Senate Bill No. 854

CHAPTER 51

An act to add Section 712.1 to the Fish and Game Code, to amend Sections 49012, 49013, and 49014 of, and to add Sections 49015 and 49016 to, the Food and Agricultural Code, to amend Sections 4216.6, 4216.19, 27338, and 51283 of the Government Code, to amend Section 116365 of, and to add Sections 39603.1, 43019.1, 43019.2, and 43019.3 to, the Health and Safety Code, to amend Sections 2774, 4213.05, 5010.6, 5010.7, 5093.54, 5093.545, 5093.56, 5854, 8560, 8610, 14581, 25301, and 25302 of, to add Sections 2774.2.5, 3113, and 14536.3 to, to add Chapter 1.78 (commencing with Section 5097.999) to Division 5 of, to add Chapter 5 (commencing with Section 14420) to Division 12 of, to add and repeal Section 14549.2 of, and to repeal Sections 5010.6.5, 5093.548, and 5093.549 of the Public Resources Code, to amend Sections 305, 309.5, 400, 454.5, 591, 792.5, 984.5, 2827, and 5900 of, to add Sections 910.6 and 5012 to, and to repeal Chapter 6 (commencing with Section 5001) of Division 2 of, the Public Utilities Code, and to amend Sections 6161 and 12987.5 of, and to amend and repeal Section 12986 of, the Water Code, and to amend Section 3 of Chapter 421 of the Statutes of 2017, relating to public resources, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[Approved by Governor June 27, 2018. Filed with Secretary of State June 27, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

SB 854, Committee on Budget and Fiscal Review. Public resources.

(1) Existing law establishes the Department of Fish and Wildlife and vests the department with the jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitats necessary for biologically sustainable populations of those species. Existing law designates the department as the trustee for fish and wildlife resources.

This bill would specify the mission and the core programs of the department, as provided. The bill would require the department to contract with an independent entity to conduct a comprehensive service-based budget review and to consult on the development of a service-based budget tracking system. The bill would establish various deadlines for the department to meet in conducting the review and development. The bill would authorize the department to enter into agreements to accept funds from various entities for purposes of the review and development. The bill would authorize the Department of Finance to authorize the expenditure by the department of those funds upon notification of the expenditure to the chairperson of the

Joint Legislative Budget Committee, as provided, thereby making an appropriation.

(2) Existing law establishes the Office of Farm to Fork within the Department of Food and Agriculture, and requires the office, to the extent that resources are available, to work with various entities, including, among others, the agricultural industry and other organizations involved in promoting food access, to increase the amount of agricultural products available to underserved communities and schools in the state. Existing law requires the office to, among other things, identify urban and rural communities that lack access to healthy food, and to coordinate with local, state, and federal agencies to promote and increase awareness of programs that promote greater food access.

Existing law establishes the Nutrition Incentive Matching Grant Program in the Office of Farm to Fork, and creates the Nutrition Incentive Matching Grant Account in the Department of Food and Agriculture Fund to collect matching funds received from a specified federal grant program and funds from other public and private sources. Under the program, the department is required to award moneys in the account to qualified entities, as defined, to encourage the purchase and consumption of California fresh fruits, nuts, and vegetables by nutrition benefit clients, as defined. Existing law requires that grants only be provided upon the deposit of sufficient funds, as specified in the federal Food Insecurity Nutrition Incentive Grant Program application, into the Nutrition Incentive Matching Grant Account. A violation of the laws governing fruit, nut, and vegetable standards is a crime.

This bill would instead require grants to be provided upon the deposit of sufficient funds, including from a successful application of federal grant funding, if available, into the Nutrition Incentive Matching Grant Account. The bill would require matching funds to be collected from the specified federal grant program only if those funds are available. The bill would include, in the definition of "qualified entities," community-supported agriculture programs and farm stands, as defined. The bill would, notwithstanding any other law, authorize the department to provide grant funds to a grantee in advance of the expenditure of funds by the grantee for implementation of the Nutrition Incentive Matching Grant Program, instead of in the form of a reimbursement after the expenditure of funds for that program, in an amount equal to or less than 50% of the grant amount provided in the grantee's grant agreement, if certain conditions are met.

The bill would create the Healthy Stores Refrigeration Grant Program 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. The bill would require the department to administer the Healthy Stores Refrigeration Grant Program and to award grants to qualified entities, as defined, for the purchase of an energy-efficient refrigeration unit or units by a small business or corner store that is located in a food desert. The bill would require a small business or corner store that purchases a refrigeration unit with grant funds to stock the unit with California-grown fresh fruits, nuts, vegetables, and minimally

processed prepared foods, and to offer those items for sale. The bill would authorize a city, county, city and county, or nonprofit entity that is awarded a grant to use up to 10% of Healthy Stores Refrigeration Grant Program grant funds for technical assistance. The bill would authorize the department to establish regulations, minimum standards, funding schedules, and procedures for awarding grants to qualified entities, and to adopt any other regulations to implement and administer the Healthy Stores Refrigeration Grant Program. The bill would provide that certain provisions imposing criminal liability do not apply for a violation of these provisions or any regulation adopted to administer these provisions. The bill would provide that receipt of a grant under the Healthy Stores Refrigeration Grant Program or the Nutrition Incentive Matching Grant Program does not preclude the recipient from being eligible to receive a grant under the other program.

(3) Existing law makes any operator or excavator who violates provisions relating to the protection of underground infrastructure subject to a civil penalty. Existing law authorizes these provisions relating to the protection of underground infrastructures to be enforced by specified agencies following a recommendation of the California Underground Facilities Safe Excavation Board against contractors, telephone corporations, gas corporations, electrical corporations, water corporations, operators of hazardous liquid pipeline facilities, and local agencies, as specified. Existing law authorizes the board, commencing July 1, 2020, to enforce the provisions on persons other than those listed.

This bill would prohibit the board from initiating an enforcement action to enforce the provisions on persons other than those listed for a violation that occurred prior to July 1, 2020.

Existing law authorizes the board to investigate possible violations of provisions relating to the protection of underground infrastructures, commencing on July 1, 2020.

This bill would instead authorize the board to investigate possible violations of provisions relating to the protection of underground infrastructures, commencing on January 1, 2019.

(4) Existing law establishes the California Land Conservation Act of 1965, otherwise known as the Williamson Act, and authorizes a city or county to enter into 10-year contracts with owners of land devoted to agricultural use, whereby the owners agree to continue using the property for that purpose, and the city or county agrees to value the land accordingly for purposes of property taxation, as specified. Existing law authorizes the cancellation of a Williamson Act contract under certain circumstances, and authorizes the city or county to charge a cancellation fee in an amount equal to 12 ½ of the cancellation valuation of the property. Existing law requires these cancellation fees to be transmitted by the county treasurer to the Controller upon collection, and specifies that those cancellation fees are to be deposited in the General Fund, except for the first $2,536,000 of those cancellation fees in the 2004–05 fiscal year and any other amount, as approved in the final Budget Act for each fiscal year thereafter, which are required to be deposited in the Soil Conservation Fund to be available upon

appropriation by the Legislature to support, among other things, the cost of the farmlands mapping and monitoring program of the Department of Conservation, to enforce specific provisions of the act, and if funds are available after providing other specified support, for program support costs incurred by the Department of Conservation in carrying out specified duties of the department related to open-space lands.

This bill would instead require the first $5,000,000 of those cancellation fees in the 2018–19 fiscal year and any other amount, as approved in the final Budget Act for each fiscal year thereafter, to be deposited in the Soil Conservation Fund and to be available upon appropriation by the Legislature to support the same purposes.

(5) Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution, and air pollution control and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources.

This bill would authorize the state board to provide advance payments to grantees of a grant program or project if the state board determines specified conditions are met. The bill would require the state board, in consultation with the Department of Finance, to adopt a regulation implementing that advance payment program.

(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 which 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 emission 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.

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.

This bill would authorize 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, as specified. The bill would require all moneys collected by the state

board as part of that schedule of fees to be deposited in the Certification and Compliance Fund, which the bill would create.

(7) The California Safe Drinking Water Act requires the State Water Resources Control Board to adopt primary drinking water standards for contaminants in drinking water and requires the Office of Environmental Health Hazard Assessment to prepare and publish an assessment of the risks to public health posed by each contaminant for which the state board proposes a primary drinking water standard. The act requires the risk assessment to contain an estimate of the level of the contaminant in drinking water that is not anticipated to cause or contribute to adverse health effects or that does not pose a significant risk to health, known as the public health goal for the contaminant. The act requires all public health goals published by the office to be reviewed at least once every 5 years and revised as necessary based upon the availability of new scientific data.

This bill would require the office to determine, at least once every 5 years, whether there has been a detection of the corresponding contaminant of each public health goal in the testing required pursuant to the act in the preceding five years. The bill would require each public health goal published by the office to be reviewed at least once every 5 years unless the office determines, pursuant to that provision, that there has not been a detection of the corresponding contaminant. The bill would require reviewed public health goals to be revised as necessary based upon the availability of new scientific data.

(8) The Surface Mining and Reclamation Act of 1975 prohibits a person, with exceptions, from conducting surface mining operations unless, among other things, a permit is obtained from, a specified reclamation plan is submitted to and approved by, and financial assurances for reclamation have been approved by the lead agency for the operation of the surface mining operation.

The act requires a lead agency to inspect a surface mining operation in intervals of no more than 12 months. The act authorizes a lead agency to cause an inspection to be conducted by a state-licensed geologist, state-licensed civil engineer, state-licensed landscape architect, state-licensed forester, or a qualified lead agency employee, as specified. The act requires the lead agency to provide to the Supervisor of Mine Reclamation a notice of completion of inspection, as specified. The act requires the lead agency, no later than July 1 of each year, to submit to the Supervisor of Mine Reclamation for each active or idle surface mining operation within the lead agency's jurisdiction specified information, including, among other things, a copy of a surface mining operation's permit or reclamation plan amendments.

This bill instead would require a lead agency to submit to the supervisor, in an electronic format determined by the Division of Mine Reclamation, specified documents, including, among others, approved reclamation plans or plan amendments within 60 days of their approval, interim management plans at the time of approval, and financial assurance cost estimates within 30 days of their approval. The bill would require the division, no later than

January 1, 2022, to post on its Internet Web site in a database and a geographic information system interface those documents provided by lead agencies. The bill would require the division to make a specified statement when a member of the public seeks access to a document that a lead agency has not provided to the supervisor as required. By adding to the duties of local governments acting as lead agencies under the act, this bill would impose a state-mandated local program.

(9) Under existing law, the Division of Oil, Gas, and Geothermal Resources in the Department of Conservation regulates the drilling, operation, maintenance, and abandonment of oil and gas wells in the state. Existing law requires the State Oil and Gas Supervisor to supervise the drilling, operation, maintenance, and abandonment of wells and the operation, maintenance, and removal or abandonment of tanks and facilities related to oil and gas production within an oil and gas field, so as to prevent damage to life, health, property, and natural resources, as provided; to permit owners and operators of wells to utilize all known methods and practices to increase the ultimate recovery of hydrocarbons; and to perform the supervisor's duties in a manner that encourages the wise development of oil and gas resources to best meet oil and gas needs in this state. Existing law, including regulations, requires and authorizes the division, including the supervisor or other specified employee, to witness certain operations performed relating to oil and gas, including, among others, well stimulation treatments and plugging and abandonment operations.

This bill would require the division to annually prepare and transmit to the Legislature a report of specified information relating to operations performed, statewide and by district, that are required or authorized to be witnessed by the division.

(10) Existing law required the State Board of Forestry and Fire Protection, on or before September 1, 2011, to adopt emergency regulations to establish a fire prevention fee in an amount not to exceed $150 to be charged on each habitable structure, as defined, on a parcel that is within a state responsibility area, as defined, and authorizes the board to annually adjust the fire prevention fees using prescribed methods.

Existing law requires that the fire prevention fees collected, except as provided, be deposited into the State Responsibility Area Fire Prevention Fund and be made available to the board and the Department of Forestry and Fire Protection for certain specified fire prevention activities that benefit the owners of habitable structures in state responsibility areas who are required to pay the fee.

Existing law, commencing with the 2017–18 fiscal year, suspended the fire prevention fee and required any moneys held in reserve in the fund to be appropriated by the Legislature in a manner consistent with the purposes of the fund.

This bill would make a technical, nonsubstantive change to the law relating to suspension of the fund.

(11) Existing law establishes the State Parks Revenue Incentive Subaccount in the State Parks and Recreation Fund, and continuously

appropriates funds in the subaccount to the Department of Parks and Recreation for activities, programs, and projects that are consistent with the mission of the department and that increase the department's capacity to generate revenue and implement a revenue generating program. Existing law requires the Controller to annually transfer $4,340,000 from the fund to the subaccount and, on July, 1, 2021, to transfer any unexpended funds remaining in the subaccount to the fund. Existing law makes funds in the subaccount available for encumbrance and expenditure until June 30, 2019, and for liquidation until June 30, 2021. Existing law makes these provisions inoperative on June 30, 2021, and repeals them on January 1, 2022.

This bill would (A) remove the annual transfer of $4,340,000 from the fund to the subaccount, (B) remove the inoperative and repeal dates for the subaccount and thereby extend these provisions indefinitely, and (C) make funds in the subaccount available indefinitely for encumbrance, expenditure, and liquidation. By extending operation of a continuously appropriated fund, this bill would make an appropriation.

Existing law establishes the California State Park Enterprise Fund in the State Treasury as a working capital fund, with money available to the department, upon appropriation by the Legislature, for capital outlay or support expenditures for revenue generating investments in state parks. Existing law makes these revenues available for encumbrance and expenditure until June 30, 2019, and for liquidation until June 30, 2021. Existing law requires the department to develop a revenue generation program as an essential component of a long-term sustainable park funding strategy. Existing law requires revenue generated by that program to be deposited into the State Parks and Recreation Fund and requires revenues identified as being in excess of specified revenue targets to be transferred annually, on or before June 1, to the subaccount. Existing law requires the department to allocate 50% of the total amount of revenues generated by a park district that exceed its revenue targets to that district, provides that revenues to be allocated to a park district that fails to achieve the revenue target shall remain in the subaccount, and requires the department to use 50% of the funds deposited in the subaccount from revenues generated by the revenue generation program for specified purposes.

This bill would (A) instead authorize the department to transfer to the subaccount and allocate up to 50% of the total amount of revenues generated by park districts that exceed their revenue targets to these districts, and to transfer to the subaccount and allocate up to 50% of these excess revenues for specified purposes, (B) make the revenues in the California State Park Enterprise Fund available for encumbrance and expenditure until June 30, 2021, and for liquidation until June 30, 2023, and (C) make related changes.

(12) Existing law, the California Wild and Scenic Rivers Act, provides for a system of classification of those rivers or segments of rivers in the state that are designated as wild, scenic, or recreational rivers, which are subject to various protections under the act.

This bill would include within the system specified segments of the Mokelumne River, and would designate those added segments as wild, scenic, or recreational.

The act also requires the Secretary of the Natural Resources Agency, prior to the designation of the Mokelumne river or specified segments of the river as additions to the system, to study and submit to the Governor and the Legislature a report on the suitability or nonsuitability of the proposed designations, and requires that the report contain specified information and recommendations with respect to the proposed designation. The act further prohibits, until completion of the study period and implementation of the recommendation to add segments of the Mokelumne River to the system, or December 31, 2021, whichever occurs first, a dam, reservoir, diversion, or other water impoundment facility from being constructed on any segment designated for study as a potential addition to the system unless the secretary makes a specified determination regarding the free-flowing condition and natural character of the river and segment.

This bill would repeal the above-described provisions requiring the preparation of that report and prohibiting the construction of dams, reservoirs, diversions, or other water impoundment facilities on any segment designated for study as a potential addition to the system.

The act prohibits a department or agency of the state from assisting or cooperating, whether by loan, grant, license, or otherwise, with any department of the federal, state, or local government, in the planning or construction of a dam, reservoir, diversion, or other water impoundment facility that could have an adverse effect on the free-flowing condition and natural character of the rivers and segments of those rivers included in the system or specified segments of the Mokelumne River designated for study by the secretary as potential additions to the system until after the study period and implementation of any recommendations have been completed, or December 31, 2021, whichever occurs first.

This bill would delete those provisions relating to the specified segments of the Mokelumne River designated for study as potential additions to the system.

(13) Existing law establishes the California Indian Heritage Center Task Force within the Department of Parks and Recreation. Existing law provides that the duties of the task force are to, among other things, make recommendations to the department on the potential siting of the heritage center. Existing law provides that the responsibilities of the task force shall be complete and its duties discharged when the heritage center is completed and the department has adopted a governing structure for the completed heritage center.

This bill would provide that it is the intent of the Legislature that the department develop a California Indian Heritage Center for cultural preservation, learning and exchange, land stewardship, and a place to engage all visitors in celebrating the living cultures of California tribes. The bill would appropriate $100,000,000 from the Natural Resources and Parks Preservation Fund for the design and construction of the center, as provided.

The bill would authorize the department to collect or receive moneys from contractual agreements, donations, gifts, bequests, or local government appropriations for the construction of the heritage center, to be deposited into the State Park Contingent Fund. The bill would continuously appropriate this money, up to $100,000,000, to the department for the construction of the center.

(14) Existing law establishes the State Lands Commission in the Natural Resources Agency. Existing law, except as provided, specifies that conveyances of federal public lands are void ab initio unless the State Lands Commission was provided with the right of first refusal or the right to arrange for the transfer of the federal public land to another entity. Existing law requires the commission to issue a certificate of compliance if the commission was provided with the right of first refusal or the right to arrange for the transfer of the federal public land to another entity. Existing law requires the commission to waive the right of first refusal or the right to arrange for the transfer of the federal public land to another entity and issue a certificate of compliance for certain conveyances.

This bill would authorize the executive officer of the commission to issue a certificate of compliance for certain conveyances. The bill would additionally require the executive officer to waive the right of first refusal or the right to arrange for the transfer of the federal public land to another entity and issue a certificate of compliance for conveyances of federal public land to the state and, except as provided, conveyances of federal public lands not managed by certain federal agencies.

Existing law requires a deed, instrument, or other document related to a conveyance of federal public lands to contain a specified title.

This bill would delete that requirement.

(15) Existing law vests the State Lands Commission with control over specified state lands, including coastal lands. Existing law requires the commission to consult, and enter into any necessary negotiations, with the owners of a specified property known as the Martins Beach property, as described, in the unincorporated area of the County of San Mateo, to acquire a right-of-way or easement for the creation of a public access route to and along the shoreline, including the sandy beach. Existing law authorizes the commission, if it is unable to reach an agreement to acquire the right-of-way or easement for the creation of that public access route or the owners do not voluntarily provide access by January 1, 2016, to acquire a right-of-way or easement for the creation of that public access route at Martins Beach, in accordance with specified procedures.

Existing law, the Kapiloff Land Bank Act, creates the Land Bank Fund and continuously appropriates moneys in the fund, subject to a statutory trust, to the commission, acting as the Land Bank Trustee, to acquire real property or any interest in real property for the purposes of public trust title settlements. Existing law requires that moneys in the fund be available for expenditure by the trustee to purchase outstanding interests in land where the public use and ownership of the land is necessary or extremely beneficial for furtherance of public trust purposes. Existing law authorizes acquisitions

by negotiated agreement with the owner of the outstanding interests and specifies that the act is not intended to confer any authority to exercise the power of eminent domain for its purposes.

This bill would create the Martins Beach Subaccount in the fund, and would require that moneys received from public and private sources, including nonprofit sources, to be used for the creation of that public access route be deposited into that subaccount and continuously appropriated to the commission for expenditure to acquire that right-of-way or easement, as prescribed, and be expended in accordance with a specified priority. By creating a continuously appropriated fund, the bill would make an appropriation. The bill would also authorize the commission to transfer moneys from the fund to the subaccount, in an amount not to exceed $1,000,000, for expenditure for that public access route, and would permit the commission to acquire the right-of-way or easement necessary for the creation of that public access route, as prescribed. The bill would authorize the commission to deposit into the subaccount and expend specified moneys received from the County of San Mateo for purposes related to the creation of that public access route.

(16) Existing law establishes the California Conservation Corps in the Natural Resources Agency, and prescribes the functions and duties of the corps relating to providing educational, employment training, and other opportunities for corpsmembers, including, among other things, participation in projects involving the preservation, restoration, and enhancement of public lands in the state.

This bill would require, commencing January 1, 2020, the corps to report to the Legislature, as provided, by December 31 of each year on specified educational and employment outcomes of the cohort of corpsmembers who permanently separated from the corps during the state fiscal year that ended 18 months before the date the report is due.

(17) Existing law, the California Beverage Container Recycling and Litter Reduction Act, requires a distributor to pay a redemption payment for every beverage container sold or offered for sale in the state by the distributor to the Department of Resources Recycling and Recovery for deposit in the California Beverage Container Recycling Fund. Moneys in the fund are continuously appropriated to the department for certain payments.

This bill would require the department to pay a market development payment to a reclaimer, as defined, for empty plastic beverage containers that have been collected for recycling in the state, and that the reclaimer washes and processes into flake, pellet, sheet, or any other form that is then usable as input for the manufacture of new plastic products, as defined, by product manufacturers in the state. The bill would require the department to pay a market development payment to a product manufacturer, as defined, for plastic flake, pellet, sheet, or any other form of plastic purchased from a reclaimer and used by that product manufacturer to manufacture a plastic product in the state. The bill would authorize the department to set the

amount of a market development payment, up to $150 per ton. The bill would make these provisions inoperative on July 1, 2022.

The bill would authorize the department, for the 2018–19 fiscal year, to expend up to $15 million from the fund for market development payments to reclaimers and product manufacturers, and would authorize up to $5 million of that amount to be expended for market development payments to reclaimers and product manufacturers for program participation, as provided, that occurred during the period from January 1, 2018, to June 30, 2018, inclusive. The bill would authorize the department, for the 2019–20 fiscal year to the 2021–22 fiscal year, inclusive, to expend up to $10 million each fiscal year from the fund for market development payments to reclaimers and product manufacturers. Because the bill would authorize an additional purpose for which money in the fund may be spent, the bill would make an appropriation.

The bill would authorize a traffic officer and certain other peace officers to enforce the act as authorized representatives of the department.

The bill would also delete obsolete provisions.

