshal shall be as follows:

(1) The city, county, or city and county with jurisdiction in the area affected by the standard or regulation shall delegate the enforcement of the building standards relating to fire and panic safety and other regulations of the State Fire Marshal as they relate to R-3 dwellings, as described in Section 310.5 of Part 2 of the California Building Standards Code, to either of the following:

(A) The chief of the fire authority of the city, county, or city and county, or the chief's authorized representative.

(B) The chief building official of the city, county, or city and county, or the official's authorized representative.

(2) The chief of any city, county, or city and county fire department or of any fire protection district, and their authorized representatives, shall enforce within its jurisdiction the building standards and other regulations of the State Fire Marshal, except those described in paragraph (1) or (4).

(3) The State Fire Marshal shall have authority to enforce the building standards and other regulations of the State Fire Marshal in areas outside of corporate cities and districts providing fire protection services.

(4) The State Fire Marshal shall have authority to enforce the building standards and other regulations of the State Fire Marshal in corporate cities and districts providing fire protection services upon request of the chief fire official or the governing body.

(5) The State Fire Marshal shall enforce the building standards and other regulations of the State Fire Marshal on all University of California campuses and properties administered or occupied by the University of California and on all California State University campuses and properties administered or occupied by the California State University. For each university campus or property the State Fire Marshal may delegate that responsibility to the person of the State Fire Marshal's choice who shall be known as the Designated Campus Fire Marshal.

(b) A fee may be charged pursuant to the enforcement authority of this section but shall not exceed the estimated reasonable cost of providing the service for which the fee is charged, pursuant to Section 66014 of the Government Code.

SEC. 8. Section 13146.1 of the Health and Safety Code is amended to read:

13146.1. (a) Notwithstanding Section 13146, the State Fire Marshal, or the State Fire Marshal's authorized representative, shall inspect every jail or place of detention for persons charged with or convicted of a crime, unless the chief of any city, county, or city and county fire department or fire protection district, or that chief's authorized representative, indicates in writing to the State Fire Marshal, by June 30 of each applicable year pursuant to subdivision (b), that inspections of jails or places of detention, therein, shall be conducted by the chief, or the chief's authorized representative, and submits the reports as required in subdivision (c).

(b) The inspections shall be made at least once every two years for the purpose of enforcing the regulations adopted by the State Fire Marshal, pursuant to Section 13143, and the minimum standards pertaining to fire and life safety adopted by the Board of State and Community Corrections, pursuant to Section 6030 of the Penal Code.

(c) Reports of the inspections shall be submitted to the official in charge of the facility, the local governing body, the State Fire Marshal, and the Board of Corrections within 30 days of the inspections.

(d) The State Fire Marshal, or the State Fire Marshal's authorized representative, who performs an inspection pursuant to subdivision (a) may charge and collect a fee for the inspection from the local government. Any fee collected pursuant to this subdivision shall be in an amount, as determined by the State Fire Marshal, sufficient to pay the costs of that inspection or those related fire and life safety activities.

SEC. 9. Section 13146.2 of the Health and Safety Code is amended to read:

13146.2. (a) Every city, county, or city and county fire department or district providing fire protection services required by Sections 13145 and 13146 to enforce building standards adopted by the State Fire Marshal and other regulations of the State Fire Marshal shall, annually, inspect all structures subject to subdivision (b) of Section 17921, except dwellings, for compliance with building standards and other regulations of the State Fire Marshal.

(b) A city, county, or city and county fire department or district providing fire protection services that inspects a structure pursuant to subdivision (a) may charge and collect a fee for the inspection from the owner of the structure in an amount, as determined by the city, county, or city and county fire department or district providing fire protection services, sufficient to pay the costs of that inspection.

(c) A city, county, or city and county fire department or district providing fire protection services that provides related fire and life safety activities for structures subject to subdivision (b) of Section 17921, such as plan review, construction consulting, fire watch, and investigation, may charge and collect a fee from the owner of the structure in an amount, as determined by the city, county, city and county, or district, sufficient to pay the costs of those related fire and life safety activities.

(d) The State Fire Marshal, or the State Fire Marshal's authorized representative, who inspects a structure subject to subdivision (b) of Section 17921, except dwellings, for compliance with building standards and other regulations of the State Fire Marshal, may charge and collect a fee for the inspection from the owner of the structure. The State Fire Marshal may also charge and collect a fee from the owner of the structure for related fire and life safety activities, such as plan review, construction consulting, fire watch, and investigation. Any fee collected pursuant to this subdivision shall be in an amount, as determined by the State Fire Marshal, sufficient to pay the costs of that inspection or those related fire and life safety activities.