(18) Existing law establishes the Delta Protection Commission to preserve, protect, maintain, and enhance the Sacramento-San Joaquin Delta region's environmental resources and quality, including preserving and protecting agriculture, wildlife habitats, open spaces, outdoor recreational activities, public access, and use of public lands. Existing law requires the commission to develop and adopt a plan and implementation program, including a finance and maintenance plan, for a continuous regional recreational corridor that extends around the delta, as described. Existing law further authorizes the commission to develop and adopt the plan and implementation program if it receives sufficient funds, from sources other than the General Fund, to finance the full costs of developing and adopting the plan. Existing law requires the commission to submit the plan and the implementation program to the Legislature and each of the counties within the commission's service area no later than 2 years after the commission determines that sufficient funds will be available to complete the plan and implementation program.

This bill would instead authorize the commission to develop and adopt the plan and implementation program if it receives sufficient funds, from sources other than the General Fund, to either (A) finance the full costs of developing and adopting the plan or (B) develop and implement a defined portion of the plan, such as specific trail segments and related facilities identified in the plan. The bill would require the commission to submit the plan and the implementation program to the Legislature and each of the counties within the commission's service area no later than 2 years after the commission determines that sufficient funds will be available to complete all or a defined portion of the plan and implementation program.

(19) Under existing law, the Public Utilities Commission (PUC) has regulatory authority over public utilities, including electrical corporations and gas corporations and has jurisdiction over the delivery of electrical services. Existing law authorizes the PUC to fix the rates and charges for

every public utility and requires that those rates and charges be just and reasonable. Existing law authorizes the PUC to appoint an attorney to the PUC, requires the attorney to represent and appear for the people of the State of California and the PUC in actions and proceedings involving questions under the Public Utilities Act or under orders or acts of the PUC, and requires the attorney, as specified, to intervene, if possible, in any action or proceeding in which those questions are involved.

Existing law requires the PUC and the Electricity Oversight Board to jointly facilitate the efforts of the state's transmission owning electrical corporations to obtain authorization from the Federal Energy Regulatory Commission (FERC) to recover reasonable expenditures made to plan, design, and engineer reconfiguration, replacement, or expansion of transmission facilities for purposes of facilitating competition in electrical generation markets, ensuring open access and comparable service, or maintaining or enhancing reliability, whether or not these expenditures are for transmission facilities that become operational.

Existing law provides for the establishment of an Independent System Operator (ISO) as a nonprofit public benefit corporation and requires the ISO to make certain filings with the FERC and to seek authority from the FERC as needed to give the ISO the ability to secure generating and transmission resources necessary to guarantee achievement of planning and operating reserve criteria no less stringent than those established by the Western Electricity Coordinating Council and the North American Electric Reliability Council.

This bill would require the PUC to annually submit a report with specified information to the Legislature on the PUC's advocacy efforts to keep transmission rates low for ratepayers through its participation in FERC rate cases and the ISO's transmission planning processes.

(20) Existing law requires the PUC and the State Energy Resources Conservation and Development Commission (Energy Commission) to undertake specified actions to advance the state's clean energy and pollution reduction objectives, including establishment of an advisory group consisting of representatives from disadvantaged communities. Existing law requires the advisory group to review and provide advice on programs proposed to achieve clean energy and pollution reduction, and to determine whether those proposed programs will be effective and useful in disadvantaged communities.

This bill would provide that a member of the disadvantaged community advisory group receive per diem and be reimbursed for travel and other necessary expenses incurred in the performance of his or her duties. The bill would limit the total expenses for these purposes to not more than $100,000 per year, and would provide that the PUC and Energy Commission equally fund these expenses.

(21) Existing law requires every electric utility, defined to include an electrical corporation, local publicly owned electric utility, or an electrical cooperative, to develop a standard contract or tariff providing for net energy metering, as defined, and to make this contract or tariff available to eligible

customer generators, as defined, upon request for generation by a renewable electrical generation facility, as defined. An electric utility, upon request, is required to make available to eligible customer generators contracts or tariffs for net energy metering through July 2, 2017, on a first-come-first-served basis until the time that the total rated generating capacity used by eligible customer generators exceeds 5% of the electric utility's aggregate customer peak demand.

Existing law includes as an eligible customer-generator, a United States Armed Forces base or facility, if the base or facility uses a renewable electrical generation facility, or a combination of those facilities, that is located on premises owned, leased, or rented by the base or facility, is interconnected and operates in parallel with the electrical grid, is intended primarily to offset part or all of the base or facility's own electrical requirements, and has a generating capacity that does not exceed the lesser of 12 megawatts or one megawatt greater than the minimum load of the base or facility over the prior 36 months. Existing law prohibits a United States Armed Forces base or facility that is an eligible consumer-generator from receiving compensation for exported generation.

Existing law requires the PUC, no later than December 31, 2015, to develop another standard contract or tariff for an eligible customer-generator with a renewable electrical generation facility that is a customer of a large electrical corporation. Existing law requires the large electrical corporation to offer this standard contract or tariff to new eligible customer-generators beginning July 1, 2017, or prior to that date if ordered to do so by the PUC because it has reached the 5% limit established for the corporation pursuant to the original net energy metering program.

This bill would specify that this 2nd standard contract or tariff developed by the PUC shall not be subject to the special conditions applicable to a United States Armed Forces base or facility that is an eligible customer-generator under the original contract or tariff.

Under existing law, a violation of the Public Utilities Act or any order, decision, rule, direction, demand, or requirement of the PUC is a crime.

Because portions of this bill would require action by the PUC to implement its requirements, a violation of these provisions would impose a state-mandated local program by creating a new crime or expanding an existing crime.

(22) Existing law establishes the Office of Ratepayer Advocates within the PUC to represent the interests of public utility customers and subscribers, with the goal of obtaining the lowest possible rate for service consistent with reliable and safe service levels. Existing law creates the Public Utilities Commission Ratepayer Advocate Account in the General Fund.

This bill would change the name of the Office of Ratepayer Advocates to the Public Advocate's Office of the Public Utilities Commission and the name of the Public Utilities Commission Ratepayer Advocate Account to the Public Utilities Commission Public Advocate's Office Account.

(23) The California Public Utilities Commission Governance, Accountability, Training, and Transportation Oversight Act of 2017, effective

July 1, 2018, repeals the Household Goods Carriers Act, under which the PUC exercises regulatory jurisdiction over household goods carriers, and transfers those duties to the Division of Household Movers within the Bureau of Electronic and Appliance Repair, Home Furnishings, and Thermal Insulation in the Department of Consumer Affairs, with the recast provisions renaming those carriers "household movers." Existing law establishes the Household Movers Fund, to be used by the bureau, upon appropriation, for the administration of its regulatory authority over household movers. Existing law establishes the Transportation Rate Fund, moneys in which are to be expended by the PUC for the purpose of administering and enforcing the Household Goods Carriers Act, and provides for the transfer of the authority to expend the unexpended balance of that fund to the bureau on and after July 1, 2018.

This bill would repeal the language providing for the transfer of authority from the PUC to the bureau to expend the unexpended balance in the Transportation Rate Fund on and after July 1, 2018. This bill would require the Controller, upon order of the Department of Finance, to transfer all moneys remaining in the Transportation Rate Fund to the Household Movers Fund by September 30, 2020. The bill would make the Transportation Rate Fund inoperative on November 1, 2020, and would repeal the fund on January 1, 2021.

(24) Existing law requires the Department of Water Resources to supervise the maintenance and operation of dams and reservoirs as necessary to safeguard life and property. Existing law prohibits the construction of any new dam or reservoir or the enlargement of any dam or reservoir from being commenced until the owner has applied for and obtained from the department written approval of plans and specifications. Existing law, the California Emergency Services Act, requires the Director of Emergency Services to coordinate the emergency services of all state agencies in connection with a state or local emergency. Existing law makes an owner of a dam that is regulated by the state responsible for emergency preparedness with regard to the potential for loss of life and property resulting from the failure of a dam or its critical appurtenant structures, as defined. Existing law requires the owner of a dam that is regulated by the state, except for a dam classified as low hazard, to prepare and submit to the department for approval an inundation map showing the area that would be subject to flooding under various failure scenarios unique to the dam and the critical appurtenant structures of the dam. Existing law requires the owner of a dam, on or before a date determined by the level of hazard classification of the dam, to develop and submit to the department and the office an emergency action plan with certain components, based upon the inundation map or maps approved by the department. Existing law requires the office to review and approve an emergency action plan, as prescribed, and to give priority in its review to dams with the highest hazard classification. Existing law provides that every person who violates certain provisions relating to dam safety or of any approval, order, rule, regulation,

or requirement of the department is guilty of a misdemeanor, punishable as prescribed.

This bill would require the owner of a dam required to submit an inundation map to the department to submit to the department and the office its emergency action plan electronically. The bill would require the owner of a dam with an emergency action plan existing as of March 1, 2017, that contains an inundation map for the dam and all critical appurtenant structures that department determines are sufficient, to submit the complete emergency action plan reflecting all critical appurtenant structures to the office for review within 30 days of department approval.

The bill would require the owner of a dam with an emergency action plan existing as of March 1, 2017, that does not include an inundation map for all critical appurtenant structures to submit the emergency action plan to the office after the department reviews a map included in the plan for sufficiency. The bill would require the owner of a dam described in this paragraph to continue to prepare an inundation map with due diligence, as defined, for any remaining critical appurtenant structures and to submit the map or maps to the department for review and approval. The bill would authorize the office to defer review and approval of the new or updated emergency action plan until the office has received an inundation map approved by the department for the dam and all critical appurtenant structures. The bill would authorize an owner of a dam to use an emergency action plan that existed as of March 1, 2017, on an interim basis, pending approval of a new or updated emergency action plan that includes a map for the dam and all critical appurtenant structures if the office approves an emergency action plan when the owner of the dam is continuing to prepare an inundation map with due diligence. The bill would require the owner of a dam preparing an inundation map with due diligence to submit a proposed time schedule to the department no later than 60 days after the effective date of the bill and would require the department to make the schedule publicly available. Because failing to submit a proposed time schedule or comply with a time schedule approved by the department would be a crime, this bill would impose a state-mandated local program.

(25) Existing law establishes a delta levee maintenance program pursuant to which a local agency may request reimbursement for costs incurred in connection with the maintenance or improvement of defined project or nonproject levees in the Sacramento-San Joaquin Delta. Existing law declares legislative intent to reimburse eligible local agencies under this program, until July 1, 2018, in an amount not to exceed 75% of those costs that are incurred in excess of $1,000 per mile of levee. Existing law, until July 1, 2018, authorizes the Central Valley Flood Protection Board to provide funds to an eligible local agency under this program in the form of an advance in an amount that does not exceed 75% of the estimated state share.

This bill would instead require the Department of Water Resources, upon appropriation by the Legislature, to reimburse an eligible local agency for not more than 75% of any costs incurred per mile of project or nonproject levee if the entire cost incurred per mile is either $2,500 or less for a levee

in an urban area, as defined, or $1,000 or less for a levee in a rural area. The bill would revise the information a local agency is required to provide to the department as the basis for determining the eligible reimbursement. The bill would eliminate the sunset on the authorization for the board to provide an advance of funds.

Existing law, on and after July 1, 2018, declares the intent of the Legislature to reimburse eligible local agencies under this program in an amount not to exceed 50% of those costs that are incurred in excess of $1,000 per mile of levee in any year for the maintenance and improvement of levees. Existing law, on and after July 1, 2018, declares the intent of the Legislature that the maximum total reimbursement under the program shall not exceed $2,000,000 annually.

This bill would repeal these provisions.

(26) The bill would declare that due to the unique geographical features of the Mokelumne River and its tributaries, a general statute within the meaning of specified provisions of the California Constitution cannot be made applicable.

(27) This bill would make legislative findings and declarations as to the necessity of a special statute for Martins Beach.

(28) 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 specified reasons.

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

Appropriation: yes.

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

SECTION 1. Section 712.1 is added to the Fish and Game Code, to read:

712.1. (a) (1) The department's mission is to manage California's diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment of the public.

(2) The department's core programs are the following:

(A) Management of departmental lands and facilities.

(B) Biodiversity conservation.

(C) Hunting, fishing, and public use.

(D) Enforcement.

(E) Spill prevention and response.

(F) Communication, education, and outreach.

(3) The department, as a part of a service-based budget review, shall identify strategic goals that reflect the core programs identified in paragraph (2) and support the department's mission and statutory requirements.

(b) (1) The department shall contract with an independent entity to conduct a comprehensive service-based budget review and to consult on the development of a service-based budget tracking system. The selected contractor shall have experience conducting similar reviews and consulting on similar systems for a comparably sized state agency or department.

(2) The service-based budget review shall study and report on all of the following topics:

(A) For each strategic goal identified pursuant to paragraph (3) of subdivision (a), a definition of the service standards and essential activities required for the department to meet its mission and statutory requirements.

(B) Detailed cost estimates and staffing requirements for meeting the service standards and requirements identified pursuant to subparagraph (A), including applicable administrative costs.

(C) An analysis of how current service levels, activities, expenditures, and staffing levels compare with the service standards and costs identified pursuant to subparagraphs (A) and (B), respectively. The analysis shall explicitly identify instances and associated costs where the department is not currently meeting its mission or statutory requirements, as well as where it may be conducting activities outside its mission and statutory requirements.

(D) An analysis of the department's existing revenue structure and program activities supported by those fund sources. The analysis shall identify any instances where the nature of the activity suggests a different funding source, such as user fees or the General Fund, or a different revenue structure that could be allowable or more appropriate to support the activity, or both allowable and more appropriate to support the activity.

(E) The service-based budget review conducted pursuant to this section shall build upon the California Fish and Wildlife Strategic Vision: Recommendations for Enhancing the State's Fish and Wildlife Management Agencies, issued in April 2012, and the Supporting Healthy Fish and Wildlife Populations in California and Getting People Outdoors: An Expenditure Concept to Invest in Our Natural Heritage for All Californians, issued on November 2, 2017.

(3) (A) The service-based budget tracking system shall incorporate data collected for the review pursuant to paragraph (2), including the costs and staffing levels associated with both existing service levels and the service level standards developed pursuant to subparagraph (A) of paragraph (2).

(B) The service-based budget tracking system shall allow the department to continuously analyze service levels across its programs and the degree to which service standards are being met.

(C) The service-based budget tracking system shall be developed as a tool to inform ongoing and future fiscal decisionmaking processes.

(D) The service-based budget tracking system shall be the property of the state even if it is developed using nonstate funding provided pursuant to subdivision (d).

(4) To meet the goals of this subdivision, the department shall collect information necessary to inform service-based budgeting.

(c) In conducting the service-based budget review and developing the service-based budget tracking system pursuant to subdivision (b), the department shall meet all of the following deadlines:

(1) By December 15, 2018, the department shall do all of the following:

(A) Enter into a contract with the independent entity to complete the service-based budget review.

(B) Form an internal leadership team within the department to oversee and manage the service-based budget review.

(C) Form an external advisory committee to advise the department and independent entity on conducting the service-based budget review.

(D) Submit a report to the relevant budget and policy committees of the Legislature and the Legislative Analyst's Office summarizing the status of these activities.

(2) By April 15, 2020, the department shall report in its legislative oversight hearings regarding the status of the service-based budget review.

(3) By January 15, 2021, the department shall submit the final service-based budget review report to the relevant budget and policy committees of the Legislature and the Legislative Analyst's Office.

(4) By April 15, 2021, the department shall report in its legislative oversight hearings how the findings of the service-based budget review have been incorporated into the department's operations and budget and any changes the department proposed to its operations or budget resulting from the service-based budget review.

(d) (1) The department may enter into one or more agreements to accept funds from any person, nonprofit organization, or other public or private entity for purposes of this section.

(2) Funding provided pursuant to this subdivision may be used by the department for department staff, development of information technology systems, or other costs associated with the service-based budget review and the service-based budget tracking system.

(3) The Department of Finance may authorize expenditure of the funds provided pursuant to this subdivision no sooner than 30 days after providing notification of the expenditure to the chairperson of the Joint Legislative Budget Committee.

SEC. 2. Section 49012 of the Food and Agricultural Code is amended to read:

49012. For purposes of this chapter, the following definitions shall apply:

(a) "Consumer incentive program" means a program administered by a qualified entity that increases the purchasing value of a nutrition benefit client's benefits when the benefits are used to purchase California fresh fruits, nuts, and vegetables.

(b) "Nutrition benefit client" means a person who receives services or payments through any of the following:

(1) California Special Supplemental Nutrition Program for Women, Infants, and Children, as described in Section 123280 of the Health and Safety Code.

(2) CalWORKs program, as described in Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code.

(3) CalFresh, as described in Section 18900.2 of the Welfare and Institutions Code.

(4) Implementation of the federal WIC Farmers' Market Nutrition Act of 1992 (Public Law 102-314).

(5) The Senior Farmers' Market Nutrition Program, as described in Section 3007 of Title 7 of the United States Code.

(6) Supplemental Security Income or State Supplementary Payment, as described in Section 1381 and following of Title 42 of the United States Code.

(c) "Qualified entity" means either of the following:

(1) A certified farmers' market, as described in Section 47004, an association of certified producers, a community-supported agriculture program, as defined in Section 47060, a farm stand, as defined in Section 47050, or a nonprofit organization representing a collective or association of certified producers that is authorized by the United States Department of Agriculture to accept federal Supplemental Nutrition Assistance Program (Chapter 51 (commencing with Section 2011) of Title 7 of the United States Code) benefits from recipient purchasers at a farmers' market. Certified producers shall be certified by the county agricultural commissioner pursuant to Section 47020.

(2) A small business, as defined in Section 14837 of the Government Code, that sells California grown fresh fruits, nuts, and vegetables and that is authorized to accept nutrition benefits from any of the programs listed in paragraphs (1) to (6), inclusive, of subdivision (b).

SEC. 3. Section 49013 of the Food and Agricultural Code is amended to read:

49013. (a) The Nutrition Incentive Matching Grant Account is hereby created in the Department of Food and Agriculture Fund to collect matching funds from the federal Food Insecurity Nutrition Incentive Grant Program (7 U.S.C. Sec. 7517), if available, and from other public and private sources, to provide grants under the Nutrition Incentive Matching Grant Program. The Nutrition Incentive Matching Grant Program shall provide grants upon the deposit of sufficient funds, including from a successful application of federal grant funding, if available, into the Nutrition Incentive Matching Grant Account.

(b) Notwithstanding any other law, the department may provide grant funds to a grantee in advance of the expenditure of funds by the grantee for implementation of the Nutrition Incentive Matching Grant Program, instead of in the form of a reimbursement after the expenditure of funds for that program, in an amount equal to or less than 50 percent of the grant amount provided in the grantee's grant agreement pursuant to subdivision (a) and Section 49014, if both of the following conditions are met:

(1) The grantee has declared an operating budget of no more than five hundred thousand dollars ($500,000).

(2) The department makes a determination, based upon a request submitted by the grantee declaring hardship, that an advance payment is essential for the effective implementation of the Nutrition Incentive Matching Grant Program by the grantee.

SEC. 4. Section 49014 of the Food and Agricultural Code is amended to read:

49014. The Nutrition Incentive Matching Grant Program shall be administered in accordance with all of the following:

(a) Subject to the regulations adopted by the National Institute of Food and Agriculture in the United States Department of Agriculture in accordance with the federal Agricultural Act of 2014 (Public Law 113-79), or any subsequent federal agricultural act, moneys in the Nutrition Incentive Matching Grant Account shall be awarded in the form of grants to qualified entities for consumer incentive programs.

(b) (1) The Office of Farm to Fork shall establish minimum standards, funding schedules, and procedures for awarding grants in consultation with the United States Department of Agriculture and other interested stakeholders, including, but not limited to, the State Department of Public Health, State Department of Social Services, organizations with expertise in nutrition benefit programs or consumer incentive programs, small business owners that may qualify as a qualified entity, and certified farmers' market operators.

(2) The department shall not use more than one-third of the Nutrition Incentive Matching Grant Program funds for consumer incentive programs with qualified entities described in paragraph (2) of subdivision (c) of Section 49012 that are not otherwise qualified pursuant to paragraph (1) of that subdivision.

(c) The department shall give priority in awarding grants to qualified entities based on, but not limited to, the following:

(1) The service of an area of population currently not being served by a consumer incentive program.

(2) The degree of the existence of the following demographic conditions and the character of the communities in which sales of California grown fresh fruits, nuts, and vegetables are made to the public by authorized vendors operating in conjunction with a qualified entity:

(A) The number of people who are eligible for, or receiving, nutrition benefit program services.

(B) The prevalence of diabetes, obesity, and other diet-related illnesses.

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

(3) Demonstrated efficiency in the administration of a consumer incentive program.

SEC. 5. Section 49015 is added to the Food and Agricultural Code, 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 food desert 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) "Food desert" means a low-income census tract with low access to a supermarket or large grocery store.

(A) For purposes of this paragraph, a census tract has "low access to a supermarket or large grocery store" if at least 500 persons or 33 percent of the population lives more than one mile, for nonrural areas, or more than 10 miles, for rural areas, from a supermarket or large grocery store.

(B) For purposes of this paragraph, a census tract is "low-income" if 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.

(3) "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.

(4) "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 census tracts, as described in subparagraph (B) of paragraph (2), that contain small businesses or corner stores.

(C) A nonprofit entity with demonstrated efficiency in the administration of a consumer incentive program, as defined in subdivision (a) of Section 49012, that would apply for grants on behalf of a small business or corner store or a collection of small businesses or corner stores.

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

(6) "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 within a food desert.

(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 food deserts.

(2) 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.

(3) 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 only 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 (3) of subdivision (c).

SEC. 6. Section 49016 is added to the Food and Agricultural Code, to read:

49016. The receipt of a grant under either program established in this chapter shall not preclude an entity from being eligible to receive a grant under the other program.

SEC. 7. Section 4216.6 of the Government Code is amended to read:

4216.6. (a) (1) Any operator or excavator who negligently violates this article is subject to a civil penalty in an amount not to exceed ten thousand dollars ($10,000).

(2) Any operator or excavator who knowingly and willfully violates any of the provisions of this article is subject to a civil penalty in an amount not to exceed fifty thousand dollars ($50,000).

(3) Except as otherwise specifically provided in this article, this section is not intended to affect any civil remedies otherwise provided by law for personal injury or for property damage, including any damage to subsurface installations, nor is this section intended to create any new civil remedies for those injuries or that damage.

(4) This article shall not be construed to limit any other provision of law granting governmental immunity to state or local agencies or to impose any liability or duty of care not otherwise imposed by law upon any state or local agency.

(b) An action may be brought by the Attorney General, the district attorney, or the local or state agency that issued the permit to excavate, for the enforcement of the civil penalty pursuant to this section in a civil action brought in the name of the people of the State of California. If penalties are

collected as a result of a civil suit brought by a state or local agency for collection of those civil penalties, the penalties imposed shall be paid to the general fund of the agency. If more than one agency is involved in enforcement, the penalties imposed shall be apportioned among them by the court in a manner that will fairly offset the relative costs incurred by the state or local agencies, or both, in collecting these fees.

(c) The requirements of this article may also be enforced following a recommendation of the California Underground Facilities Safe Excavation Board by the following agencies, that shall act to accept, amend, or reject the recommendations of the board as follows:

(1) The Registrar of Contractors of the Contractors' State License Board shall enforce the provisions of this article on contractors, as defined in Article 2 (commencing with Section 7025) of Chapter 9 of Division 3 of the Business and Professions Code, and telephone corporations, as defined in Section 234 of the Public Utilities Code, when acting as a contractor, as defined in Article 2 (commencing with Section 7025) of Chapter 9 of Division 3 of the Business and Professions Code. Nothing in this section affects the California Public Utilities Commission's existing authority over a public utility.

(2) The Public Utilities Commission shall enforce the provisions of this article on gas corporations, as defined in Section 222 of the Public Utilities Code, and electrical corporations, as defined in Section 218 of the Public Utilities Code, and water corporations, as defined in Section 241 of the Public Utilities Code.

(3) The Office of the State Fire Marshal shall enforce the provisions of this article on operators of hazardous liquid pipeline facilities, as defined in Section 60101 of Chapter 601 of Subtitle VIII of Title 49 of the United States Code.

(d) A local governing board may enforce the provisions of this article on local agencies under the governing board's jurisdiction.

(e) Commencing July 1, 2020, the California Underground Facilities Safe Excavation Board shall enforce the provisions of this article on persons other than those listed in subdivisions (c) and (d). The board shall not initiate an enforcement action pursuant to this subdivision for a violation that occurred prior to July 1, 2020.

(f) Moneys collected as a result of penalties imposed pursuant to subdivisions (c) and (e) shall be deposited into the Safe Energy Infrastructure and Excavation Fund.

(g) Statewide information provided by operators and excavators regarding incident events shall be compiled and made available in an annual report by regional notification centers and posted on the Internet Web sites of the regional notification centers.

(h) For purposes of subdivision (g), the following terms have the following meanings:

(1) "Incident event" means the occurrence of excavator downtime, damages, near misses, and violations.

(2) "Statewide information" means information submitted by operators and excavators using the California Regional Common Ground Alliance's Virtual Private Damage Information Reporting Tool. Supplied data shall comply with the Damage Information Reporting Tool's minimum essential information as listed in the most recent version of the Best Practices guide of the Common Ground Alliance.

SEC. 8. Section 4216.19 of the Government Code is amended to read:

4216.19. (a) The board shall investigate possible violations of this article.

(b) The board may investigate reports of incident events, as defined in paragraph (1) of subdivision (h) of Section 4216.6, and complaints from affected parties and members of the public.

(c) In determining whether to pursue an investigation, the board shall consider whether the parties have settled the matter and whether further enforcement is necessary as a deterrent to maintain the integrity of subsurface installations and to protect the safety of excavators and the public.

(d) If the board, upon the completion of an investigation, finds a probable violation of the article, the board shall transmit the investigation results and any recommended penalty to the state or local agency pursuant to subdivision (c) or (d) of Section 4216.6.

(e) Sanctions shall be graduated and may include notification and information letters, direction to attend relevant education, and financial penalties. When considering the issuance of citations and assessment of penalties, the board shall consider all of the following:

(1) The type of violation and its gravity.

(2) The degree of culpability.

(3) The operator's or excavator's history of violations.

(4) The operator's or excavator's history of work conducted without violations.

(5) The efforts taken by the violator to prevent violation and, once the violation occurred, the efforts taken to mitigate the safety consequences of the violation.

SEC. 9. Section 27338 of the Government Code is amended to read:

27338. A deed, instrument, or other document related to a conveyance that is subject to Section 8560 of the Public Resources Code shall not be recorded without a certificate from the State Lands Commission.

SEC. 10. Section 51283 of the Government Code is amended to read:

51283. (a) Prior to any action by the board or council giving tentative approval to the cancellation of any contract, the county assessor of the county in which the land is located shall determine the current fair market value of the land as though it were free of the contractual restriction. The assessor shall certify to the board or council the cancellation valuation of the land for the purpose of determining the cancellation fee. At the same time, the assessor shall send a notice to the landowner and the Department of Conservation indicating the current fair market value of the land as though it were free of the contractual restriction and advise the parties, that upon their request, the assessor shall provide all information relevant to the

valuation, excluding third-party information. If any information is confidential or otherwise protected from release, the department and the landowner shall hold it as confidential and return or destroy any protected information upon termination of all actions relating to valuation or cancellation of the contract on the property. The notice shall also advise the landowner and the department of the opportunity to request formal review from the assessor.

(b) Prior to giving tentative approval to the cancellation of any contract, the board or council shall determine and certify to the county auditor the amount of the cancellation fee that the landowner shall pay the county treasurer upon cancellation. That fee shall be an amount equal to 12½ percent of the cancellation valuation of the property.

(c) If it finds that it is in the public interest to do so, the board or council may waive any payment or any portion of a payment by the landowner, or may extend the time for making the payment or a portion of the payment contingent upon the future use made of the land and its economic return to the landowner for a period of time not to exceed the unexpired period of the contract, had it not been canceled, if all of the following occur:

(1) The cancellation is caused by an involuntary transfer or change in the use which may be made of the land and the land is not immediately suitable, nor will be immediately used, for a purpose which produces a greater economic return to the owner.

(2) The board or council has determined that it is in the best interests of the program to conserve agricultural land use that the payment be either deferred or is not required.

(3) The waiver or extension of time is approved by the Secretary of the Natural Resources Agency. The secretary shall approve a waiver or extension of time if the secretary finds that the granting of the waiver or extension of time by the board or council is consistent with the policies of this chapter and that the board or council complied with this article. In evaluating a request for a waiver or extension of time, the secretary shall review the findings of the board or council, the evidence in the record of the board or council, and any other evidence the secretary may receive concerning the cancellation, waiver, or extension of time.

(d) The first five million dollars ($5,000,000) of revenue paid to the Controller pursuant to subdivision (e) in the 2004–05 fiscal year, and any other amount as approved in the final Budget Act for each fiscal year thereafter, shall be deposited in the Soil Conservation Fund, which is continued in existence. The money in the fund is available, when appropriated by the Legislature, for the support of all of the following:

(1) The cost of the farmlands mapping and monitoring program of the Department of Conservation pursuant to Section 65570.

(2) The soil conservation program identified in Section 614 of the Public Resources Code.

(3) Program support costs of this chapter as administered by the Department of Conservation.

(4) Program support costs incurred by the Department of Conservation in administering the open-space subvention program (Chapter 3 (commencing with Section 16140) of Part 1 of Division 4 of Title 2).

(5) The costs to the Department of Conservation for administering Section 51250.

(6) When available, after funding the duties of the Department of Conservation pursuant to paragraphs (1) through (5), inclusive, program support costs incurred by the department in carrying out the duties of the department pursuant to Sections 65565 and 66565.1.

(e) When cancellation fees required by this section are collected, they shall be transmitted by the county treasurer to the Controller and deposited in the General Fund, except as provided in subdivision (d) of this section and subdivision (b) of Section 51203. The funds collected by the county treasurer with respect to each cancellation of a contract shall be transmitted to the Controller within 30 days of the execution of a certificate of cancellation of contract by the board or council, as specified in subdivision (b) of Section 51283.4.

(f) It is the intent of the Legislature that fees paid to cancel a contract do not constitute taxes but are payments that, when made, provide a private benefit that tends to increase the value of the property.

SEC. 11. Section 39603.1 is added to the Health and Safety Code, to read:

39603.1. (a) Notwithstanding any other law, the state board may provide advance payments to grantees of a grant program or project if the state board determines all of the following:

(1) The advance payments are necessary to meet the purposes of the grant program or project.

(2) The use of the advance funds is adequately regulated by grant or budgetary controls.

(3) The request for application or the request for proposals contains the terms and conditions under which an advance payment may be received consistent with this section.

(4) The grantee is either a small district or the grantee meets all of the following criteria:

(A) Has no outstanding financial audit findings related to any of the moneys eligible for advance payment and is in good standing with the Franchise Tax Board and Internal Revenue Service.

(B) Agrees to revert all unused moneys to the state if they are not liquidated within the timeline specified in the grant agreement.

(C) (i) Submits a spending plan to the state board for review prior to receiving the advance payment.

(ii) The spending plan shall include project schedules, timelines, milestones, and the grantee's fund balance for all state grant programs.

(iii) The state board shall consider the available fund balance when determining the amount of the advance payment.

(D) Reports to the state board any material changes to the spending plan within 30 days.

(E) Agrees to not provide advance payment to any other entity.

(5) In the event of the nonperformance of a grantee, the state board shall require the full recovery of the unspent moneys. A grantee shall provide a money transfer confirmation within 45 days upon the receipt of a notice from the state board.

(b) The state board, in consultation with the Department of Finance, shall adopt a regulation implementing this section to ensure the moneys are used properly.

SEC. 12. Section 43019.1 is added to the Health and Safety Code, 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 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 aftermaket 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. 13. Section 43019.2 is added to the Health and Safety Code, 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 Section 43019.1.

SEC. 14. Section 43019.3 is added to the Health and Safety Code, to read:

43019.3. The state board shall undertake a public process to review the existing procedures for exempting parts pursuant to Section 27156 of the Vehicle Code with the goal of streamlining the process for issuing executive orders. The state board, through a public process, shall consider the effective use of outside resources and structural changes to the review process to bring parts to market sooner and that meet all applicable requirements of law and regulation.

SEC. 15. Section 116365 of the Health and Safety Code is amended to read:

116365. (a) The state board shall adopt primary drinking water standards for contaminants in drinking water that are based upon the criteria set forth in subdivision (b) and shall not be less stringent than the national primary drinking water standards adopted by the United States Environmental Protection Agency. A primary drinking water standard adopted by the state board shall be set at a level that is as close as feasible to the corresponding public health goal placing primary emphasis on the protection of public health, and that, to the extent technologically and economically feasible, meets all of the following:

(1) With respect to acutely toxic substances, avoids any known or anticipated adverse effects on public health with an adequate margin of safety.

(2) With respect to carcinogens, or any substances that may cause chronic disease, avoids any significant risk to public health.

(b) The state board shall consider all of the following criteria when it adopts a primary drinking water standard:

(1) The public health goal for the contaminant published by the Office of Environmental Health Hazard Assessment pursuant to subdivision (c).

(2) The national primary drinking water standard for the contaminant, if any, adopted by the United States Environmental Protection Agency.

(3) The technological and economic feasibility of compliance with the proposed primary drinking water standard. For the purposes of determining economic feasibility pursuant to this paragraph, the state board shall consider the costs of compliance to public water systems, customers, and other affected parties with the proposed primary drinking water standard, including the cost per customer and aggregate cost of compliance, using best available technology.

(c) (1) The Office of Environmental Health Hazard Assessment shall prepare and publish an assessment of the risks to public health posed by each contaminant for which the state board proposes a primary drinking water standard. The risk assessment shall be prepared using the most current principles, practices, and methods used by public health professionals who are experienced practitioners in the fields of epidemiology, risk assessment, and toxicology. The risk assessment shall contain an estimate of the level

of the contaminant in drinking water that is not anticipated to cause or contribute to adverse health effects, or that does not pose any significant risk to health. This level shall be known as the public health goal for the contaminant. The public health goal shall be based exclusively on public health considerations and shall be set in accordance with all of the following:

(A) If the contaminant is an acutely toxic substance, the public health goal shall be set at the level at which no known or anticipated adverse effects on health occur, with an adequate margin of safety.

(B) If the contaminant is a carcinogen or other substance that may cause chronic disease, the public health goal shall be set at the level that, based upon currently available data, does not pose any significant risk to health.

(C) To the extent information is available, the public health goal shall take into account each of the following factors:

(i) Synergistic effects resulting from exposure to, or interaction between, the contaminant and one or more other substances or contaminants.

(ii) Adverse health effects the contaminant has on members of subgroups that comprise a meaningful portion of the general population, including, but not limited to, infants, children, pregnant women, the elderly, individuals with a history of serious illness, or other subgroups that are identifiable as being at greater risk of adverse health effects than the general population when exposed to the contaminant in drinking water.

(iii) The relationship between exposure to the contaminant and increased body burden and the degree to which increased body burden levels alter physiological function or structure in a manner that may significantly increase the risk of illness.

(iv) The additive effect of exposure to the contaminant in media other than drinking water, including, but not limited to, exposures to the contaminant in food, and in ambient and indoor air, and the degree to which these exposures may contribute to the overall body burden of the contaminant.

(D) If the Office of Environmental Health Hazard Assessment finds that currently available scientific data are insufficient to determine the level of a contaminant at which no known or anticipated adverse effects on health will occur, with an adequate margin of safety, or the level that poses no significant risk to public health, the public health goal shall be set at a level that is protective of public health, with an adequate margin of safety. This level shall be based exclusively on health considerations and shall, to the extent scientific data is available, take into account the factors set forth in clauses (i) to (iv), inclusive, of subparagraph (C), and shall be based on the most current principles, practices, and methods used by public health professionals who are experienced practitioners in the fields of epidemiology, risk assessment, and toxicology. However, if adequate scientific evidence demonstrates that a safe dose response threshold for a contaminant exists, then the public health goal should be set at that threshold. The state board may set the public health goal at zero if necessary to satisfy the requirements of this subparagraph.

(2) The determination of the toxicological endpoints of a contaminant and the publication of its public health goal in a risk assessment prepared by the Office of Environmental Health Hazard Assessment are not subject to the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The Office of Environmental Health Hazard Assessment and the state board shall not impose any mandate on a public water system that requires the public water system to comply with a public health goal. The Legislature finds and declares that the addition of this paragraph by Chapter 777 of the Statutes of 1999 is declaratory of existing law.

(3) (A) The Office of Environmental Health Hazard Assessment shall, at the time it commences preparation of a risk assessment for a contaminant as required by this subdivision, electronically post on its Internet Web site a notice that informs interested persons that it has initiated work on the risk assessment. The notice shall also include a brief description, or a bibliography, of the technical documents or other information the office has identified to date as relevant to the preparation of the risk assessment and inform persons who wish to submit information concerning the contaminant that is the subject of the risk assessment of the name and address of the person in the office to whom the information may be sent, the date by which the information shall be received in order for the office to consider it in the preparation of the risk assessment, and that all information submitted will be made available to any member of the public who requests it.

(B) A draft risk assessment prepared by the Office of Environmental Health Hazard Assessment pursuant to this subdivision shall be made available to the public at least 45 calendar days before the date that public comment and discussion on the risk assessment are solicited at the public workshop required by Section 57003.

(C) At the time the Office of Environmental Health Hazard Assessment publishes the final risk assessment for a contaminant, the office shall respond in writing to significant comments, data, studies, or other written information submitted by interested persons to the office in connection with the preparation of the risk assessment. These comments, data, studies, or other written information submitted to the office shall be made available to any member of the public who requests it.

(D) After the public workshop on the draft risk assessment, as required by Section 57003, is completed, the Office of Environmental Health Hazard Assessment shall submit the draft risk assessment for external scientific peer review using the process set forth in Section 57004 and shall comply with paragraph (2) of subdivision (d) of Section 57004 before publication of the final public health goal.

(d) Notwithstanding any other provision of this section, any maximum contaminant level in effect on August 22, 1995, may be amended by the state board to make the level more stringent pursuant to this section. However, the state board may only amend a maximum contaminant level to make it less stringent if the state board shows clear and convincing

evidence that the maximum contaminant level should be made less stringent and the amendment is made consistent with this section.

(e) (1) All public health goals published by the Office of Environmental Health Hazard Assessment shall be established in accordance with the requirements of subdivision (c). The office shall determine, at least once every five years, whether there has been a detection of the corresponding contaminant of each public health goal in the preceding five years in the testing required pursuant to this chapter. Each public health goal shall be reviewed at least once every five years unless the office determines, pursuant to this paragraph, that there has not been a detection of the corresponding contaminant in the preceding five years. Reviewed public health goals shall be revised, pursuant to subdivision (c), as necessary based upon the availability of new scientific data.

(2) On or before January 1, 1998, the Office of Environmental Health Hazard Assessment shall publish a public health goal for at least 25 drinking water contaminants for which a primary drinking water standard has been adopted by the state board. The office shall publish a public health goal for 25 additional drinking water contaminants by January 1, 1999, and for all remaining drinking water contaminants for which a primary drinking water standard has been adopted by the state board by no later than December 31, 2001. A public health goal shall be published by the Office of Environmental Health Hazard Assessment at the same time the state board proposes the adoption of a primary drinking water standard for any newly regulated contaminant.

(f) The state board or Office of Environmental Health Hazard Assessment may review, and adopt by reference, any information prepared by, or on behalf of, the United States Environmental Protection Agency for the purpose of adopting a national primary drinking water standard or maximum contaminant level goal when it establishes a California maximum contaminant level or publishes a public health goal.

(g) At least once every five years after adoption of a primary drinking water standard, the state board shall review the primary drinking water standard and shall, consistent with the criteria set forth in subdivisions (a) and (b), amend any standard if either of the following occur:

(1) Changes in technology or treatment techniques that permit a materially greater protection of public health or attainment of the public health goal.

(2) New scientific evidence that indicates that the substance may present a materially different risk to public health than was previously determined.

(h) No later than March 1 of every year, the state board shall provide public notice of each primary drinking water standard it proposes to review in that year pursuant to this section. Thereafter, the state board shall solicit and consider public comment and hold one or more public hearings regarding its proposal to either amend or maintain an existing standard. With adequate public notice, the state board may review additional contaminants not covered by the March 1 notice.

(i) This section shall operate prospectively to govern the adoption of new or revised primary drinking water standards and does not require the repeal

or readoption of primary drinking water standards in effect immediately preceding January 1, 1997.

(j) The state board may, by regulation, require the use of a specified treatment technique in lieu of establishing a maximum contaminant level for a contaminant if the state board determines that it is not economically or technologically feasible to ascertain the level of the contaminant.

SEC. 16. Section 2774 of the Public Resources Code is amended to read:

2774. (a) Every lead agency shall adopt ordinances in accordance with state policy that establish procedures for the review and approval of reclamation plans and financial assurances and the issuance of a permit to conduct surface mining operations, except that any lead agency without an active surface mining operation in its jurisdiction may defer adopting an implementing ordinance until the filing of a permit application. The ordinances shall establish procedures requiring at least one public hearing and shall be periodically reviewed by the lead agency and revised, as necessary, to ensure that the ordinances continue to be in accordance with state policy.

(b) (1) The lead agency shall cause surface mining operations to be inspected in intervals of no more than 12 months, solely to determine whether the surface mining operation is in compliance with this chapter. The lead agency shall cause an inspection to be conducted by a state-licensed geologist, state-licensed civil engineer, state-licensed landscape architect, state-licensed forester, or a qualified lead agency employee who has not been employed by the surface mining operation being inspected in any capacity during the previous 12 months, except that a qualified lead agency employee may inspect surface mining operations conducted by the local agency. All inspections shall be conducted using a form developed by the Division of Mine Reclamation and approved by the board that includes the professional licensing and disciplinary information of the person who conducted the inspection. The operator shall be solely responsible for the reasonable cost of the inspection. The lead agency shall provide a notice of completion of inspection to the supervisor within 90 days of conducting the inspection. The notice shall contain a statement regarding the surface mining operation's compliance with this chapter and a copy of the completed inspection form, and shall specify, as applicable, all of the following:

(A) Aspects of the surface mining operation, if any, that were found to be inconsistent with this chapter but were corrected before the submission of the inspection form to the supervisor.

(B) Aspects of the surface mining operation, if any, that were found to be inconsistent with this chapter but were not corrected before the submission of the inspection form to the supervisor.

(C) A statement describing the lead agency's intended response to any aspects of the surface mining operation found to be inconsistent with this chapter but were not corrected before the submission of the inspection form to the supervisor.

(2) If the surface mining operation has a review of its reclamation plan, financial assurances, or an interim management plan pending under

subdivision (b) or (h) of Section 2770, or an appeal pending before the board or lead agency governing body under subdivision (e) or (h) of Section 2770, the notice shall so indicate. The lead agency shall forward to the operator a copy of the notice, a copy of the completed inspection form, and any supporting documentation, including, but not limited to, any inspection report prepared by the geologist, civil engineer, landscape architect, forester, or qualified lead agency employee who conducted the inspection.

(c) If an operator does not request an inspection date on the annual report filed pursuant to Section 2207 or if the lead agency is unable to cause the inspection of a given surface mining operation on the date requested by the operator, the lead agency shall provide the operator with a minimum of five days' written notice of a pending inspection or a lesser time period if agreed to by the operator.

(d) (1) No later than December 31, 2017, the Division of Mine Reclamation shall establish a training program for all surface mine inspectors. The program shall be designed to include a guidance document, developed by the Division of Mine Reclamation, in consultation with the board and stakeholders, to provide instruction and recommendations to surface mine inspectors performing inspections pursuant to subdivision (b).

(2) The training program shall include inspection workshops offered by the Division of Mine Reclamation in different regions of the state to provide practical application of the guidance document material.

(3) On and after July 1, 2020, all inspectors shall have on file with the lead agency and the Division of Mine Reclamation a certificate of completion of an inspection workshop. An inspector shall attend a workshop no later than five years after the date of his or her most recent certificate.

(4) The adoption of the guidance document by the Division of Mine Reclamation pursuant to this subdivision shall be subject to the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

SEC. 17. Section 2774.2.5 is added to the Public Resources Code, to read:

2774.2.5. (a) A lead agency shall submit to the supervisor, in an electronic format determined by the Division of Mine Reclamation, official copies of all of the following:

(1) Approved reclamation plans or plan amendments within 60 days of their approval in accordance with subparagraph (B) of paragraph (7) of subdivision (b) of Section 2772.1, including reclamation plans approved or upheld by the board or lead agency following an appeal pursuant to subdivision (e) of Section 2770.