SEC. 10. Section 13146.3 of the Health and Safety Code is amended to read:

13146.3. (a) A city, county, or city and county fire department or district providing fire protection services shall inspect every building used as a public or private school within its jurisdiction, for the purpose of enforcing regulations promulgated pursuant to Section 13143, not less than once each year. The State Fire Marshal and the State Fire Marshal's authorized representatives shall make these inspections not less than once each year in areas outside of corporate cities and districts providing fire protection services.

(b) A city, county, or city and county fire department or district that, or the State Fire Marshal or the State Fire Marshal's authorized representative who, inspects a structure pursuant to subdivision (a) may charge and collect a fee for the inspection in an amount sufficient to pay the costs of that inspection.

SEC. 11. Section 13146.6 is added to the Health and Safety Code, to read:

13146.6. If the governing body of a city, county, or city and county fire department or district providing fire protection services relies on an all-volunteer fire department for the provision of fire protection services pursuant to Sections 13145, 13146, 13146.2, and 13146.3, they may do so through one of the following methods:

(a) They may request the State Fire Marshal to enforce the building standards and other regulations of the State Fire Marshal, in accordance with paragraph (4) of subdivision (a) of Section 13146.

(b) They may request another city, county, or city and county fire department or district providing fire protection services that has regular full-time members of a regularly organized fire department to enforce the building standards and other regulations of the State Fire Marshal.

SEC. 12. Section 13217 of the Health and Safety Code is amended to read:

13217. (a) A city, county, or city and county fire department or district providing fire protection services may annually inspect all highrise structures for compliance with building standards and other regulations of the State Fire Marshal. If a local agency elects to perform the inspection, the results of the inspection shall be submitted to the State Fire Marshal's office in a form and manner approved by the State Fire Marshal no later than 30 days after the date of the inspection. If the local fire department or district providing fire protection services elects not to conduct an inspection, the local fire department or district shall notify, by June 30 of each year, the State Fire Marshal of this election. If the State Fire Marshal receives this notification, the State Fire Marshal shall conduct the inspection.

(b) A local agency that, or the State Fire Marshal who, inspects a highrise structure pursuant to subdivision (a) may charge and collect a fee for the inspection from the owner of the highrise structure in an amount, as determined by the inspecting entity, sufficient to pay its costs of that inspection.

SEC. 13. Section 16022.5 is added to the Health and Safety Code, to read:

16022.5. Following completion of construction of a state-owned or state-occupied essential services building, the State Fire Marshal may conduct regular inspections of those buildings for compliance with building standards relating to fire and panic safety.

SEC. 14. Section 38591.2 of the Health and Safety Code is amended to read:

38591.2. (a) The Independent Emissions Market Advisory Committee is hereby established within the California Environmental Protection Agency.

(b) (1) (A) The committee shall be composed of at least five experts on emissions trading market design appointed according to the following:

- (i) Three members appointed by the Governor.
- (ii) One member appointed by the Senate Committee on Rules.
- (iii) One member appointed by the Speaker of the Assembly.

(B) (i) The committee shall include a representative from the Legislative Analyst's Office.

- (ii) The representative from the Legislative Analyst's Office shall be a nonvoting committee member.

(2) The committee members shall meet all of the following requirements:

(A) Have academic, nonprofit, and other relevant backgrounds.

(B) Lack financial conflicts of interest with entities subject to the regulation adopted by the state board pursuant to subdivision (c) of Section 38562.

(c) The committee, at least annually, shall hold a public meeting and report to both the state board and the Joint Legislative Committee on Climate Change Policies on the environmental and economic performance of the regulation adopted by the state board pursuant to subdivision (c) of Section 38562 and other relevant climate policies.

(d) The activities of the committee pursuant to this section shall not be subject to subdivision (b) of Section 11122.5 of the Government Code.

(e) This section shall remain in effect only until January 1, 2031, and as of that date is repealed.

SEC. 15. Section 43019 of the Health and Safety Code is amended to read:

43019. The state board may adopt, by regulation, a schedule of annual fees for the certification, audit, and compliance of motor vehicles and engines sold in the state to cover the state board's reasonable costs of implementing the certification, audit, and compliance programs as authorized or required under the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500)) or this part related to mobile sources. The fee shall be paid by an entity seeking that certification. The fee shall be in an amount sufficient to cover the state board's reasonable costs in implementing those state programs, including any administrative costs and may be adjusted by the annual change in the California Consumer Price Index, as determined pursuant to Section 2212 of the Revenue and Taxation Code, for the preceding year. The fees collected by the state board pursuant to this section shall be deposited in the Certification and Compliance Fund created pursuant to Section 43019.2 and shall solely be used to cover the state board's reasonable costs of implementing the certification, audit, and compliance programs as authorized or required under the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500)) or this part related to mobile sources.