(2) Interim management plans at the time of approval pursuant to subdivision (h) of Section 2770.

(3) Financial assurance cost estimates within 30 days of their approval pursuant to the procedures set forth in Section 2773.4, including financial assurance cost estimates approved or upheld by the board or lead agency following an appeal pursuant to subdivision (e) of Section 2770.

(4) Financial assurance mechanisms at the time of approval pursuant to subdivision (e) of Section 2773.4.

(5) Notices of violation at the time of issuance pursuant to paragraph (1) of subdivision (a) of Section 2774.1.

(6) Orders to comply at the time of issuance pursuant to subparagraph (A) of paragraph (3) of subdivision (a) of Section 2774.1.

(7) Notices of violations at the time of issuance pursuant to the surface mining ordinances of the lead agency.

(8) Stipulated orders to comply at the time of issuance pursuant to subparagraph (A) of paragraph (2) of subdivision (a) of Section 2774.1.

(9) Orders imposing an administrative penalty at the time of issuance pursuant to subdivision (c) of Section 2774.1.

(10) Administrative decisions at the time of issuance following an appeal of an order to comply issued pursuant to subparagraph (C) of paragraph (3) of subdivision (a) of Section 2774.1 or decisions following an appeal of an order imposing an administrative penalty at the time of issuance pursuant to subdivision (c) of Section 2774.1.

(11) Notices to an operator of a violation or failure to comply with an order to comply or stipulated order to comply at the time of issuance pursuant to subdivision (d) of Section 2774.1.

(12) Notices of completion of inspection, including the completed inspection form, at the time of issuance pursuant to subdivision (b) of Section 2774.

(13) Permits at the time of approval to conduct surface mining operations pursuant to Section 2770.

(14) Vested rights determinations pursuant to Section 2776.

(b) No later than January 1, 2022, the Division of Mine Reclamation shall post on its Internet Web site the documents and information listed in subdivision (a) in a database and in a geographic information system interface.

(c) If a member of the public seeks access to the information that lead agencies are required to submit to the supervisor pursuant to subdivision (a) and the lead agency has failed to submit the requested documents or information, the Division of Mine Reclamation shall make this disclosure: "This data has not been provided by the lead agency responsible for regulating this mine."

(d) The Division of Mine Reclamation may promulgate regulations implementing this section.

SEC. 18. Section 3113 is added to the Public Resources Code, to read:

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

(1) The number of shall-witness and may-witness operations performed.

(2) The number of shall-witness and may-witness operations performed that were witnessed by the division.

(3) The number of shall-witness and may-witness operations performed on critical wells.

(4) The number of shall-witness and may-witness operations performed on critical wells that were witnessed by the division.

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

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

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

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

SEC. 19. Section 4213.05 of the Public Resources Code is amended to read:

4213.05. (a) Commencing with the 2017–18 fiscal year, the fire prevention fee imposed pursuant to Section 4212 shall be suspended, effective July 1, 2017. Any moneys held in reserve in the State Responsibility Area Fire Prevention Fund shall be appropriated by the Legislature in a manner consistent with subdivision (d) of Section 4214.

(b) It is the intent of the Legislature that moneys derived from the auction or sale of allowances pursuant to a market-based compliance mechanism established pursuant to Division 25.5 (commencing with Section 38500) of the Health and Safety Code shall be used to replace the moneys that would have otherwise been collected under Section 4212 to continue fire prevention activities.

(c) This section shall become inoperative on January 1, 2031.

SEC. 20. Section 5010.6 of the Public Resources Code is amended to read:

5010.6. (a) For purposes of this section, "subaccount" means the State Parks Revenue Incentive Subaccount created pursuant to this section.

(b) The State Parks Revenue Incentive Subaccount is hereby created within the State Parks and Recreation Fund.

(c) Notwithstanding Section 13340 of the Government Code, the funds in the subaccount are hereby continuously appropriated to the department for activities, programs, and projects, including, but not limited to, capital outlay projects, that are consistent with the mission of the department and that increase the department's capacity to generate revenue and to implement the revenue generation program developed pursuant to Section 5010.7. Expenditures from the subaccount may include expenditures for staffing entry points, including department employees, seasonal employees, state and local conservation corps, individuals qualified pursuant to Chapter 0908 of the Department Operations Manual, and employees of organizations with agreements with state parks pursuant to Sections 513, 5009.1, 5009.3, and 5080. Activities, programs, and projects funded by the subaccount shall each include all of the following:

(1) A clear description of the proposed use of funds.

(2) A timeframe for implementation of the activity, program, or project.

(3) A projection of revenues, including annual income, fees, and projected usage rates.

(4) A projection of costs, including, if appropriate, design, planning, construction, operation, staff, maintenance, marketing, and information technology.

(5) A market analysis demonstrating demand for the activity, project, or program.

(6) A projected rate of return on the investment.

(d) The Office of State Audits and Evaluations shall review the activities, programs, and projects funded from the subaccount pursuant to subdivision (c) to ensure appropriate internal controls are in place. The department shall reimburse the Office of State Audits and Evaluations from the subaccount for any costs related to the review.

(e) The revenue generated from activities, programs, and projects funded by the subaccount are continuously appropriated for expenditure by the department pursuant to subdivision (c) of Section 5010.7.

SEC. 21. Section 5010.6.5 of the Public Resources Code is repealed.

SEC. 22. Section 5010.7 of the Public Resources Code is amended to read:

5010.7. (a) The department shall develop a revenue generation program as an essential component of a long-term sustainable park funding strategy. On or before July 1, 2014, and annually thereafter, the department shall assign a revenue generation target to each district under the control of the department. The department shall develop guidelines for districts to report the use of funds generated by the revenue generation program, and shall post information and copies of the reports on its Internet Web site.

(b) The California State Park Enterprise Fund is hereby created in the State Treasury as a working capital fund, and the revenue shall be available to the department upon appropriation by the Legislature for capital outlay or support expenditures for revenue generating investments in state parks. These investments may include, but are not limited to, planning and implementation of a statewide electronic fee collection system that includes installation of modern fee collection equipment and technologies to enhance collection of state park users fees and that will enable park users to pay fees with commonly used forms of electronic fund transfers, including, but not limited to, credit and debit card transactions, and other park revenue generating projects, and shall be available for encumbrance and expenditure until June 30, 2021, and for liquidation until June 30, 2023.

(1) The department shall prepare guidelines for districts to apply for funds for capital projects that are consistent with this subdivision.

(2) The guidelines prepared pursuant to this subdivision shall require all of the following:

(A) A clear description of the proposed use of funds.

(B) A timeframe of implementation of the capital project.

(C) A projection of revenue, including annual income, fees, and projected usage rates.

(D) A projection of costs, including design, planning, construction, operation, staff, maintenance, marketing, and information technology.

(E) A market analysis demonstrating demand for the project.

(F) A projected rate of return on the investment.

(c) The revenue generated by the revenue generation program developed pursuant to subdivision (a) shall be deposited into the State Parks and Recreation Fund. Except as provided in subdivision (h), all or a portion of the revenue identified as being in excess of the district revenue targets may be transferred to the State Parks Revenue Incentive Subaccount, established pursuant to Section 5010.6, as follows:

(1) (A) Up to 50 percent may be transferred to the subaccount and allocated by the department to park districts that exceed their established revenue targets.

(B) Each district shall use the funds it receives pursuant to this section to improve the parks in that district through revenue generation programs and projects and other activities that will assist in the district's revenue generation activities, and the programs, projects, and other activities shall be consistent with the mission and purpose of each unit and with the plan developed for the unit pursuant to subdivision (a) of Section 5002.2.

(C) The department shall report to the Legislature, commencing on July 1, 2014, and annually on or before each December 31 thereafter, on the revenue distributed to each district pursuant to this section.

(2) Up to 50 percent may be transferred to the subaccount and allocated by the department for the following purposes:

(A) To fund the capital costs of construction and installation of new revenue and fee collection equipment and technologies and other physical upgrades to existing state park system lands and facilities.

(B) For costs of restoration, rehabilitation, and improvement of the state park system and its natural, historical, and visitor-serving resources that enhance visitation and are designed to create opportunities to increase revenues.

(C) For costs to the department to implement the action plan required to be developed by the department pursuant to Section 5019.92.

(D) Pursuant to subdivision (c) of Section 5010.6, for expenditures to support revenue generation projects that include, but are not limited to, staffing kiosks, campgrounds, and parking lots.

(d) The funds generated by the revenue generation program shall not be used by the department to expand the park system, unless there is significant revenue generation potential from such an expansion.

(e) Notwithstanding Section 5009, moneys received by the department from private contributions and other public funding sources may also be deposited into the California State Park Enterprise Fund and the State Parks Revenue Incentive Subaccount for use for the purposes of subdivision (c).

(f) The department shall provide all relevant information on its Internet Web site concerning how funds in the State Parks and Recreation Revenue Incentive Subaccount and the California State Park Enterprise Fund are spent.

(g) The department may recoup its costs for implementing and administering the working capital from the fund.

(h) The department shall not transfer funds to the State Parks Revenue Incentive Subaccount pursuant to subdivision (c) if the statewide department revenue target is not met.

SEC. 23. Section 5093.54 of the Public Resources Code is amended to read:

5093.54. The following rivers and segments thereof are designated as components of the system:

(a) Klamath River. The main stem from 100 yards below Iron Gate Dam to the Pacific Ocean; the Scott River from the mouth of Shackleford Creek west of Fort Jones to the river mouth near Hamburg; the Salmon River from Cecilville Bridge to the river mouth near Somes Bar; the North Fork of the Salmon River from the intersection of the river with the south boundary of the Marble Mountain Wilderness area to the river mouth; Wooley Creek from the western boundary of the Marble Mountain Wilderness area to its confluence with the Salmon River.

(b) Trinity River. The main stem from 100 yards below Lewiston Dam to the river mouth at Weitchpec; the North Fork of the Trinity from the intersection of the river with the southern boundary of the Salmon-Trinity Primitive Area downstream to the river mouth at Helena; New River from the intersection of the river with the southern boundary of the Salmon-Trinity Primitive Area downstream to the river mouth near Burnt Ranch; South Fork of the Trinity from the junction of the river with State Highway Route 36 to the river mouth near Salyer.

(c) Smith River. The main stem from the confluence of the Middle and South Forks to its mouth at the Pacific Ocean; the Middle Fork from its source about three miles south of Sanger Lake as depicted on 1956 USGS 15´ "Preston Peak" topographic map to the middle of Section 7 T17N R5E; the Middle Fork from the middle of Section 7 T17N R5E to the middle of Section 6 T17N R5E; the Middle Fork from the middle of Section 6 T17N R5E to one-half mile upstream from the confluence with Knopki Creek; the Middle Fork from one-half mile upstream from the confluence with Knopki Creek to the confluence with the South Fork; Myrtle Creek from its source in Section 9 T17N R1E as depicted on 1952 USGS 15´ "Crescent City" topographic map to the middle of Section 28 T17N R1E; Myrtle Creek, from the middle of Section 28 T17N R1E to the confluence with the Middle Fork; Shelly Creek from its source in Section 1 T18N R3E as depicted on 1951 USGS 15´ "Gasquet" topographic map to the confluence with Patrick Creek; Kelly Creek from its source in Section 32 T17N R3E as depicted on 1951 USGS 15´ "Gasquet" topographic map to the confluence with the Middle Fork; Packsaddle Creek from its source about 0.8 miles southwest of Broken Rib Mountain as depicted on 1956 USGS 15´ "Preston Peak" topographic map to the eastern boundary of Section 3 T17N R1E; Packsaddle Creek from the eastern boundary of Section 3 T17N R4E to the northern boundary of Section 3 T17N R4E; Packsaddle Creek from the northern boundary of Section 3 T17N R4E to the confluence with the Middle Fork;

East Fork Patrick Creek from its source in Section 10 T18N R3E as depicted on 1951 USGS 15´ "Gasquet" topographic map to the confluence with West Fork Patrick Creek; West Fork Patrick Creek from its source in Section 18 T18N R3E as depicted on 1951 15´ "Gasquet" topographic map to the confluence with East Fork Patrick Creek; Griffin Creek from its source about 0.2 miles southwest of Hazel View Summit as depicted on 1956 USGS 15´ "Preston Peak" topographic map to the confluence with the Middle Fork; Knopki Creek from its source about 0.4 miles west of Sanger Peak as depicted on 1956 USGS 15´ "Preston Peak" topographic map to the confluence with Middle Fork; Monkey Creek from its source in the northeast quadrant of Section 12 T18N R3E as depicted on 1951 USGS 15´ "Gasquet" topographic map to the northern boundary of Section 26 T18N R3E; Monkey Creek from the northern boundary of Section 26 T18N R3E to the confluence with the Middle Fork; Patrick Creek from the junction of the East and West Forks of Patrick Creek to the confluence with Middle Fork; the North Fork from the California-Oregon boundary to the confluence with an unnamed tributary in the northern quarter Section 5 T18N R2E as depicted on 1951 USGS 15´ "Gasquet" topographic map; the North Fork from the confluence with an unnamed tributary in northern quarter of Section 5 T18N R2E to the southernmost intersection of eastern boundary Section 5 T18N R2E as depicted on 1951 USGS 15´ "Gasquet" topographic map; the North Fork from the southernmost intersection of the eastern boundary Section 5 T18N R2E as depicted on 1951 USGS 15´ "Gasquet" topographic map to the confluence with Stony Creek; the North Fork from the confluence with Stony Creek to the confluence with the Middle Fork; Diamond Creek from the California-Oregon state boundary to the confluence with High Plateau Creek; Diamond Creek from the confluence with High Plateau Creek to the confluence with the North Fork; Bear Creek from its source in Section 24 T18N R2E as depicted on 1951 USGS 15´ "Gasquet" topographic map to the confluence with Diamond Creek; Still Creek from its source in Section 11 T18N R1E as depicted on 1952 USGS 15´ "Crescent City" topographic map to the confluence with the North Fork Smith River; North Fork Diamond Creek from the California-Oregon state boundary to the confluence with Diamond Creek; High Plateau Creek from its source in Section 26 T18N R2E as depicted on 1951 USGS 15´ "Gasquet" topographic map to northern boundary Section 23 T18N R2E; High Plateau Creek from the northern boundary Section 23 T18N R2E to the confluence with Diamond Creek; the Siskiyou Fork from its source about 0.7 miles southeast of Broken Rib Mountain as depicted on 1956 USGS 15´ "Preston Peak" topographic map to the confluence with the South Siskiyou Fork; the Siskiyou Fork from its confluence with the South Siskiyou Fork to the confluence with the Middle Fork; the South Siskiyou Fork from its source about 0.6 miles southwest of Buck Lake as depicted on 1956 USGS 15´ "Preston Peak" topographic map to the confluence with the Siskiyou Fork; the South Fork from its source about 0.5 miles southwest of Bear Mountain as depicted on 1956 USGS 15´ "Preston Peak" topographic map to Blackhawk Bar; the South Fork from Blackhawk Bar to the confluence with the Middle Fork; Williams Creek

from its source in Section 31 T14N R4E as depicted on 1952 USGS 15´ "Ship Mountain" topographic map to the confluence with Eight Mile Creek; Eight Mile Creek from its source in Section 29 T14N R4E as depicted on 1955 USGS 15´ "Dillon Mountain" topographic map to the confluence with the South Fork; the Prescott Fork from its source about 0.5 miles southeast of Island Lake as depicted on 1955 USGS 15´ "Dillon Mountain" topographic map to the confluence with the South Fork; Quartz Creek from its source in Section 31 T16N R4E as depicted on 1952 USGS 15´ "Ship Mountain" topographic map to the confluence with the South Fork; Jones Creek from its source in Section 36 T16N R3E as depicted on 1952 USGS 15´ "Ship Mountain" topographic map to the middle of Section 5 T15N R3E; Jones Creek from the middle of Section 5 T15N R3E to the confluence with the South Fork; Hurdygurdy Creek from its source about 0.4 miles southwest of Bear Basin Butte as depicted on 1956 USGS 15´ "Preston Peak" topographic map to the confluence with the South Fork; Gordon Creek from its source in Section 18 T16N R3E as depicted on 1951 USGS 15´ "Gasquet" topographic map to the confluence with the South Fork; Coon Creek from the junction of the two-source tributaries in the southwest quadrant of Section 31 T17N R3E as depicted on 1951 USGS 15´ "Gasquet" topographic map to the western boundary Section 14 T16N R2E; Coon Creek from the western boundary Section 14 T16N R2E to the confluence with the South Fork; Craigs Creek from its source in Section 36 T17N R2E as depicted on 1951 USGS 15´ "Gasquet" topographic map to the confluence with the South Fork; Buck Creek from its source at Cedar Camp Spring as depicted on 1952 USGS 15´ "Ship Mountain" topographic map to the confluence with the South Fork; Muzzleloader Creek from its source in Section 2 T15N R3E as depicted on 1952 USGS 15´ "Ship Mountain" topographic map to the confluence with Jones Creek; Canthook Creek from its source in Section 2 T15N R2E as depicted on 1952 USGS 15´ "Ship Mountain" topographic map to the confluence with South Fork.

(d) Eel River. The main stem from 100 yards below Van Arsdale Dam to the Pacific Ocean; the South Fork of the Eel from the mouth of Section Four Creek near Branscomb to the river mouth below Weott; Middle Fork of the Eel from the intersection of the river with the southern boundary of the Middle Eel-Yolla Bolly Wilderness Area to the river mouth at Dos Rios; North Fork of the Eel from the Old Gilman Ranch downstream to the river mouth near Ramsey; Van Duzen River from Dinsmores Bridge downstream to the river mouth near Fortuna.

(e) American River. The North Fork from its source to the Iowa Hill Bridge; the Lower American from Nimbus Dam to its junction with the Sacramento River.

(f) (1) West Walker River. The main stem from its source to the confluence with Rock Creek near the town of Walker; Leavitt Creek from Leavitt Falls to the confluence with the main stem of the West Walker River.

(2) Carson River. The East Fork from the Hangman's Bridge crossing of State Highway Route 89 to the California-Nevada border.

(3) The Legislature finds and declares that, because the East Fork Carson River and West Walker River are interstate streams, and a source of agricultural water and domestic water for communities within the Counties of Alpine and Mono where they originate, it is necessary that the following special provisions apply:

(A) Nothing in this subdivision shall be construed to prohibit the replacement of diversions or changes in the purpose of use, place of use, or point of diversion under existing water rights, except that (i) no replacement or change shall operate to increase the adverse effect, if any, of the preexisting diversion facility or place or purpose of use, upon the free-flowing condition and natural character of the stream, and (ii) after January 1, 1990, no new diversion shall be constructed unless and until the secretary determines that the facility is needed to supply domestic water to the residents of any county through which the river or segment flows and that the facility will not adversely affect the free-flowing condition and natural character of the stream.

(B) Nothing in this chapter shall be construed as quantifying or otherwise affecting any equitable apportionment, or as establishing any upper limit, between the State of California and the State of Nevada of the waters of these streams.

(g) (1) The South Yuba River: From Lang Crossing to its confluence with Kentucky Creek below Bridgeport.

(2) Nothing in this subdivision shall prejudice, alter, delay, interfere with, or affect in any way, the existing rights of the Placer County Water Agency; the implementation of those rights; any historic water use practices; the replacement, maintenance, repair, operation, or future expansion of existing diversions, storage, powerhouses, or conveyance facilities or other works by the Placer County Water Agency; or changes in the purpose of use, places of use, points of diversion, or ownership of those existing water rights; nor shall anything in this subdivision preclude the issuance of any governmental authorization needed for utilization of those rights, except that no changes shall operate to increase the adverse effect, if any, of the preexisting facilities or places, or the purposes of use upon the free-flowing and natural character of the river segment designated in this subdivision.

(h) Albion River. The Albion River from one-fourth mile upstream of its confluence with Deadman Gulch downstream to its mouth at the Pacific Ocean.

(i) Gualala River. The main stem Gualala River from the confluence of the North and South Forks to the Pacific Ocean.

(j) (1) Cache Creek from one-fourth mile below Cache Creek Dam to Camp Haswell.

(2) North Fork Cache Creek from the Highway 20 bridge to the confluence with the main stem.

(3) The designation of Cache Creek under paragraphs (1) and (2) shall not prejudice, alter, delay, interfere with, or affect in any way, the existing water rights of the Yolo County Flood Control and Water Conservation District, or public water agencies within the Cache Creek watershed lying

in the County of Lake, including the range of operations permitted under these existing water rights; any historic water use practices within existing water rights; or the replacement, maintenance, repair, or future expansion within existing water rights of existing diversion, storage, powerhouse, or conveyance facilities or other works by the Yolo County Flood Control and Water Conservation District or public water agencies within the Cache Creek watershed lying in the County of Lake.

(4) The designation of Cache Creek under paragraphs (1) and (2) shall not prejudice, alter, delay, interfere with, or affect any changes to the existing water rights of the Yolo County Flood Control and Water Conservation District, including changes to the purpose of use, place of use, points of diversion, quantity of water diverted, or ownership, or applications by the district for new water rights; provided, that the changes or applications do not involve the construction of a dam, reservoir, diversion, or other water impoundment facility within the segments of Cache Creek designated in paragraphs (1) and (2). Any such change or application shall be subject to all applicable constitutional, statutory, and judicial requirements, including the public trust doctrine.

(5) As the waters of the Cache Creek watershed are the sole source of supply within that watershed for the County of Lake, the designation of Cache Creek under paragraphs (1) and (2) shall not prejudice, alter, delay, interfere with, or affect any changes to the existing water rights of the public water agencies within the Cache Creek watershed lying in the County of Lake, including changes to the purpose of use, place of use, points of diversion, quantity of water diverted, or ownership, or applications by these agencies for new water rights; provided, that the changes or applications do not involve the construction of a dam, reservoir, diversion, or other water impoundment facility within the segments of Cache Creek designated in paragraphs (1) and (2). Any such change or application shall be subject to all applicable constitutional, statutory, and judicial requirements, including the public trust doctrine.

(6) (A) The designation of Cache Creek under paragraphs (1) and (2) shall not impair or affect in any way activities to manage or remove invasive or nonnative plants and animal species.

(B) The designation of Cache Creek under paragraphs (1) and (2) shall not impair or affect in any way activities to remediate mercury pollution; provided, that this activity does not involve the construction of a dam, reservoir, diversion, or other water impoundment facility within the segments of Cache Creek designated in paragraphs (1) and (2).