SEC. 16. Section 43019.1 of the Health and Safety Code is amended to read:

43019.1. (a) (1) The state board may adopt a schedule of fees to cover all or a portion of the state board's reasonable costs associated with the certification, audit, and compliance of off-road or nonvehicular engines and equipment, aftermarket parts, and emissions control components sold in the state, as authorized pursuant to Sections 38560, 43013, and 43018 of this code and subdivision (h) of Section 27156 of the Vehicle Code. For purposes of this paragraph, "reasonable costs" does not include the state board's costs recovered in a fee assessed pursuant to Section 43019.

(2) For a certification not subject to a fee assessed by the state board pursuant to Section 43019, the state board may adopt a fee to cover all, or a portion of, the state board's reasonable costs associated with each type of certification described in paragraph (1), to be paid by the entity seeking the certification. The state board may assess a fee at the time of application and upon certification to spread the financial burden to entities remitting the fee.

(b) In adopting a schedule of fees pursuant to subdivision (a), the state board shall work with impacted industries and consider all of the following:

- (1) Potential impacts on manufacturers that may result from the fee.
- (2) Size of the manufacturer compared to the industry average served by the product on which the fee will be assessed.
- (3) Number of certifications requested and consistency with prior year certifications by the manufacturer.
- (4) Complexity of the regulated category for which a certification is requested.

(5) A product's potential impact on emissions, and the complexity of the evaluation required, including, for an aftermarket part, determining there is no risk to the environment when the aftermarket part is in actual use.

(6) Anticipated change in the number of certifications issued annually.

(7) Potential impacts for enacting a partial fee that does not fully cover the state board's costs for activities associated with certification, including the impacts on the processing time for certification.

(c) All fees collected pursuant to this section shall be deposited in the Certification and Compliance Fund, created pursuant to Section 43019.2.

SEC. 17. Section 43019.2 of the Health and Safety Code is amended to read:

43019.2. The Certification and Compliance Fund is hereby created in the State Treasury. All moneys in the fund, upon appropriation by the Legislature, shall be expended by the state board for the activities described in Sections 43019, 43019.1, and 43202.5, as appropriate.

SEC. 18. Section 44391.4 is added to the Health and Safety Code, to read:

44391.4. (a) (1) Funds made available pursuant to an appropriation from the Greenhouse Gas Reduction Fund to reduce mobile and stationary sources of criteria air pollutants or toxic air contaminants consistent with the community emissions reduction programs developed pursuant to Section 44391.2 shall be available to districts, as distributed by the state board, and shall be used for projects that complement and further the rules and regulatory requirements that the state board or districts have established or are in the process of developing to reduce or mitigate emissions from mobile or stationary sources in affected communities pursuant to Section 44391.2. The funds shall be allocated for projects that are intended to benefit communities that the state board has selected or is considering for selection in future years pursuant to Section 44391.2.

(2) Funds shall be allocated to projects consistent with priorities identified by the affected community in a transparent meaningful public process.

(3) Funds shall only be allocated to projects that will provide emission reductions that are in excess of those otherwise required by law or regulation.

(b) Projects eligible for funding include the following:

(1) Projects that provide financial assistance for the purchase of cleaner technologies with a priority on zero-emission equipment either through the Community Air Protection Funds Moyer Guidelines Supplement or in accordance with the state board's guidelines for the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 (Chapter 12.49 (commencing with Section 8879.20) of Division 1 of Title 2 of the Government Code) relative to funding amount and truck evaluation.

(2) Zero-emission charging infrastructure projects with a priority toward infrastructure that supports medium- and heavy-duty vehicles.

(3) (A) Projects that provide financial assistance to owners of stationary sources that are not subject to the requirements adopted by the state board pursuant to subdivision (c) of Section 38562 for replacement of equipment with technologies that will result in direct emission reductions of toxic air contaminants and criteria air pollution, including zero-emission technologies.

(B) The state board may contract with the State Treasurer to expend funds for purposes of this paragraph through programs implemented by the State Treasurer or the California Pollution Control Financing Authority.

(c) In addition to subdivision (b), the state board may also fund a program developed by a district, with community input through a public process, that is consistent with actions identified in the applicable community emissions reduction program developed pursuant to Section 44391.2.