(7) (A) Neither the Governor nor an employee of a state agency or department shall apply to a secretary, department, agency, or other entity of the federal government for the designation of any portion of Cache Creek as a component of the national wild and scenic rivers system under the federal Wild and Scenic Rivers Act (16 U.S.C. Sec. 1271 et seq.).

(B) Neither the Governor nor an employee of a state agency or department shall expend funds preparing, filing, or otherwise submitting an application to a secretary, department, or other entity of the federal government for the

designation of any portion of Cache Creek as a component of the national wild and scenic rivers system under the federal Wild and Scenic Rivers Act (16 U.S.C. Sec. 1271 et seq.).

(8) To the extent that this subdivision conflicts with other provisions of this chapter, this subdivision shall control.

(k) (1) Mokelumne River. The following segments are designated:

(A) Segment A1: North Fork Mokelumne River from 0.50 miles downstream of the Salt Springs Dam to Bear River confluence.

(B) Segment A2: North Fork Mokelumne River from the Bear River confluence to 0.50 miles upstream of the Tiger Creek Powerhouse.

(C) Segment B: North Fork Mokelumne River from 1,000 feet downstream of the Tiger Creek Afterbay Dam to State Highway Route 26 (SR-26).

(D) Segment C1: North Fork Mokelumne River from 400 feet downstream of the small reregulating dam at the outlet of the West Point Powerhouse to the southern boundary of Section 12, T6N R12E.

(E) Segment C2: Section 12 boundary to confluence of the North and Middle Forks Mokelumne River.

(F) Segment D: Mokelumne River from the confluence of the North and Middle Forks to 300 feet upstream of the Electra Powerhouse.

(G) Segment E: Mokelumne River from 300 feet downstream of the small reregulating dam downstream of the Electra Powerhouse to the Pardee Reservoir flood surcharge pool at 580 feet elevation above mean sea level.

(2) The designation of the Mokelumne River segments under paragraph (1) is subject to all of the following special provisions:

(A) The designation of the identified segments of the Mokelumne River into the system shall not prejudice, alter, delay, interfere with, or affect in any way, the existing water rights of the Pacific Gas and Electric Company or public water agencies in the Counties of Alpine, Amador, and Calaveras, including the Amador Water Agency's pending water right application 5647X03; the range of operations permitted under these existing water rights; any historic consumptive water use practices within existing water rights; full utilization of existing water rights, including changes in the purposes of use, places of use, points of diversion, quantities of water diverted or ownership; or the replacement, maintenance, repair, rehabilitation or alteration, or operation of facilities with no or negligible expansion of capacity within existing water rights of existing diversion, storage, powerhouse, or conveyance facilities or other works by the Pacific Gas and Electric Company or public water agencies in the Counties of Alpine, Amador, and Calaveras. Nothing in this subdivision shall preclude the issuance of any governmental authorization or financial assistance needed for full utilization of those rights. No such changes shall cause an adverse effect upon the free-flowing condition, natural character, immediate environments, or extraordinary scenic or recreational values of the river segments designated herein, provided that the existing water rights and facilities may be utilized to their fullest extent in accordance with applicable law. For the purposes of this designation, an adverse effect will be considered

to be significant impairment to flows that would otherwise exist within designated segments.

(B) The designation of the identified segments of the Mokelumne River into the system shall not prejudice, alter, delay, interfere with, or affect any applications for new water rights by the Pacific Gas and Electric Company, or any applications for new water rights or unappropriated water that may be available under State Filings 5647 and 5648 by public water agencies in the Counties of Alpine, Amador, and Calaveras, provided that the applications do not involve the construction of a dam, reservoir, other water impoundment facility within the designated segments, impound water on a designated segment, or diversion on a designated segment in a manner inconsistent with this chapter, nor cause an adverse effect upon the free-flowing condition, natural character, immediate environments, or extraordinary scenic or recreational values, or both, of the river segments designated herein. Any change, application, or future new projects or existing projects with significant expansion in capacity under this subdivision shall be subject to a determination that any such future changes will not cause an adverse effect upon the free-flowing condition, natural character, immediate environments, or extraordinary scenic or recreational values of the river segments designated herein. Nothing in this subdivision shall preclude the issuance of any governmental authorization or financial assistance needed for the feasibility study and review pursuant to the California Environmental Quality Act (Division 13 (commencing with Section 21000)) of any such change, application, or projects. For the purposes of this designation, an adverse effect will be considered to be significant impairment to flows that would otherwise exist within designated segments.

(C) The designation of the identified segments of the Mokelumne River into the system shall not prejudice, alter, affect in any way, or interfere with the maintenance, repair, or operation by the Pacific Gas and Electric Company of the Mokelumne River Project (FERC No. 137) currently under the 2001 Federal Energy Regulatory Commission license for the project, the incorporated settlement agreement, any license amendments made with the agreement of the parties to the incorporated settlement agreement, and any adjustment of flows permitted to occur pursuant to the license for enhancement of ecological and recreational resources. The designation of the identified segments of the Mokelumne River into the state wild and scenic rivers system shall not prejudice, alter, affect in any way or interfere with the maintenance, repair, or recreational opportunities of the Roaring Camp Mining Company and its associated structures, facilities, and land.

(D) Neither the Governor nor an employee of a state agency or department shall expend funds preparing, filing, applying, nominating, or otherwise submitting an application to a secretary, department, agency, or other entity of the federal government to include any segment designated herein into the National Wild and Scenic Rivers System under the National Wild and Scenic Rivers Act (16 U.S.C. Sec. 1271(2)(a)(ii)).

(E) To the extent that these special provisions conflict with other provisions of this chapter, this subdivision shall control.

(*l*) Other rivers which qualify for inclusion in the system may be recommended to the Legislature by the secretary.

SEC. 24. Section 5093.545 of the Public Resources Code is amended to read:

5093.545. The classifications heretofore established by the secretary for the rivers or segments of rivers included in the system are revised and adopted as follows:

	Rivers	Classification
(a)	Klamath River: The Klamath River from the FERC Project 2082 downstream boundary in Section 17 T47N R5W as shown on Exhibit K-7 sheet 1 dated May 25, 1962, to the river mouth at the Pacific Ocean	Recreational
(b)	Scott River:	
	(1) The Scott River from Shackleford Creek to McCarthy Creek	Recreational
	(2) The Scott River from McCarthy Creek to Scott Bar	Scenic
	(3) The Scott River from Scott Bar to the confluence with the Klamath River	Recreational
(c)	Salmon River:	
	(1) The Salmon River from the Forks of Salmon to the Lewis Creek confluence	Recreational
	(2) The Salmon River from the Lewis Creek confluence to the Wooley Creek confluence	Scenic
	(3) The Salmon River from the Wooley Creek confluence to the confluence with the Klamath River	Recreational
	(4) The South Fork of the Salmon River from Cecilville to St. Claire Creek confluence	Recreational
	(5) The South Fork from St. Claire Creek confluence to the Matthews Creek confluence	Scenic
	(6) The South Fork from Matthews Creek confluence to the Forks of Salmon	Recreational
	(7) The North Fork of the Salmon River from Marble Mountain Wilderness boundary to Mule Bridge Campground in Section 35 T12N R11W and Section 12 T11N R11W	Wild
	(8) The North Fork from Mule Bridge Campground to the Forks of Salmon	Recreational

(9)	Wooley Creek from the Marble Mountain Wilderness Area boundary to ½ mile upstream of the confluence with Salmon River	Wild
(10)	Wooley Creek downstream ½ mile above the confluence with the Salmon River	Recreational
(d)	Trinity River:	
(1)	The Trinity River from 100 yards below Lewiston Dam to Cedar Flat Creek confluence	Recreational
(2)	The Trinity River from Cedar Flat Creek confluence to Gray Falls	Scenic
(3)	The Trinity River from Gray Falls to the west boundary of Section 2 T8N R4E	Recreational
(4)	The Trinity River from the west boundary of Section 2 T8N R4E to the confluence with the Klamath River at Weitchpec	Scenic
(5)	The North Fork of the Trinity River from the Trinity Alps Primitive Area boundary to north boundary Section 20 T34N R11W	Wild
(6)	The North Fork from the north boundary Section 20 T34N R11W to mouth	Recreational
(7)	The South Fork Trinity River from Forest Glen to Hidden Valley Ranch	Wild
(8)	The South Fork from Hidden Valley Ranch to the Naufus Creek confluence in Section 8 T1N R7E	Scenic
(9)	The South Fork from the Naufus Creek confluence in Section 8 T1N R7E to Johnson Creek confluence near the boundary of Sections 13 and 14 T2N R6E	Wild
(10)	The South Fork from Johnson Creek confluence near the boundary of Sections 13 and 14 T2N R6E to the boundary of Sections 25 and 36 T2N R6E	Scenic
(11)	The South Fork from the boundary of Sections 25 and 36 T2N R6E to the footbridge near the mouth of Underwood Creek in Section 17 T4N R6E Humboldt Base and Meridian	Recreational
(12)	The South Fork from the footbridge near the mouth of Underwood Creek in Section 17 T4N R6E to Todd Ranch in Section 18 T5N R5E	Wild
(13)	The South Fork from Todd Ranch in Section 18 T5N R5E to the confluence with Main Trinity	Scenic

	(14)	New River from the Salmon Trinity Primitive Area boundary to the junction with the East Fork New River in Section 23 T7N R7E	Wild
	(15)	New River from the junction with the East Fork New River in Section 23 T7N R7E to 100 yards below Panther Creek Campground in Section 18 T6N R7E	Recreational
	(16)	New River from 100 yards below Panther Creek Campground in Section 18 T6N R7E to Dyer Creek confluence in Section 25 T26N R6E	Scenic
	(17)	New River from Dyer Creek confluence in Section 25 T26N R6E to the confluence with Trinity River	Wild
(e)	Smith River:		
	(1)	Smith River from the confluence of the Middle and South Forks to its mouth at the Pacific Ocean	Recreational
	(2)	Middle Fork Smith River from its source about 3 miles south of Sanger Lake as depicted on 1956 USGS 15´ "Preston Peak" topographic map to the middle of Section 7 T17N R5E	Wild
	(3)	Middle Fork Smith River from the middle of Section 7 T17N R5E to the middle of Section 6 T17N R5E	Scenic
	(4)	Middle Fork Smith River from middle of Section 6 T17N R5E to one-half mile upstream from the confluence with Knopki Creek	Wild
	(5)	Middle Fork Smith River from one-half mile upstream from the confluence with Knopki Creek to the confluence with South Fork Smith River	Recreational
	(6)	Myrtle Creek from its source in Section 9 T17N R1E as depicted on 1952 USGS 15´ "Crescent City" topographic map to the middle of Section 28 T17N R1E	Recreational
	(7)	Myrtle Creek from the middle of Section 28 T17N R1E to the confluence with the Middle Fork Smith River	Recreational
	(8)	Shelly Creek from its source in Section 1 T18N R3E as depicted on 1951 USGS 15´ "Gasquet" topographic map to the confluence with Patrick Creek	Recreational

(9)	Kelly Creek from its source in Section 32 T17N R3E as depicted on 1951 USGS 15´ "Gasquet" topographic map to the confluence with the Middle Fork Smith River	Recreational
(10)	Packsaddle Creek from its source about 0.8 miles southwest of Broken Rib Mountain as depicted on 1956 USGS 15´ "Preston Peak" topographic map to the eastern boundary of Section 3 T17N R1E	Recreational
(11)	Packsaddle Creek from the eastern boundary of Section 3 T17N R4E to the northern boundary of Section 3 T17N R4E	Recreational
(12)	Packsaddle Creek from the northern boundary of Section 3 T17N R4E to the confluence with the Middle Fork of Smith River	Recreational
(13)	East Fork Patrick Creek from its source in Section 10 T18N R3E as depicted on 1951 USGS 15´ "Gasquet" topographic map to the confluence with the West Fork Patrick Creek	Recreational
(14)	West Fork Patrick Creek from its source in Section 18 T18N R3E as depicted on 1951 USGS 15´ "Gasquet" topographic map to the confluence with the East Fork Patrick Creek	Recreational
(15)	Griffin Creek from its source about 0.2 miles southwest of Hazel View Summit as depicted on 1956 USGS 15´ "Preston Peak" topographic map to the confluence with the Middle Fork Smith River	Recreational
(16)	Knopki Creek from its source about 0.4 miles west of Sanger Peak as depicted on 1956 USGS 15´ "Preston Peak" topographic map to the confluence with the Middle Fork Smith River	Recreational
(17)	Monkey Creek from its source in the northeast quadrant of Section 12 T18N R3E as depicted on 1951 USGS 15´ "Gasquet" topographic map to the northern boundary of Section 26 T18N R3E	Recreational
(18)	Monkey Creek from the northern boundary of Section 26 T18N R3E to the confluence with the Middle Fork of Smith River	Recreational

(19)	Patrick Creek from the junction of East and West Forks of Patrick Creek to the confluence with the Middle Fork Smith River	Recreational
(20)	North Fork Smith River from the California-Oregon boundary to the confluence with an unnamed tributary in the northern quarter Section 5 T18N R2E as depicted on 1951 USGS 15´ "Gasquet" topographic map	Wild
(21)	North Fork Smith River from the confluence with an unnamed tributary in the northern quarter of Section 5 T18N R2E to the southernmost intersection of the eastern boundary of Section 5 T18N R2E as depicted on 1951 USGS 15´ "Gasquet" topographic map	Scenic
(22)	North Fork Smith River from the southernmost intersection of the eastern boundary Section 5 T18N R2E as depicted on 1951 USGS 15´ "Gasquet" topographic map to the confluence with Stony Creek	Wild
(23)	North Fork Smith River from the confluence with Stony Creek to the confluence with the Middle Fork of the Smith River	Recreational
(24)	Diamond Creek from the California-Oregon state boundary to the confluence with High Plateau Creek	Recreational
(25)	Diamond Creek from the confluence with High Plateau Creek to the confluence with the North Fork Smith River	Recreational
(26)	Bear Creek from its source in Section 24 T18N R2E as depicted on 1951 USGS 15´ "Gasquet" topographic map to the confluence with Diamond Creek	Recreational
(27)	Still Creek from its source in Section 11 T18N R1E as depicted on 1952 USGS 15´ "Crescent City" topographic map to the confluence with the North Fork Smith River	Recreational
(28)	North Fork Diamond Creek from the California-Oregon state boundary to the confluence with Diamond Creek	Recreational

(29)	High Plateau Creek from its source in Section 26 T18N R2E as depicted on 1951 USGS 15´ "Gasquet" topographic map to the northern boundary Section 23 T18N R2E	Recreational
(30)	High Plateau Creek from the northern boundary Section 23 T18N R2E to the confluence with Diamond Creek	Recreational
(31)	Siskiyou Fork of Smith River from its source about 0.7 miles southeast of Broken Rib Mountain as depicted on 1956 USGS 15´ "Preston Peak" topographic map to the confluence with the South Siskiyou Fork of the Smith River	Wild
(32)	Siskiyou Fork of the Smith River from the confluence with the South Siskiyou Fork of the Smith River to the confluence with the Middle Fork of the Smith River	Recreational
(33)	South Siskiyou Fork of the Smith River from its source about 0.6 miles southwest of Buck Lake as depicted on 1956 USGS 15´ "Preston Peak" topographic map to the confluence with the Siskiyou Fork of the Smith River	Wild
(34)	South Fork Smith River from its source about 0.5 miles southwest of Bear Mountain as depicted on 1956 USGS 15´ "Preston Peak" topographic map to Blackhawk Bar	Wild
(35)	South Fork Smith River from Blackhawk Bar to the confluence with the Middle Fork Smith River	Recreational
(36)	Williams Creek from its source in Section 31 T14N R4E as depicted on 1952 USGS 15´ "Ship Mountain" topographic map to the confluence with Eight Mile Creek	Recreational
(37)	Eight Mile Creek from its source in Section 29 T14N R4E as depicted on 1955 USGS 15´ "Dillon Mtn." topographic map to the confluence with the South Fork Smith River	Recreational
(38)	Prescott Fork of the Smith River from its source about 0.5 miles southeast of Island Lake as depicted on 1955 USGS 15´ "Dillon Mtn." topographic map to the confluence with the South Fork Smith River	Recreational

(39)	Quartz Creek from its source in Section 31 T16N R4E as depicted on 1952 USGS 15´ "Ship Mountain" topographic map to the confluence with the South Fork Smith River	Recreational
(40)	Jones Creek from its source in Section 36 T16N R3E as depicted on 1952 USGS 15´ "Ship Mountain" topographic map to the middle of Section 5 T15N R3E	Recreational
(41)	Jones Creek from the middle of Section 5 T15N R3E to the confluence with the South Fork of the Smith River	Recreational
(42)	Hurdygurdy Creek from its source about 0.4 miles southwest of Bear Basin Butte as depicted on 1956 USGS 15´ "Preston Peak" topographic map to the confluence with the South Fork Smith River	Recreational
(43)	Gordon Creek from its source in Section 18 T16N R3E as depicted on 1951 USGS 15´ "Gasquet" topographic map to the confluence with the South Fork Smith River	Recreational
(44)	Coon Creek from the junction of the two source tributaries in the southwest quadrant of Section 31 T17N R3E as depicted on 1951 USGS 15´ "Gasquet" topographic map to the western boundary of Section 14 T16N R2E	Recreational
(45)	Coon Creek from the western boundary of Section 14 T16N R2E to the confluence with the South Fork Smith River	Recreational
(46)	Craigs Creek from its source in Section 36 T17N R2E as depicted on 1951 USGS 15´ "Gasquet" topographic map to the confluence with the South Fork Smith River	Recreational
(47)	Buck Creek from its source at Cedar Camp Spring as depicted on 1952 USGS 15´ "Ship Mountain" topographic map to the confluence with the South Fork Smith River	Recreational
(48)	Muzzleloader Creek from its source in Section 2 T15N R3E as depicted on 1952 USGS 15´ "Ship Mountain" topographic map to the confluence with Jones Creek	Recreational
(49)	Canthook Creek from its source in Section 2 T15N R2E as depicted on 1952 USGS 15´ "Ship Mountain" topographic map to the confluence with the South Fork Smith River	Recreational

(f) Eel River:

(1)	The Eel River from 100 yards below Van Arsdale Dam to the confluence with Tomki Creek	Recreational
(2)	The Eel River from the confluence with Tomki Creek to the middle of Section 22 T19N R12W	Scenic
(3)	The Eel River from the middle of Section 22 T19N R12W to the boundary between Sections 7 and 8 T19N R12W	Recreational
(4)	The Eel River from the boundary between Sections 7 and 8 T19N R12W to the confluence with Outlet Creek	Wild
(5)	The Eel River from the confluence with Outlet Creek to the mouth at the Pacific Ocean	Recreational
(6)	The South Fork of the Eel River from the mouth of Section Four Creek near Branscomb	Recreational
(7)	The South Fork of the Eel River from Horseshoe Bend to the middle of Section 29 T23N R16W	Wild
(8)	The South Fork of the Eel River from the middle of Section 29 T23N R16W to the confluence with the main Eel near Weott	Recreational
(9)	Middle Fork of the Eel River from the intersection of the river with the southern boundary of the Middle Eel-Yolla Bolly Wilderness Area to the Eel River Ranger Station	Wild
(10)	The Middle Fork of the Eel River from Eel River Ranger Station to Williams Creek	Recreational
(11)	The Middle Fork of the Eel River from Williams Creek to the southern boundary of the northern quarter of Section 25 T22N R12W	Scenic
(12)	The Middle Fork of the Eel River from the southern boundary of the northern quarter of Section 25 T22N R12W to the boundary between Sections 4 and 5 T21N R13W	Wild
(13)	The Middle Fork of the Eel River from the boundary between Sections 4 and 5 T21N R13W to the confluence with main Eel at Dos Rios	Recreational
(14)	The North Fork of the Eel River from the Old Gilman Ranch to the middle of Section 8 T24N R13W	Wild

	(15)	The North Fork of the Eel River from the middle of Section 8 T24N R13W to the boundary between Sections 12 and 13 T24N R14W	Recreational
	(16)	The North Fork of the Eel River from the boundary between Sections 12 and 13 T24N R14W to the confluence with main Eel	Wild
(g)	Van Duzen River:		
	(1)	The Van Duzen River from the Dinsmore Bridge to the powerline crossing above Little Larribee Creek	Scenic
	(2)	The Van Duzen River from the powerline crossing above Little Larribee Creek to the confluence with Eel River	Recreational
(h)	Lower American River: The Lower American River from Nimbus Dam to its junction with the Sacramento River		Recreational
(i)	North Fork American River:		
	(1)	The North Fork from the source of the North Fork American River to two and one-half miles above the Forest Hill-Soda Springs Road	Wild
	(2)	The North Fork from two and one-half miles above the Forest Hill-Soda Springs Road to one-half mile below the Forest Hill-Soda Springs Road	Scenic
	(3)	The North Fork from one-half mile below the Forest Hill-Soda Springs Road to one-quarter mile above the Iowa Hill Bridge	Wild
	(4)	The North Fork from one-quarter mile above the Iowa Hill Bridge to the Iowa Hill Bridge	Scenic
(j)	West Walker River:		
	(1)	West Walker River from Tower Lake to northern boundary of Section 10 (T5N, R22E)	Wild
	(2)	West Walker River From northern boundary of Section 10 (T5N, R22E) to the eastern boundary of Section 23 (T6N, R22E)	Scenic
	(3)	West Walker River from the eastern boundary of Section 23 (T6N, R22E) to the eastern boundary of Section 24 (T6N, R22E)	Recreational
	(4)	West Walker River from the eastern boundary of Section 24 (T6N, R22E) to the confluence with Little Walker River	Scenic

	(5) West Walker River from the confluence with Little Walker River to the confluence with Rock Creek	Recreational
	(6) Leavitt Creek from Leavitt Falls to the confluence with West Walker River	Scenic
(k)	East Fork Carson River: East Fork Carson River from Hangman's Bridge crossing of state Highway 89 to the California-Nevada border	Scenic
(*l*)	(1) The South Yuba River:	
	(A) The South Yuba River from Lang Crossing to the confluence with Fall Creek	Scenic
	(B) The South Yuba River from the confluence with Fall Creek to the confluence with Jefferson Creek below the Town of Washington	Recreational
	(C) The South Yuba River from the confluence with Jefferson Creek to Edwards Crossing	Scenic
	(D) The South Yuba River from Edwards Crossing to its confluence with Kentucky Creek below Bridgeport	Scenic
	(2) This subdivision shall become operative January 1, 2001.	
(m)	Albion River: The Albion River from one-fourth mile upstream of its confluence with Deadman Gulch downstream to its mouth at the Pacific Ocean	Recreational
(n)	Gualala River: The main stem Gualala River from the confluence of the North and South Forks to the Pacific Ocean	Recreational
(o)	Cache Creek:	
	(1) North Fork Section: From Highway 20 two miles downstream to the confluence of Cache Creek and the North Fork Cache Creek	Scenic
	(2) Mainstem Section:	
	(A) ¼ mile downstream of Cache Creek Dam to the confluence with Davis Creek	Wild
	(B) Davis Creek confluence to 1 mile downstream of Davis Creek confluence	Scenic
	(C) 1 mile downstream of Davis Creek confluence to western boundary of Section 6 T12N R4W	Wild

	(D) Western boundary of Section 6 to the confluence with Bear Creek	Scenic
	(E) Bear Creek confluence to Camp Haswell	Recreational
(p)	Mokelumne River:	
(1)	Segment A1: North Fork Mokelumne River from 0.50 miles downstream of the Salt Springs Dam to Bear River confluence	Recreational
(2)	Segment A2: North Fork Mokelumne River from the Bear River confluence to 0.50 miles upstream of the Tiger Creek Powerhouse	Wild
(3)	Segment B: North Fork Mokelumne River from 1,000 feet downstream of the Tiger Creek Afterbay Dam to State Highway Route 26 (SR-26)	Scenic
(4)	Segment C1: North Fork Mokelumne River from 400 feet downstream of the small reregulating dam at the outlet of the West Point Powerhouse to the southern boundary of Section 12, T6N R12E	Wild
(5)	Segment C2: Section 12 boundary to confluence of the North and Middle Forks Mokelumne River	Recreational
(6)	Segment D: Mokelumne River from the confluence of the North and Middle Forks to 300 feet upstream of the Electra Powerhouse	Scenic
(7)	Segment E: Mokelumne River from 300 feet downstream of the small reregulating dam downstream of the Electra Powerhouse to the Pardee Reservoir flood surcharge pool at 580 feet elevation above mean sea level	Recreational

SEC. 25. Section 5093.548 of the Public Resources Code is repealed.

SEC. 26. Section 5093.549 of the Public Resources Code is repealed.

SEC. 27. Section 5093.56 of the Public Resources Code is amended to read:

5093.56. No department or agency of the state may assist or cooperate, whether by loan, grant, license, or otherwise, with any department or agency of the federal, state, or local government, in the planning or construction of a dam, reservoir, diversion, or other water impoundment facility that could have an adverse effect on the free-flowing condition and natural character of the rivers and segments thereof designated in Section 5093.54 as included in the system.

SEC. 28. Chapter 1.78 (commencing with Section 5097.999) is added to Division 5 of the Public Resources Code, to read:

Chapter 1.78. California Indian Heritage Center

5097.999. It is the intent of the Legislature that the department develop a California Indian Heritage Center for cultural preservation, learning and exchange, land stewardship, and a place to engage all visitors in celebrating the living cultures of California tribes.

SEC. 29. Section 5854 of the Public Resources Code is amended to read:

5854. (a) In accordance with the requirements of subdivision (c), the commission shall develop and adopt a plan and implementation program, including a finance and maintenance plan, for a continuous regional recreational corridor that extends around the delta, including, but not limited to, the delta's shorelines in Contra Costa, Solano, San Joaquin, Sacramento, and Yolo Counties. This plan shall link the San Francisco Bay Trail system to the planned Sacramento River trails in Yolo and Sacramento Counties. This plan shall include a specific route of a bicycling and hiking trail, the relationship of the route to existing and proposed park and recreational facilities and land and water trail systems, and links to existing and proposed public transportation and transit. The transportation and transit links may include, but are not limited to, roadside bus stops, transit facilities, and transportation facilities. The continuous regional recreational corridor planned and executed pursuant to this chapter shall be called the Great California Delta Trail. The continuous regional recreational corridor shall include, but not be limited to, bikeway systems, and hiking and bicycling trails.

(b) The Great California Delta Trail plan shall do all of the following:

(1) Provide that designated environmentally sensitive areas, including wildlife habitats and wetlands, shall not be adversely affected by the trail.

(2) Provide for appropriate buffer zones along those portions of the bikeway system adjacent to designated environmentally sensitive areas and areas with private uses, when appropriate.

(3) Provide that the land and funds used for any purposes under this chapter are not considered mitigation for wetlands losses.

(4) Provide alternative routes to avoid impingement on environmentally sensitive areas, traditional hunting and fishing areas, and areas with private uses, when appropriate.

(5) Provide that no motorized vehicles, except to the extent necessary for emergency services, including, but not limited to, medical and structural emergencies, and for handicap access, be allowed on the trail.

(c) The commission may develop and adopt the plan and the implementation program if it receives sufficient funds, from sources other than the General Fund, to either (1) finance the full costs of developing and adopting the plan or (2) develop and implement a defined portion of the plan, such as specific trail segments and related facilities identified in the plan. The commission shall submit the plan and the implementation program to the Legislature and each of the counties within the commission's service area not later than two years after the commission determines that sufficient

funds will be available to complete all or a defined portion of the plan and implementation program.

(d) The commission shall administer the funds used in the planning of the trail.

SEC. 30. Section 8560 of the Public Resources Code is amended to read:

8560. (a) For purposes of this chapter, the following terms apply:

(1) "Conservation plan" means a habitat conservation plan developed pursuant to Section 10 of the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1539) and its implementing regulations, as the federal act and regulations exist as of January 1, 2016, and an approved natural communities conservation plan developed pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code).

(2) "Conveyance" includes any method, including sale, donation, or exchange, by which all or a portion of the right, title, and interest of the United States in and to federal lands located in California is transferred to another entity.

(3) "Federal public land" means any land owned by the United States, including the surface estate, the subsurface estate, or any improvements on those estates.

(4) "Infrastructure" means any development or construction that is not on or appurtenant to the federal public land at the time of transfer.

(b) (1) Except as provided in Chapter 6 (commencing with Section 6441) of Part 1, it is the policy of the State of California to discourage conveyances that transfer ownership of federal public lands in California from the federal government.

(2) (A) Except as provided in this chapter, conveyances of federal public lands in California are void ab initio unless the commission was provided with the right of first refusal to the conveyance or the right to arrange for the transfer of the federal public land to another entity.

(B) The commission may seek declaratory and injunctive relief from a court of competent jurisdiction to contest conveyances made to any entity unless the requirements of this paragraph are met.

(C) The commission shall formally consider its right of first refusal or arrange for the transfer of federal public lands to a third party at a public hearing.

(D) (i) Prior to the conveyance of federal public lands in California, if the commission was provided with the right of first refusal or the right to arrange for the transfer of the federal public lands to another entity, the commission shall issue a certificate affirming compliance with this section.

(ii) The commission shall waive its right of first refusal or the right to arrange for the transfer of the federal public lands to another entity, and issue a certification of compliance affirming compliance with this section for a conveyance that is deemed by the commission to be routine. A conveyance deemed by the commission to be routine includes, but is not limited to, the exchange of lands of equal value between the federal government and a private entity. The commission may adopt regulations to

establish a process and criteria for determining the types of conveyances it considers to be routine. The executive officer of the commission shall have the authority to issue certifications of compliance for conveyances made in compliance with this subparagraph.

(E) The commission, the Wildlife Conservation Board, and the Department of Fish and Wildlife shall enter into a memorandum of understanding that establishes a state policy that all three agencies shall undertake all feasible efforts to protect against any future unauthorized conveyance or any change in federal public land designation, including, but not limited to, any change in use, classification, or legal status of any lands designated as federal monuments pursuant to the federal Antiquities Act of 1906 (Public Law 59-209).

(c) The state shall not be responsible for any costs associated with conveyed federal public land that the commission did not accept, purchase, or arrange for the transfer of, pursuant to this section. Costs include, but are not limited to, management costs and infrastructure development costs.

(d) The commission may establish, through regulations or another appropriate method, a process for engaging with federal land managers and potential purchasers of federal public lands early in the conveyance process.

(e) The commission shall ensure, for any conveyed federal public land the commission accepts, purchases, or arranges for the transfer of, that future management of the conveyed federal public land is determined in a public process that gives consideration of past recognized and legal uses of those lands. At a minimum, the public process required by this subdivision shall include a noticed and open meeting as required by the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Division 3 of Title 2 of the Government Code).

(f) The executive officer of the commission shall waive the commission's right of first refusal or the right to arrange for the transfer of the federal public lands to another entity, and issue a certification of compliance affirming compliance with this section for any of the following:

(1) The conveyance of federal public lands pursuant to a conservation plan.

(2) The renewal of a lease in existence as of January 1, 2017.

(3) The conveyance of federal public lands to a federally recognized Native American tribe or lands taken into or out of trust for a Native American tribe or individual Native American.

(4) The conveyance of any federal public lands not managed by the federal National Forest Service, the federal Bureau of Reclamation, the federal Bureau of Land Management, the United States Fish and Wildlife Service, or the federal National Park Service unless the land conveyed satisfies any of the following:

(A) Is part of a national monument or national marine sanctuary.

(B) Contains national conservation lands.

(C) Is land placed in the National Register of Historic Places.

(D) Is designated for preservation or conservation uses.

(5) The conveyance of federal public lands to the State of California.

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

SEC. 31. Section 8610 of the Public Resources Code is amended to read:

8610. (a) There is in the State Treasury the Land Bank Fund, which fund is hereby created. All moneys in the fund are appropriated to the commission for expenditure, without regard to fiscal years, for the purposes of Section 8625. When performing the powers and duties set forth in this division, the commission shall be known as the Land Bank Trustee.

(b) (1) The Martins Beach Subaccount is hereby created in the fund. Moneys received from public or private sources, including nonprofit sources, to be used for the creation of a public access route to and along the shoreline, including the sandy beach, at Martins Beach at the South Cabrillo Highway pursuant to Section 6213.5 shall be deposited into the subaccount and be continuously appropriated to and expended by the commission to acquire that right-of-way or easement, either in accordance with the procedures set forth in Title 7 (commencing with Section 1230.010) of Part 3 of the Code of Civil Procedure, or through a negotiated agreement, and for costs associated with that acquisition, including, but not limited to, environmental studies, analyses, and assessments, and associated improvements and maintenance costs, in accordance with the following priority:

(A) Moneys received from public or private sources, including nonprofit sources, that are deposited into the subaccount shall first be expended by the commission for the creation of that public access route, and any associated improvements and maintenance costs.

(B) The commission may also transfer moneys from the fund to the subaccount, not to exceed a maximum of one million dollars ($1,000,000), and expend those moneys for the creation of that public access route and associated improvements and maintenance costs, after moneys received pursuant to subparagraph (A) have been used.

(2) The commission may deposit into the subaccount and expend moneys received from the County of San Mateo pursuant to an appropriation by the county for the purposes of this subdivision.

(3) The commission may, pursuant to Section 6213.5, acquire the right-of-way or easement necessary for the creation of the public access route, as prescribed in paragraph (1). Nothing in this paragraph prevents the commission from acquiring the right-of-way or easement through a negotiated agreement.

(4) General Fund contributions to the subaccount shall be segregated and separately accounted for.

SEC. 32. Chapter 5 (commencing with Section 14420) is added to Division 12 of the Public Resources Code, to read:

Chapter 5. Corpsmember Educational and Employment Outcome Reporting

14420. For purposes of this chapter, "cohort" means all corpsmembers who permanently separate from the corps in a state fiscal year after having been enrolled for more than 60 days.

14422. It is the intent of the Legislature in enacting this chapter to evaluate how effectively the corps transitions corpsmembers into educational and employment opportunities upon completion of their service.

14424. (a) Commencing January 1, 2020, the corps shall report by December 31 of each year the total number of corpsmembers in the cohort who permanently separated from the corps during the state fiscal year that ended 18 months before the date the report is due.

(b) To the extent feasible, the report shall include the number of corpsmembers in the cohort who did any of the following in the 12-month period following final separation from the corps:

(1) Enrolled in an adult school or other precollegiate-level program.

(2) Enrolled in an apprenticeship or other vocational education program.

(3) Enrolled in postsecondary education.

(4) Were employed during the second and fourth quarters.

(5) Were simultaneously employed and enrolled in a secondary, postsecondary, or apprenticeship or other vocational education program.

(6) Obtained employment in jobs that they received specialized training to perform while they were enrolled in the corps.

(c) To assess longer-term outcomes for corpsmembers, the report shall also include the number of corpsmembers in the cohort who received any of the following either while serving in the corps or in the 12-month period following final separation from the corps:

(1) A high school diploma or its recognized equivalent.

(2) An industry-recognized credential.

(3) An associate or bachelor's degree.

(d) To assess the performance of variations in the delivery of the corps' programs, the corps shall disaggregate the data reported pursuant to this section into the following subgroups of corpsmembers:

(1) Partial-year corpsmembers, who enrolled in the corps for a period of more than 60 days but less than one year.

(2) Full-year corpsmembers, who enrolled in the corps for a period of one year or more.

(3) Residential center corpsmembers, who resided in a residential center for the majority of the time they were enrolled in the corps.

(4) Nonresidential center corpsmembers, who reported to a nonresidential center for the majority of the time they were enrolled in the corps.

(e) The corps shall provide the report to the chairpersons and vice chairpersons of the budget committees in both houses of the Legislature, as well as the relevant budget subcommittees and policy committees in both houses of the Legislature that have subject matter jurisdiction over the corps.

SEC. 33. Section 14536.3 is added to the Public Resources Code, to read:

14536.3. A traffic officer, as defined in Section 625 of the Vehicle Code, or a peace officer, as specified in Section 830.1 of the Penal Code, may enforce this division as an authorized representative of the department.

SEC. 34. Section 14549.2 is added to the Public Resources Code, to read:

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

(1) "Certified entity" means a recycling center, processor, or dropoff or collection program certified pursuant to this division.

(2) "Plastic product" means a finished plastic product that requires no further thermoforming, shaping, or processing before being sold for its specified use. "Plastic product" does not include plastic flake, pellet, sheet, or any other form that is an output from a reclaimer's processing of empty plastic beverage containers.

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

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

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

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

(1) The department shall make a market development payment to a reclaimer for empty plastic beverage containers that are collected, washed, and processed as specified in paragraph (4) of subdivision (a).

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

(3) The department shall determine the amount of the market development payment, which may be set at a different level for a reclaimer and a product manufacturer, but shall not exceed one hundred fifty dollars ($150) per ton.

In setting the amount of the market development payment for both reclaimers and product manufacturers, the department shall consider all of the following:

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

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

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

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

(d) This section shall become inoperative on July 1, 2022, and, as of January 1, 2023, is repealed.

SEC. 35. Section 14581 of the Public Resources Code is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) (A) (i) For the 2018–19 fiscal year, the department may expend up to fifteen million dollars ($15,000,000) for market development payments to reclaimers and product manufacturers, pursuant to Section 14549.2.

(ii) Of the total amount authorized for expenditure by this subparagraph, up to five million dollars ($5,000,000) may be expended for market development payments to reclaimers or product manufacturers for the activities described in paragraphs (1) and (2) of subdivision (c) of Section 14549.2 that occurred during the period from January 1, 2018, to June 30, 2018, inclusive.

(B) For the 2019–20 fiscal year to the 2021–22 fiscal year, inclusive, the department may expend up to ten million dollars ($10,000,000) each fiscal year for market development payments to reclaimers and product manufacturers, pursuant to Section 14549.2.

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

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

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

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

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

SEC. 36. Section 25301 of the Public Resources Code is amended to read:

25301. (a) At least every two years, the commission shall conduct assessments and forecasts of all aspects of energy industry supply, production, transportation, delivery and distribution, demand, and prices. The commission shall use these assessments and forecasts to develop and evaluate energy policies and programs that conserve resources, protect the environment, ensure energy reliability, enhance the state's economy, and protect public health and safety. To perform these assessments and forecasts, the commission may require submission of demand forecasts, resource plans, market assessments, related outlooks, individual customer historic electric or gas service usage, or both, and individual customer historic billing data, in a format and level of granularity specified by the commission from

electric and natural gas utilities, transportation fuel and technology suppliers, and other market participants. These assessments and forecasts shall be done in consultation with the appropriate state and federal agencies, including, but not limited to, the Public Utilities Commission, the Public Advocate's Office of the Public Utilities Commission, the State Air Resources Board, the Electricity Oversight Board, the Independent System Operator, the Department of Water Resources, the California Consumer Power and Conservation Financing Authority, the Department of Transportation, and the Department of Motor Vehicles. The commission shall maintain reasonable policies and procedures to protect customer information from unauthorized disclosure.

(b) In developing the assessments and forecasts prepared pursuant to subdivision (a), the commission shall do all of the following:

(1) Provide information about the performance of energy industries.

(2) Develop and maintain the analytical capability sufficient to answer inquiries about energy issues from government, market participants, and the public.

(3) Analyze, develop, and evaluate energy policies and programs.

(4) Provide an analytical foundation for regulatory and policy decisionmaking.

(5) Facilitate efficient and reliable energy markets.

SEC. 37. Section 25302 of the Public Resources Code is amended to read:

25302. (a) Beginning November 1, 2003, and every two years thereafter, the commission shall adopt an integrated energy policy report. This integrated report shall contain an overview of major energy trends and issues facing the state, including, but not limited to, supply, demand, pricing, reliability, efficiency, and impacts on public health and safety, the economy, resources, and the environment. Energy markets and systems shall be grouped and assessed in three subsidiary volumes:

(1) Electricity and natural gas markets.

(2) Transportation fuels, technologies, and infrastructure.

(3) Public interest energy strategies.

(b) The commission shall compile the integrated energy policy report prepared pursuant to subdivision (a) by consolidating the analyses and findings of the subsidiary volumes in paragraphs (1), (2), and (3) of subdivision (a). The integrated energy policy report shall present policy recommendations based on an indepth and integrated analysis of the most current and pressing energy issues facing the state. The analyses supporting this integrated energy policy report shall explicitly address interfuel and intermarket effects to provide a more informed evaluation of potential tradeoffs when developing energy policy across different markets and systems.

(c) The integrated energy policy report shall include an assessment and forecast of system reliability and the need for resource additions, efficiency, and conservation that considers all aspects of energy industries and markets that are essential for the state economy, general welfare, public health and

safety, energy diversity, and protection of the environment. This assessment shall be based on determinations made pursuant to this chapter.

(d) Beginning November 1, 2004, and every two years thereafter, the commission shall prepare an energy policy review to update analyses from the integrated energy policy report prepared pursuant to subdivisions (a), (b), and (c), or to raise energy issues that have emerged since the release of the integrated energy policy report. The commission may also periodically prepare and release technical analyses and assessments of energy issues and concerns to provide timely and relevant information for the Governor, the Legislature, market participants, and the public.

(e) In preparation of the report, the commission shall consult with the following entities: the Public Utilities Commission, the Public Advocate's Office of the Public Utilities Commission, the State Air Resources Board, the Electricity Oversight Board, the Independent System Operator, the Department of Water Resources, the California Consumer Power and Conservation Financing Authority, the Department of Transportation, and the Department of Motor Vehicles, and any federal, state, and local agencies it deems necessary in preparation of the integrated energy policy report. To assure collaborative development of state energy policies, these agencies shall make a good faith effort to provide data, assessment, and proposed recommendations for review by the commission.

(f) The commission shall provide the report to the Public Utilities Commission, the Public Advocate's Office of the Public Utilities Commission, the State Air Resources Board, the Electricity Oversight Board, the Independent System Operator, the Department of Water Resources, the California Consumer Power and Conservation Financing Authority, and the Department of Transportation. For the purpose of ensuring consistency in the underlying information that forms the foundation of energy policies and decisions affecting the state, those entities shall carry out their energy-related duties and responsibilities based upon the information and analyses contained in the report. If an entity listed in this subdivision objects to information contained in the report, and has a reasonable basis for that objection, the entity shall not be required to consider that information in carrying out its energy-related duties.

(g) The commission shall make the report accessible to state, local, and federal entities and to the general public.

SEC. 38. Section 305 of the Public Utilities Code is amended to read:

305. The Governor shall designate a president of the commission from among the members of the commission. The president shall direct the executive director, the attorney, and other staff of the commission, except for the staff of the Public Advocate's Office of the Public Utilities Commission, in the performance of their duties, in accordance with commission policies and guidelines. The president shall preside at all meetings and sessions of the commission.

SEC. 39. Section 309.5 of the Public Utilities Code is amended to read:

309.5. (a) There is within the commission an independent Public Advocate's Office of the Public Utilities Commission to represent and

advocate on behalf of the interests of public utility customers and subscribers within the jurisdiction of the commission. The goal of the office shall be to obtain the lowest possible rate for service consistent with reliable and safe service levels. For revenue allocation and rate design matters, the office shall primarily consider the interests of residential and small commercial customers.

(b) The director of the office shall be appointed by, and serve at the pleasure of, the Governor, subject to confirmation by the Senate.

The director shall annually appear before the appropriate policy committees of the Assembly and the Senate to report on the activities of the office.

(c) The director shall develop a budget for the office that shall be subject to final approval of the Department of Finance. As authorized in the approved budget, the office shall employ personnel and resources, including attorneys and other legal support staff, at a level sufficient to ensure that customer and subscriber interests are effectively represented in all significant proceedings. The office may employ experts necessary to carry out its functions. The director may appoint a lead attorney who shall represent the office, and shall report to and serve at the pleasure of the director. The lead attorney for the office shall obtain adequate legal personnel for the work to be conducted by the office from the commission's attorney appointed pursuant to Section 307. The commission's attorney shall timely and appropriately fulfill all requests for legal personnel made by the lead attorney for the office, provided the office has sufficient moneys and positions in its budget for the services requested.

(d) The commission shall develop appropriate procedures to ensure that the existence of the office does not create a conflict of roles for any employee. The procedures shall include, but shall not be limited to, the development of a code of conduct and procedures for ensuring that advocates and their representatives on a particular case or proceeding are not advising decisionmakers on the same case or proceeding.

(e) The office may compel the production or disclosure of any information it deems necessary to perform its duties from any entity regulated by the commission, provided that any objections to any request for information shall be decided in writing by the assigned commissioner or by the president of the commission, if there is no assigned commissioner.