(d) (1) Notwithstanding Section 10231.5 of the Government Code, by March 1 of each year, the state board shall report to the Legislature on the use, in the prior fiscal year, of funds that are subject to this section. The report shall include all of the following:

(A) A list of projects funded.

(B) An identification of the communities designed to be benefited by the projects.

(C) The anticipated reduction in the emissions of criteria pollutants, toxic air contaminants, and greenhouse gases resulting from the projects.

(D) How the projects further the relevant community emissions reduction program.

(2) The report required by paragraph (1) may be submitted as a part of the annual report required pursuant to Section 39720.

SEC. 19. Section 2795 of the Public Resources Code is amended to read:

2795. (a) Notwithstanding any other law, moneys from mining activities on federal lands disbursed by the United States each fiscal year to this state pursuant to Section 35 of the Mineral Lands Leasing Act, as amended (30 U.S.C. Sec. 191) shall be deposited in the Surface Mining and Reclamation Account in the General Fund, which account is hereby created, in an amount equal to the appropriation for this chapter contained in the annual Budget Act for that fiscal year, plus any statewide general administrative costs assessed to the account for that fiscal year, and may be expended, upon that appropriation by the Legislature, for the purposes of this chapter.

(b) Proposed expenditures from the account shall be included in a separate item in the Budget Act for each fiscal year for consideration by the Legislature. Each appropriation from the account shall be subject to all of the limitations contained in the Budget Act and to all other fiscal procedures prescribed by law with respect to the expenditure of state funds.

SEC. 20. Article 3 (commencing with Section 4050) is added to Chapter 2 of Part 1 of Division 4 of the Public Resources Code, to read:

Article 3. CAL-FIRE Infrastructure Projects Revolving Fund

4050. As used in this article, "fund" shall mean the CAL-FIRE Infrastructure Projects Revolving Fund.

4051. (a) The CAL-FIRE Infrastructure Projects Revolving Fund is hereby established in the State Treasury. Upon approval of the Department of Finance, there shall be transferred to the fund any money appropriated by the Legislature for encumbrance or expenditure on a project the department is authorized to perform with respect to acquisition of real property or the design, construction, alteration, repair, and improvement of facilities over which the department has jurisdiction, including equipment and furnishings within the approved project scope. Moneys transferred to the fund are encumbered as of the date of the transfer.

(b) If the federal government has agreed to provide funding for all or a portion of a project, as described in subdivision (a), the Department of Finance may authorize the department to expend money in the fund to pay the costs that will be reimbursed by the federal government under both of the following conditions:

(1) Receipt of written evidence that an appropriation has been made by the Congress of the United States and the appropriate federal agency has committed to pay the amount specified.

(2) A sufficient balance exists in the fund to support the request.

4052. The department shall keep a record of all expenditures against the moneys transferred to the fund for each project and any advances made pending federal reimbursement pursuant to subdivision (b) of Section 4051. Any unexpended balance for any project, either within three months after completion of the project or within three years from the transfer, whichever is earlier, shall be transferred to the credit of the fund from which the appropriation was made. The Department of Finance may approve an extension of the time allowed before a return transfer is required or require an earlier transfer to the credit of the fund from which the appropriation was made.

4053. Annually, on or before October 15, the department shall submit to the Department of Finance a report that reconciles, by project and character of appropriation, all of the following:

(a) Amounts transferred to the fund.

(b) Amounts expended from the fund.

(c) Advances made pending federal reimbursement as described in subdivision (b) of Section 4051.

(d) In cases of project savings or completion, or both, unexpended amounts transferred to the credit of the fund from which the appropriation was made, as provided in Section 4052.

SEC. 21. Section 4123 is added to the Public Resources Code, to read:

4123. When selecting a fuel reduction project, the department shall collaborate with the State Water Resources Control Board and the Department of Fish and Wildlife to ensure the design of the fuel reduction project protects water resources and wildlife habitat while addressing fire behavior and public safety.

SEC. 22. The Legislature finds and declares that Section 14 of this act, which amends Section 38591.2 of the Health and Safety Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

In order to ensure the state has high-quality independent evaluations of the effects of its cap-and-trade program and related climate policies, the Legislature finds that the additional information that would come from providing the members of the Independent Emissions Market Advisory Committee greater flexibility to communicate with each other when analyzing the effectiveness of these programs outweighs the interest in providing public notice for all those communications and it is necessary to exempt the Independent Emissions Market Advisory Committee from the serial communications provisions of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

SEC. 23. This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.