(f) There is hereby created the Public Utilities Commission Public Advocate's Office Account in the General Fund. Moneys from the Public Utilities Commission Utilities Reimbursement Account in the General Fund shall be transferred in the annual Budget Act to the Public Utilities Commission Public Advocate's Office Account. The funds in the Public Utilities Commission Public Advocate's Office Account shall be a budgetary program fund administered and utilized exclusively by the office in the performance of its duties as determined by the director. The director shall annually submit a staffing report containing a comparison of the staffing levels for each five-year period.

(g) On or before January 10 of each year, the office shall provide to the chairperson of the fiscal committee of each house of the Legislature and to the Joint Legislative Budget Committee all of the following information:

(1) The number of personnel years utilized during the prior year by the office.

(2) The total dollars expended by the office in the prior year, the estimated total dollars expended in the current year, and the total dollars proposed for appropriation in the following budget year.

(3) Workload standards and measures for the office.

(h) The office shall meet and confer in an informal setting with a regulated entity prior to issuing a report or pleading to the commission regarding alleged misconduct, or a violation of a law or a commission rule or order, raised by the office in a complaint. The meet and confer process shall be utilized in good faith to reach agreement on issues raised by the office regarding any regulated entity in the complaint proceeding.

SEC. 40. Section 400 of the Public Utilities Code is amended to read:

400. The commission and the Energy Commission shall do all of the following in furtherance of meeting the state's clean energy and pollution reduction objectives:

(a) Take into account the use of distributed generation to the extent that it provides economic and environmental benefits in disadvantaged communities identified pursuant to Section 39711 of the Health and Safety Code.

(b) Take into account the opportunities to decrease costs and increase benefits, including pollution reduction and grid integration, using renewable and nonrenewable technologies with zero or lowest feasible emissions of greenhouse gases, criteria pollutants, and toxic air contaminants onsite in proceedings associated with meeting the objectives.

(c) Where feasible, authorize procurement of resources to provide grid reliability services that minimize reliance on system power and fossil fuel resources and, where feasible, cost effective, and consistent with other state policy objectives, increase the use of large- and small-scale energy storage with a variety of technologies, targeted energy efficiency, demand response, including, but not limited to, automated demand response, eligible renewable energy resources, or other renewable and nonrenewable technologies with zero or lowest feasible emissions of greenhouse gases, criteria pollutants, and toxic air contaminants onsite to protect system reliability.

(d) (1) Review technology incentive, research, development, deployment, and market facilitation programs overseen by the commission and the Energy Commission and make recommendations to advance state clean energy and pollution reduction objectives and provide benefits to disadvantaged communities identified pursuant to Section 39711 of the Health and Safety Code.

(2) The Energy Commission shall review technology incentive, research, development, deployment, and market facilitation programs operating in California and overseen by academia and the private and nonprofit sectors, and make recommendations to advance state clean energy and pollution

reduction objectives and provide benefits to disadvantaged communities identified pursuant to Section 39711 of the Health and Safety Code.

(e) To the extent feasible and consistent with the state and federal constitutions, give first priority to the manufacture and deployment of clean energy and pollution reduction technologies that create employment opportunities in California, including high wage, highly skilled employment opportunities, and increased investment in the state.

(f) Establish a publicly available tracking system to provide up-to-date information at least once annually on progress toward meeting the clean energy and pollution reduction goals of the Clean Energy and Pollution Reduction Act of 2015.

(g) (1) Establish a disadvantaged community advisory group consisting of representatives from disadvantaged communities identified pursuant to Section 39711 of the Health and Safety Code. The disadvantaged community advisory group shall review and provide advice on programs proposed to achieve clean energy and pollution reduction and determine whether those proposed programs will be effective and useful in disadvantaged communities.

(2) Each member of the disadvantaged community advisory group shall receive per diem and shall be reimbursed for travel and other necessary expenses incurred in the performance of his or her duties under this section. The total amount of money expended for panel expenses pursuant to this paragraph shall not exceed one hundred thousand dollars ($100,000) per year.

(3) For the purposes of paragraph (2), per diem, travel and other necessary expenses shall be funded equally by the commission and the Energy Commission.

SEC. 41. Section 454.5 of the Public Utilities Code is amended to read:

454.5. (a) The commission shall specify the allocation of electricity, including quantity, characteristics, and duration of electricity delivery, that the Department of Water Resources shall provide under its power purchase agreements to the customers of each electrical corporation, which shall be reflected in the electrical corporation's proposed procurement plan. Each electrical corporation shall file a proposed procurement plan with the commission not later than 60 days after the commission specifies the allocation of electricity. The proposed procurement plan shall specify the date that the electrical corporation intends to resume procurement of electricity for its retail customers, consistent with its obligation to serve. After the commission's adoption of a procurement plan, the commission shall allow not less than 60 days before the electrical corporation resumes procurement pursuant to this section.

(b) An electrical corporation's proposed procurement plan shall include, but not be limited to, all of the following:

(1) An assessment of the price risk associated with the electrical corporation's portfolio, including any utility-retained generation, existing power purchase and exchange contracts, and proposed contracts or purchases under which an electrical corporation will procure electricity, electricity

demand reductions, and electricity-related products and the remaining open position to be served by spot market transactions.

(2) A definition of each electricity product, electricity-related product, and procurement related financial product, including support and justification for the product type and amount to be procured under the plan.

(3) The duration of the plan.

(4) The duration, timing, and range of quantities of each product to be procured.

(5) A competitive procurement process under which the electrical corporation may request bids for procurement-related services, including the format and criteria of that procurement process.

(6) An incentive mechanism, if any incentive mechanism is proposed, including the type of transactions to be covered by that mechanism, their respective procurement benchmarks, and other parameters needed to determine the sharing of risks and benefits.

(7) The upfront standards and criteria by which the acceptability and eligibility for rate recovery of a proposed procurement transaction will be known by the electrical corporation prior to execution of the transaction. This shall include an expedited approval process for the commission's review of proposed contracts and subsequent approval or rejection thereof. The electrical corporation shall propose alternative procurement choices in the event a contract is rejected.

(8) Procedures for updating the procurement plan.

(9) A showing that the procurement plan will achieve the following:

(A) The electrical corporation, in order to fulfill its unmet resource needs, shall procure resources from eligible renewable energy resources in an amount sufficient to meet its procurement requirements pursuant to the California Renewables Portfolio Standard Program (Article 16 (commencing with Section 399.11) of Chapter 2.3).

(B) The electrical corporation shall create or maintain a diversified procurement portfolio consisting of both short-term and long-term electricity and electricity-related and demand reduction products.

(C) (i) The electrical corporation shall first meet its unmet resource needs through all available energy efficiency and demand reduction resources that are cost effective, reliable, and feasible.

(ii) In determining the availability of cost-effective, reliable, and feasible demand reduction resources, the commission shall consider the findings regarding technically and economically achievable demand reduction in the Demand Response Potential Study required pursuant to Commission Order D.14-12-024, to the extent those findings are not superseded by other demand reduction studies conducted by academic institutions or government agencies, and to the extent that any demand reduction is consistent with commission policy.

(D) (i) The electrical corporation, in soliciting bids for new gas-fired generating units, shall actively seek bids for resources that are not gas-fired generating units located in communities that suffer from cumulative pollution

burdens, including, but not limited to, high emission levels of toxic air contaminants, criteria air pollutants, and greenhouse gases.

(ii) In considering bids for, or negotiating contracts for, new gas-fired generating units, the electrical corporation shall provide greater preference to resources that are not gas-fired generating units located in communities that suffer from cumulative pollution burdens, including, but not limited to, high emission levels of toxic air contaminants, criteria air pollutants, and greenhouse gases.

(iii) This subparagraph does not apply to contracts signed by an electrical corporation and approved by the commission prior to January 1, 2017.

(10) The electrical corporation's risk management policy, strategy, and practices, including specific measures of price stability.

(11) A plan to achieve appropriate increases in diversity of ownership and diversity of fuel supply of nonutility electrical generation.

(12) A mechanism for recovery of reasonable administrative costs related to procurement in the generation component of rates.

(c) The commission shall review and accept, modify, or reject each electrical corporation's procurement plan and any amendments or updates to the plan. The commission shall ensure that the plan contains the elements required by this section, including the elements described in subparagraphs (C) and (D) of paragraph (9) of subdivision (b). The commission's review shall consider each electrical corporation's individual procurement situation, and shall give strong consideration to that situation in determining which one or more of the features set forth in this subdivision shall apply to that electrical corporation. A procurement plan approved by the commission shall contain one or more of the following features, provided that the commission may not approve a feature or mechanism for an electrical corporation if it finds that the feature or mechanism would impair the restoration of an electrical corporation's creditworthiness or would lead to a deterioration of an electrical corporation's creditworthiness:

(1) A competitive procurement process under which the electrical corporation may request bids for procurement-related services. The commission shall specify the format of that procurement process, as well as criteria to ensure that the auction process is open and adequately subscribed. Any purchases made in compliance with the commission-authorized process shall be recovered in the generation component of rates.

(2) An incentive mechanism that establishes a procurement benchmark or benchmarks and authorizes the electrical corporation to procure from the market, subject to comparing the electrical corporation's performance to the commission-authorized benchmark or benchmarks. The incentive mechanism shall be clear, achievable, and contain quantifiable objectives and standards. The incentive mechanism shall contain balanced risk and reward incentives that limit the risk and reward of an electrical corporation.

(3) Upfront achievable standards and criteria by which the acceptability and eligibility for rate recovery of a proposed procurement transaction will be known by the electrical corporation prior to the execution of the bilateral

contract for the transaction. The commission shall provide for expedited review and either approve or reject the individual contracts submitted by the electrical corporation to ensure compliance with its procurement plan. To the extent the commission rejects a proposed contract pursuant to this criteria, the commission shall designate alternative procurement choices obtained in the procurement plan that will be recoverable for ratemaking purposes.

(d) A procurement plan approved by the commission shall accomplish each of the following objectives:

(1) Enable the electrical corporation to fulfill its obligation to serve its customers at just and reasonable rates.

(2) Eliminate the need for after-the-fact reasonableness reviews of an electrical corporation's actions in compliance with an approved procurement plan, including resulting electricity procurement contracts, practices, and related expenses. However, the commission may establish a regulatory process to verify and ensure that each contract was administered in accordance with the terms of the contract, and contract disputes that may arise are reasonably resolved.

(3) Ensure timely recovery of prospective procurement costs incurred pursuant to an approved procurement plan. The commission shall establish rates based on forecasts of procurement costs adopted by the commission, actual procurement costs incurred, or combination thereof, as determined by the commission. The commission shall establish power procurement balancing accounts to track the differences between recorded revenues and costs incurred pursuant to an approved procurement plan. The commission shall review the power procurement balancing accounts, not less than semiannually, and shall adjust rates or order refunds, as necessary, to promptly amortize a balancing account, according to a schedule determined by the commission. Until January 1, 2006, the commission shall ensure that any overcollection or undercollection in the power procurement balancing account does not exceed 5 percent of the electrical corporation's actual recorded generation revenues for the prior calendar year excluding revenues collected for the Department of Water Resources. The commission shall determine the schedule for amortizing the overcollection or undercollection in the balancing account to ensure that the 5-percent threshold is not exceeded. After January 1, 2006, this adjustment shall occur when deemed appropriate by the commission consistent with the objectives of this section.

(4) Moderate the price risk associated with serving its retail customers, including the price risk embedded in its long-term supply contracts, by authorizing an electrical corporation to enter into financial and other electricity-related product contracts.

(5) Provide for just and reasonable rates, with an appropriate balancing of price stability and price level in the electrical corporation's procurement plan.

(e) The commission shall provide for the periodic review and prospective modification of an electrical corporation's procurement plan.

(f) The commission may engage an independent consultant or advisory service to evaluate risk management and strategy. The reasonable costs of any consultant or advisory service is a reimbursable expense and eligible for funding pursuant to Section 631.

(g) The commission shall adopt appropriate procedures to ensure the confidentiality of any market sensitive information submitted in an electrical corporation's proposed procurement plan or resulting from or related to its approved procurement plan, including, but not limited to, proposed or executed power purchase agreements, data request responses, or consultant reports, or any combination of these, provided that the Public Advocate's Office of the Public Utilities Commission and other consumer groups that are nonmarket participants shall be provided access to this information under confidentiality procedures authorized by the commission.

(h) Nothing in this section alters, modifies, or amends the commission's oversight of affiliate transactions under its rules and decisions or the commission's existing authority to investigate and penalize an electrical corporation's alleged fraudulent activities, or to disallow costs incurred as a result of gross incompetence, fraud, abuse, or similar grounds. Nothing in this section expands, modifies, or limits the Energy Commission's existing authority and responsibilities as set forth in Sections 25216, 25216.5, and 25323 of the Public Resources Code.

(i) An electrical corporation that serves less than 500,000 electric retail customers within the state may file with the commission a request for exemption from this section, which the commission shall grant upon a showing of good cause.

(j) (1) Prior to its approval pursuant to Section 851 of any divestiture of generation assets owned by an electrical corporation on or after the date of enactment of the act adding this section, the commission shall determine the impact of the proposed divestiture on the electrical corporation's procurement rates and shall approve a divestiture only to the extent it finds, taking into account the effect of the divestiture on procurement rates, that the divestiture is in the public interest and will result in net ratepayer benefits.

(2) Any electrical corporation's procurement necessitated as a result of the divestiture of generation assets on or after the effective date of the act adding this subdivision shall be subject to the mechanisms and procedures set forth in this section only if its actual cost is less than the recent historical cost of the divested generation assets.

(3) Notwithstanding paragraph (2), the commission may deem proposed procurement eligible to use the procedures in this section upon its approval of asset divestiture pursuant to Section 851.

(k) The commission shall direct electrical corporations to include in their proposed procurement plans the integration costs described and determined pursuant to clause (v) of subparagraph (A) of paragraph (4) of subdivision (a) of Section 399.13.

(*l*) Prior to approving an electrical corporation's contract for any new gas-fired generating unit, the commission shall require the electrical corporation to demonstrate compliance with its approved procurement plan.

SEC. 42. Section 591 of the Public Utilities Code is amended to read:

591. (a) The commission shall require an electrical or gas corporation to annually notify the commission, as part of an ongoing proceeding or in a report otherwise required to be submitted to the commission, of each time since that notification was last provided that capital or expense revenue authorized by the commission for maintenance, safety, or reliability was redirected by the electrical or gas corporation to other purposes.

(b) The commission shall ensure that the notification provided by each electrical or gas corporation is also made available in a timely fashion to the Office of the Safety Advocate, Public Advocate's Office of the Public Utilities Commission, and parties on the service list of any relevant proceeding.

SEC. 43. Section 792.5 of the Public Utilities Code is amended to read:

792.5. (a) Whenever the commission authorizes any change in rates reflecting and passing through to customers specific changes in costs, except rates set for common carriers, the commission shall require as a condition of the order that the public utility establish and maintain a balancing account reflecting the balance, whether positive or negative, between the related costs and revenues, and the commission shall take into account by appropriate adjustment or other action any positive or negative balance remaining in the balancing account at the time of any subsequent rate adjustment.

(b) The commission shall develop a risk-based approach for reviewing all balancing accounts periodically to ensure that the transactions recorded in the balancing accounts are for allowable purposes and are supported by appropriate documentation.

(c) The commission shall maintain an inventory of the balancing accounts established pursuant to this section.

(d) The commission shall require the public utility to record all related costs and revenues in the balancing account, unless those costs or revenues are specifically exempted by the commission.

(e) The commission shall adopt balancing account review procedures that prioritize the review of the following balancing accounts:

(1) Balancing accounts with a quarter-end balance with more than a 10-percent differential from the balancing account's authorized revenue amount.

(2) Balancing accounts with an authorized revenue amount that is in the top 25th percentile of all balancing accounts.

(3) Balancing accounts that have experienced volatile fluctuations in their quarterly balances over time.

(4) Balancing accounts that have not been reviewed in the previous three years.

(f) The commission may forgo the review of a balancing account pursuant to this section if the Public Advocate's Office of the Public Utilities Commission or an independent auditor plans to review or audit the balancing account. The balancing account review procedures adopted pursuant to subdivision (e) do not apply to the Public Advocate's Office of the Public

Utilities Commission, and the commission shall retain sole responsibility for the results of those reviews or audits conducted by the Public Advocate's Office of the Public Utilities Commission or by independent auditors.

SEC. 44. Section 910.6 is added to the Public Utilities Code, to read:

910.6. The commission shall annually submit a report to the Legislature on the commission's advocacy efforts to keep transmission rates low for ratepayers through its participation in Federal Energy Regulatory Commission rate cases and the Independent System Operator's transmission planning processes. The report shall include all of the following:

(a) The number of Federal Energy Regulatory Commission rate cases in which the commission participated.

(b) The amount of ratepayer moneys saved through the commission's participation in Federal Energy Regulatory Commission rate cases.

(c) The nature of the commission's participation in each rate case, including a description of each issue analyzed in the rate case, such as return on equity, taxes, depreciation, cost-of-service ratemaking, and assumptions for justifying project needs.

SEC. 45. Section 984.5 of the Public Utilities Code is amended to read:

984.5. (a) The commission shall compile and regularly update the following information: names and contact numbers of a registered core transport agent, information to assist consumers in making service choices, and the number of customer complaints against specific providers in relation to the number of customers served by those providers and the disposition of those complaints. To facilitate this function, registered entities shall file with the commission information describing the terms and conditions of any standard service plan made available to core gas customers. The commission shall adopt a standard format for this filing. The commission shall maintain and make generally available a list of entities offering core transport services operating in California. This list shall include all registered core transport agents and those agents not required to be registered that request the commission to be included on the list. The commission shall, upon request, make this information available at no charge. Notwithstanding any other law, public agencies that are registered entities shall be required to disclose their terms and conditions of service contracts only to the same extent that other registered entities would be required to disclose the same or similar service contracts.

(b) The commission shall issue public alerts about companies attempting to provide core transport service in the state in an unauthorized or fraudulent manner as described in subdivision (b) of Section 983.5.

(c) The commission shall compile and post on its Internet Web site easily understandable informational guides or other tools to help core gas customers understand core transport service options. In implementing these provisions, the commission shall pay special attention to ensuring that customers, especially those with limited-English-speaking ability or other disadvantages when dealing with marketers, receive correct, reliable, and easily understood information to help them make informed choices. The commission shall not make specific recommendations, rank the relative attractiveness of

specific service offerings of registered providers of core transport services, or provide customer-specific assistance in the evaluation of core transport agents.

(d) The Public Advocate's Office of the Public Utilities Commission shall analyze customers' complaints submitted to the gas corporation and to the commission and the disposition of those complaints to determine if the changes in the consumer protection rules are necessary to better protect the participants in the core transportation program, and make recommendations to the commission regarding those rule changes.

SEC. 46. Section 2827 of the Public Utilities Code is amended to read:

2827. (a) The Legislature finds and declares that a program to provide net energy metering combined with net surplus compensation, co-energy metering, and wind energy co-metering for eligible customer-generators is one way to encourage substantial private investment in renewable energy resources, stimulate in-state economic growth, reduce demand for electricity during peak consumption periods, help stabilize California's energy supply infrastructure, enhance the continued diversification of California's energy resource mix, reduce interconnection and administrative costs for electricity suppliers, and encourage conservation and efficiency.

(b) As used in this section, the following terms have the following meanings:

(1) "Co-energy metering" means a program that is the same in all other respects as a net energy metering program, except that the local publicly owned electric utility has elected to apply a generation-to-generation energy and time-of-use credit formula as provided in subdivision (i).

(2) "Electrical cooperative" means an electrical cooperative as defined in Section 2776.

(3) "Electric utility" means an electrical corporation, a local publicly owned electric utility, or an electrical cooperative, or any other entity, except an electric service provider, that offers electrical service. This section shall not apply to a local publicly owned electric utility that serves more than 750,000 customers and that also conveys water to its customers.

(4) (A) "Eligible customer-generator" means a residential customer, small commercial customer as defined in subdivision (h) of Section 331, or commercial, industrial, or agricultural customer of an electric utility, who uses a renewable electrical generation facility, or a combination of those facilities, with a total capacity of not more than one megawatt, that is located on the customer's owned, leased, or rented premises, and is interconnected and operates in parallel with the electrical grid, and is intended primarily to offset part or all of the customer's own electrical requirements.

(B) (i) Notwithstanding subparagraph (A), "eligible customer-generator" includes the Department of Corrections and Rehabilitation using a renewable electrical generation technology, or a combination of renewable electrical generation technologies, with a total capacity of not more than eight megawatts, that is located on the department's owned, leased, or rented premises, and is interconnected and operates in parallel with the electrical grid, and is intended primarily to offset part or all of the facility's own

electrical requirements. The amount of any wind generation exported to the electrical grid shall not exceed 1.35 megawatt at any time.

(ii) Notwithstanding paragraph (2) of subdivision (e), an electrical corporation shall be afforded a prudent but necessary time, as determined by the executive director of the commission, to study the impacts of a request for interconnection of a renewable generator with a capacity of greater than one megawatt under this subparagraph. If the study reveals the need for upgrades to the transmission or distribution system arising solely from the interconnection, the electrical corporation shall be afforded the time necessary to complete those upgrades before the interconnection and those costs shall be borne by the customer-generator. Upgrade projects shall comply with applicable state and federal requirements, including requirements of the Federal Energy Regulatory Commission.

(C) (i) For purposes of this subparagraph, a "United States Armed Forces base or facility" is an establishment under the jurisdiction of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard.

(ii) Notwithstanding subparagraph (A), a United States Armed Forces base or facility is an "eligible customer-generator" if the base or facility uses a renewable electrical generation facility, or a combination of those facilities, the renewable electrical generation facility is located on premises owned, leased, or rented by the United States Armed Forces base or facility, the renewable electrical generation facility is interconnected and operates in parallel with the electrical grid, the renewable electrical generation facility is intended primarily to offset part or all of the base or facility's own electrical requirements, and the renewable electrical generation facility has a generating capacity that does not exceed the lesser of 12 megawatts or one megawatt greater than the minimum load of the base or facility over the prior 36 months. Unless prohibited by federal law, a renewable electrical generation facility shall not be eligible for net energy metering for privatized military housing pursuant to this subparagraph if the renewable electrical generation facility was procured using a sole source process. A renewable electrical generation facility procured using best value criteria, if otherwise eligible, may be used for net energy metering for privatized military housing pursuant to this subparagraph. For these purposes, "best value criteria" means a value determined by objective criteria and may include, but is not limited to, price, features, functions, and life-cycle costs.

(iii) A United States Armed Forces base or facility that is an eligible customer generator pursuant to this subparagraph shall not receive compensation for exported generation.

(iv) Notwithstanding paragraph (2) of subdivision (e), an electrical corporation shall be afforded a prudent but necessary time, as determined by the executive director of the commission but not less than 60 working days, to study the impacts of a request for interconnection of a renewable electrical generation facility with a capacity of greater than one megawatt pursuant to this subparagraph. If the study reveals the need for upgrades to the transmission or distribution system arising solely from the interconnection, the electrical corporation shall be afforded the time

necessary to complete those upgrades before the interconnection and the costs of those upgrades shall be borne by the eligible customer-generator. Upgrade projects shall comply with applicable state and federal requirements, including requirements of the Federal Energy Regulatory Commission. For any renewable generation facility that interconnects directly to the transmission grid or that requires transmission upgrades, the United States Armed Forces base or facility shall comply with all Federal Energy Regulatory Commission interconnection procedures and requirements.

(v) An electrical corporation shall make a tariff, as approved by the commission, available pursuant to this subparagraph by November 1, 2015.

(vi) This subparagraph shall not apply to a tariff made available pursuant to Section 2827.1.

(5) "Large electrical corporation" means an electrical corporation with more than 100,000 service connections in California.

(6) "Net energy metering" means measuring the difference between the electricity supplied through the electrical grid and the electricity generated by an eligible customer-generator and fed back to the electrical grid over a 12-month period as described in subdivisions (c) and (h).

(7) "Net surplus customer-generator" means an eligible customer-generator that generates more electricity during a 12-month period than is supplied by the electric utility to the eligible customer-generator during the same 12-month period.

(8) "Net surplus electricity" means all electricity generated by an eligible customer-generator measured in kilowatthours over a 12-month period that exceeds the amount of electricity consumed by that eligible customer-generator.

(9) "Net surplus electricity compensation" means a per kilowatthour rate offered by the electric utility to the net surplus customer-generator for net surplus electricity that is set by the ratemaking authority pursuant to subdivision (h).

(10) "Ratemaking authority" means, for an electrical corporation, the commission, for an electrical cooperative, its ratesetting body selected by its shareholders or members, and for a local publicly owned electric utility, the local elected body responsible for setting the rates of the local publicly owned utility.

(11) "Renewable electrical generation facility" means a facility that generates electricity from a renewable source listed in paragraph (1) of subdivision (a) of Section 25741 of the Public Resources Code. A small hydroelectric generation facility is not an eligible renewable electrical generation facility if it will cause an adverse impact on instream beneficial uses or cause a change in the volume or timing of streamflow.

(12) "Wind energy co-metering" means any wind energy project greater than 50 kilowatts, but not exceeding one megawatt, where the difference between the electricity supplied through the electrical grid and the electricity generated by an eligible customer-generator and fed back to the electrical grid over a 12-month period is as described in subdivision (h). Wind energy co-metering shall be accomplished pursuant to Section 2827.8.

(c) (1) Except as provided in paragraph (4) and in Section 2827.1, every electric utility shall develop a standard contract or tariff providing for net energy metering, and shall make this standard contract or tariff available to eligible customer-generators, upon request, on a first-come-first-served basis until the time that the total rated generating capacity used by eligible customer-generators exceeds 5 percent of the electric utility's aggregate customer peak demand. Net energy metering shall be accomplished using a single meter capable of registering the flow of electricity in two directions. An additional meter or meters to monitor the flow of electricity in each direction may be installed with the consent of the eligible customer-generator, at the expense of the electric utility, and the additional metering shall be used only to provide the information necessary to accurately bill or credit the eligible customer-generator pursuant to subdivision (h), or to collect generating system performance information for research purposes relative to a renewable electrical generation facility. If the existing electrical meter of an eligible customer-generator is not capable of measuring the flow of electricity in two directions, the eligible customer-generator shall be responsible for all expenses involved in purchasing and installing a meter that is able to measure electricity flow in two directions. If an additional meter or meters are installed, the net energy metering calculation shall yield a result identical to that of a single meter. An eligible customer-generator that is receiving service other than through the standard contract or tariff may elect to receive service through the standard contract or tariff until the electric utility reaches the generation limit set forth in this paragraph. Once the generation limit is reached, only eligible customer-generators that had previously elected to receive service pursuant to the standard contract or tariff have a right to continue to receive service pursuant to the standard contract or tariff. Eligibility for net energy metering does not limit an eligible customer-generator's eligibility for any other rebate, incentive, or credit provided by the electric utility, or pursuant to any governmental program, including rebates and incentives provided pursuant to the California Solar Initiative.

(2) An electrical corporation shall include a provision in the net energy metering contract or tariff requiring that any customer with an existing electrical generating facility and meter who enters into a new net energy metering contract shall provide an inspection report to the electrical corporation, unless the electrical generating facility and meter have been installed or inspected within the previous three years. The inspection report shall be prepared by a California licensed contractor who is not the owner or operator of the facility and meter. A California licensed electrician shall perform the inspection of the electrical portion of the facility and meter.

(3) (A) On an annual basis, every electric utility shall make available to the ratemaking authority information on the total rated generating capacity used by eligible customer-generators that are customers of that provider in the provider's service area and the net surplus electricity purchased by the electric utility pursuant to this section.

(B) An electric service provider operating pursuant to Section 394 shall make available to the ratemaking authority the information required by this paragraph for each eligible customer-generator that is their customer for each service area of an electrical corporation, local publicly owned electrical utility, or electrical cooperative, in which the eligible customer-generator has net energy metering.

(C) The ratemaking authority shall develop a process for making the information required by this paragraph available to electric utilities, and for using that information to determine when, pursuant to paragraphs (1) and (4), an electric utility is not obligated to provide net energy metering to additional eligible customer-generators in its service area.

(4) (A) An electric utility that is not a large electrical corporation is not obligated to provide net energy metering to additional eligible customer-generators in its service area when the combined total peak demand of all electricity used by eligible customer-generators served by all the electric utilities in that service area furnishing net energy metering to eligible customer-generators exceeds 5 percent of the aggregate customer peak demand of those electric utilities.

(B) The commission shall require every large electrical corporation to make the standard contract or tariff available to eligible customer-generators, continuously and without interruption, until such times as the large electrical corporation reaches its net energy metering program limit or July 1, 2017, whichever is earlier. A large electrical corporation reaches its program limit when the combined total peak demand of all electricity used by eligible customer-generators served by all the electric utilities in the large electrical corporation's service area furnishing net energy metering to eligible customer-generators exceeds 5 percent of the aggregate customer peak demand of those electric utilities. For purposes of calculating a large electrical corporation's program limit, "aggregate customer peak demand" means the highest sum of the noncoincident peak demands of all of the large electrical corporation's customers that occurs in any calendar year. To determine the aggregate customer peak demand, every large electrical corporation shall use a uniform method approved by the commission. The program limit calculated pursuant to this paragraph shall not be less than the following:

(i) For San Diego Gas and Electric Company, when it has made 607 megawatts of nameplate generating capacity available to eligible customer-generators.

(ii) For Southern California Edison Company, when it has made 2,240 megawatts of nameplate generating capacity available to eligible customer-generators.

(iii) For Pacific Gas and Electric Company, when it has made 2,409 megawatts of nameplate generating capacity available to eligible customer-generators.

(C) Every large electrical corporation shall file a monthly report with the commission detailing the progress toward the net energy metering program limit established in subparagraph (B). The report shall include

separate calculations on progress toward the limits based on operating solar energy systems, cumulative numbers of interconnection requests for net energy metering eligible systems, and any other criteria required by the commission.

(D) Beginning July 1, 2017, or upon reaching the net metering program limit of subparagraph (B), whichever is earlier, the obligation of a large electrical corporation to provide service pursuant to a standard contract or tariff shall be pursuant to Section 2827.1 and applicable state and federal requirements.

(d) Every electric utility shall make all necessary forms and contracts for net energy metering and net surplus electricity compensation service available for download from the Internet.

(e) (1) Every electric utility shall ensure that requests for establishment of net energy metering and net surplus electricity compensation are processed in a time period not exceeding that for similarly situated customers requesting new electric service, but not to exceed 30 working days from the date it receives a completed application form for net energy metering service or net surplus electricity compensation, including a signed interconnection agreement from an eligible customer-generator and the electric inspection clearance from the governmental authority having jurisdiction.

(2) Every electric utility shall ensure that requests for an interconnection agreement from an eligible customer-generator are processed in a time period not to exceed 30 working days from the date it receives a completed application form from the eligible customer-generator for an interconnection agreement.

(3) If an electric utility is unable to process a request within the allowable timeframe pursuant to paragraph (1) or (2), it shall notify the eligible customer-generator and the ratemaking authority of the reason for its inability to process the request and the expected completion date.

(f) (1) If a customer participates in direct transactions pursuant to paragraph (1) of subdivision (b) of Section 365, or Section 365.1, with an electric service provider that does not provide distribution service for the direct transactions, the electric utility that provides distribution service for the eligible customer-generator is not obligated to provide net energy metering or net surplus electricity compensation to the customer.

(2) If a customer participates in direct transactions pursuant to paragraph (1) of subdivision (b) of Section 365 or 365.1 with an electric service provider, and the customer is an eligible customer-generator, the electric utility that provides distribution service for the direct transactions may recover from the customer's electric service provider the incremental costs of metering and billing service related to net energy metering and net surplus electricity compensation in an amount set by the ratemaking authority.

(g) Except for the time-variant kilowatthour pricing portion of any tariff adopted by the commission pursuant to paragraph (4) of subdivision (a) of Section 2851, each net energy metering contract or tariff shall be identical, with respect to rate structure, all retail rate components, and any monthly charges, to the contract or tariff to which the same customer would be

assigned if the customer did not use a renewable electrical generation facility, except that eligible customer-generators shall not be assessed standby charges on the electrical generating capacity or the kilowatthour production of a renewable electrical generation facility. The charges for all retail rate components for eligible customer-generators shall be based exclusively on the customer-generator's net kilowatthour consumption over a 12-month period, without regard to the eligible customer-generator's choice as to from whom it purchases electricity that is not self-generated. Any new or additional demand charge, standby charge, customer charge, minimum monthly charge, interconnection charge, or any other charge that would increase an eligible customer-generator's costs beyond those of other customers who are not eligible customer-generators in the rate class to which the eligible customer-generator would otherwise be assigned if the customer did not own, lease, rent, or otherwise operate a renewable electrical generation facility is contrary to the intent of this section, and shall not form a part of net energy metering contracts or tariffs.

(h) For eligible customer-generators, the net energy metering calculation shall be made by measuring the difference between the electricity supplied to the eligible customer-generator and the electricity generated by the eligible customer-generator and fed back to the electrical grid over a 12-month period. The following rules shall apply to the annualized net metering calculation:

(1) The eligible residential or small commercial customer-generator, at the end of each 12-month period following the date of final interconnection of the eligible customer-generator's system with an electric utility, and at each anniversary date thereafter, shall be billed for electricity used during that 12-month period. The electric utility shall determine if the eligible residential or small commercial customer-generator was a net consumer or a net surplus customer-generator during that period.

(2) At the end of each 12-month period, where the electricity supplied during the period by the electric utility exceeds the electricity generated by the eligible residential or small commercial customer-generator during that same period, the eligible residential or small commercial customer-generator is a net electricity consumer and the electric utility shall be owed compensation for the eligible customer-generator's net kilowatthour consumption over that 12-month period. The compensation owed for the eligible residential or small commercial customer-generator's consumption shall be calculated as follows:

(A) For all eligible customer-generators taking service under contracts or tariffs employing "baseline" and "over baseline" rates, any net monthly consumption of electricity shall be calculated according to the terms of the contract or tariff to which the same customer would be assigned to, or be eligible for, if the customer was not an eligible customer-generator. If those same customer-generators are net generators over a billing period, the net kilowatthours generated shall be valued at the same price per kilowatthour as the electric utility would charge for the baseline quantity of electricity during that billing period, and if the number of kilowatthours generated

exceeds the baseline quantity, the excess shall be valued at the same price per kilowatthour as the electric utility would charge for electricity over the baseline quantity during that billing period.

(B) For all eligible customer-generators taking service under contracts or tariffs employing time-of-use rates, any net monthly consumption of electricity shall be calculated according to the terms of the contract or tariff to which the same customer would be assigned, or be eligible for, if the customer was not an eligible customer-generator. When those same customer-generators are net generators during any discrete time-of-use period, the net kilowatthours produced shall be valued at the same price per kilowatthour as the electric utility would charge for retail kilowatthour sales during that same time-of-use period. If the eligible customer-generator's time-of-use electrical meter is unable to measure the flow of electricity in two directions, paragraph (1) of subdivision (c) shall apply.

(C) For all eligible residential and small commercial customer-generators and for each billing period, the net balance of moneys owed to the electric utility for net consumption of electricity or credits owed to the eligible customer-generator for net generation of electricity shall be carried forward as a monetary value until the end of each 12-month period. For all eligible commercial, industrial, and agricultural customer-generators, the net balance of moneys owed shall be paid in accordance with the electric utility's normal billing cycle, except that if the eligible commercial, industrial, or agricultural customer-generator is a net electricity producer over a normal billing cycle, any excess kilowatthours generated during the billing cycle shall be carried over to the following billing period as a monetary value, calculated according to the procedures set forth in this section, and appear as a credit on the eligible commercial, industrial, or agricultural customer-generator's account, until the end of the annual period when paragraph (3) shall apply.

(3) At the end of each 12-month period, where the electricity generated by the eligible customer-generator during the 12-month period exceeds the electricity supplied by the electric utility during that same period, the eligible customer-generator is a net surplus customer-generator and the electric utility, upon an affirmative election by the net surplus customer-generator, shall either (A) provide net surplus electricity compensation for any net surplus electricity generated during the prior 12-month period, or (B) allow the net surplus customer-generator to apply the net surplus electricity as a credit for kilowatthours subsequently supplied by the electric utility to the net surplus customer-generator. For an eligible customer-generator that does not affirmatively elect to receive service pursuant to net surplus electricity compensation, the electric utility shall retain any excess kilowatthours generated during the prior 12-month period. The eligible customer-generator not affirmatively electing to receive service pursuant to net surplus electricity compensation shall not be owed any compensation for the net surplus electricity unless the electric utility enters into a purchase agreement with the eligible customer-generator for those excess kilowatthours. Every electric utility shall provide notice to eligible customer-generators that they are eligible to receive net surplus electricity compensation for net surplus

electricity, that they must elect to receive net surplus electricity compensation, and that the 12-month period commences when the electric utility receives the eligible customer-generator's election. For an electric utility that is an electrical corporation or electrical cooperative, the commission may adopt requirements for providing notice and the manner by which eligible customer-generators may elect to receive net surplus electricity compensation.

(4) (A) An eligible customer-generator with multiple meters may elect to aggregate the electrical load of the meters located on the property where the renewable electrical generation facility is located and on all property adjacent or contiguous to the property on which the renewable electrical generation facility is located, if those properties are solely owned, leased, or rented by the eligible customer-generator. If the eligible customer-generator elects to aggregate the electric load pursuant to this paragraph, the electric utility shall use the aggregated load for the purpose of determining whether an eligible customer-generator is a net consumer or a net surplus customer-generator during a 12-month period.

(B) If an eligible customer-generator chooses to aggregate pursuant to subparagraph (A), the eligible customer-generator shall be permanently ineligible to receive net surplus electricity compensation, and the electric utility shall retain any kilowatthours in excess of the eligible customer-generator's aggregated electrical load generated during the 12-month period.

(C) If an eligible customer-generator with multiple meters elects to aggregate the electrical load of those meters pursuant to subparagraph (A), and different rate schedules are applicable to service at any of those meters, the electricity generated by the renewable electrical generation facility shall be allocated to each of the meters in proportion to the electrical load served by those meters. For example, if the eligible customer-generator receives electric service through three meters, two meters being at an agricultural rate that each provide service to 25 percent of the customer's total load, and a third meter, at a commercial rate, that provides service to 50 percent of the customer's total load, then 50 percent of the electrical generation of the eligible renewable generation facility shall be allocated to the third meter that provides service at the commercial rate and 25 percent of the generation shall be allocated to each of the two meters providing service at the agricultural rate. This proportionate allocation shall be computed each billing period.

(D) This paragraph shall not become operative for an electrical corporation unless the commission determines that allowing eligible customer-generators to aggregate their load from multiple meters will not result in an increase in the expected revenue obligations of customers who are not eligible customer-generators. The commission shall make this determination by September 30, 2013. In making this determination, the commission shall determine if there are any public purpose or other noncommodity charges that the eligible customer-generators would pay pursuant to the net energy metering program as it exists prior to aggregation,

that the eligible customer-generator would not pay if permitted to aggregate the electrical load of multiple meters pursuant to this paragraph.

(E) A local publicly owned electric utility or electrical cooperative shall only allow eligible customer-generators to aggregate their load if the utility's ratemaking authority determines that allowing eligible customer-generators to aggregate their load from multiple meters will not result in an increase in the expected revenue obligations of customers that are not eligible customer-generators. The ratemaking authority of a local publicly owned electric utility or electrical cooperative shall make this determination within 180 days of the first request made by an eligible customer-generator to aggregate their load. In making the determination, the ratemaking authority shall determine if there are any public purpose or other noncommodity charges that the eligible customer-generator would pay pursuant to the net energy metering or co-energy metering program of the utility as it exists prior to aggregation, that the eligible customer-generator would not pay if permitted to aggregate the electrical load of multiple meters pursuant to this paragraph. If the ratemaking authority determines that load aggregation will not cause an incremental rate impact on the utility's customers that are not eligible customer-generators, the local publicly owned electric utility or electrical cooperative shall permit an eligible customer-generator to elect to aggregate the electrical load of multiple meters pursuant to this paragraph. The ratemaking authority may reconsider any determination made pursuant to this subparagraph in a subsequent public proceeding.

(F) For purposes of this paragraph, parcels that are divided by a street, highway, or public thoroughfare are considered contiguous, provided they are otherwise contiguous and under the same ownership.

(G) An eligible customer-generator may only elect to aggregate the electrical load of multiple meters if the renewable electrical generation facility, or a combination of those facilities, has a total generating capacity of not more than one megawatt.

(H) Notwithstanding subdivision (g), an eligible customer-generator electing to aggregate the electrical load of multiple meters pursuant to this subdivision shall remit service charges for the cost of providing billing services to the electric utility that provides service to the meters.

(5) (A) The ratemaking authority shall establish a net surplus electricity compensation valuation to compensate the net surplus customer-generator for the value of net surplus electricity generated by the net surplus customer-generator. The commission shall establish the valuation in a ratemaking proceeding. The ratemaking authority for a local publicly owned electric utility shall establish the valuation in a public proceeding. The net surplus electricity compensation valuation shall be established so as to provide the net surplus customer-generator just and reasonable compensation for the value of net surplus electricity, while leaving other ratepayers unaffected. The ratemaking authority shall determine whether the compensation will include, where appropriate justification exists, either or both of the following components:

(i) The value of the electricity itself.

(ii) The value of the renewable attributes of the electricity.

(B) In establishing the rate pursuant to subparagraph (A), the ratemaking authority shall ensure that the rate does not result in a shifting of costs between eligible customer-generators and other bundled service customers.

(6) (A) Upon adoption of the net surplus electricity compensation rate by the ratemaking authority, any renewable energy credit, as defined in Section 399.12, for net surplus electricity purchased by the electric utility shall belong to the electric utility. Any renewable energy credit associated with electricity generated by the eligible customer-generator that is utilized by the eligible customer-generator shall remain the property of the eligible customer-generator.

(B) Upon adoption of the net surplus electricity compensation rate by the ratemaking authority, the net surplus electricity purchased by the electric utility shall count toward the electric utility's renewables portfolio standard annual procurement targets for the purposes of paragraph (1) of subdivision (b) of Section 399.15, or for a local publicly owned electric utility, the renewables portfolio standard annual procurement targets established pursuant to Section 399.30.

(7) The electric utility shall provide every eligible residential or small commercial customer-generator with net electricity consumption and net surplus electricity generation information with each regular bill. That information shall include the current monetary balance owed the electric utility for net electricity consumed, or the net surplus electricity generated, since the last 12-month period ended. Notwithstanding this subdivision, an electric utility shall permit that customer to pay monthly for net energy consumed.

(8) If an eligible residential or small commercial customer-generator terminates the customer relationship with the electric utility, the electric utility shall reconcile the eligible customer-generator's consumption and production of electricity during any part of a 12-month period following the last reconciliation, according to the requirements set forth in this subdivision, except that those requirements shall apply only to the months since the most recent 12-month bill.

(9) If an electric service provider or electric utility providing net energy metering to a residential or small commercial customer-generator ceases providing that electric service to that customer during any 12-month period, and the customer-generator enters into a new net energy metering contract or tariff with a new electric service provider or electric utility, the 12-month period, with respect to that new electric service provider or electric utility, shall commence on the date on which the new electric service provider or electric utility first supplies electric service to the customer-generator.

(i) Notwithstanding any other provisions of this section, paragraphs (1), (2), and (3) shall apply to an eligible customer-generator with a capacity of more than 10 kilowatts, but not exceeding one megawatt, that receives electric service from a local publicly owned electric utility that has elected to utilize a co-energy metering program unless the local publicly owned electric utility chooses to provide service for eligible customer-generators

with a capacity of more than 10 kilowatts in accordance with subdivisions (g) and (h):

(1) The eligible customer-generator shall be required to utilize a meter, or multiple meters, capable of separately measuring electricity flow in both directions. All meters shall provide time-of-use measurements of electricity flow, and the customer shall take service on a time-of-use rate schedule. If the existing meter of the eligible customer-generator is not a time-of-use meter or is not capable of measuring total flow of electricity in both directions, the eligible customer-generator shall be responsible for all expenses involved in purchasing and installing a meter that is both time-of-use and able to measure total electricity flow in both directions. This subdivision shall not restrict the ability of an eligible customer-generator to utilize any economic incentives provided by a governmental agency or an electric utility to reduce its costs for purchasing and installing a time-of-use meter.

(2) The consumption of electricity from the local publicly owned electric utility shall result in a cost to the eligible customer-generator to be priced in accordance with the standard rate charged to the eligible customer-generator in accordance with the rate structure to which the customer would be assigned if the customer did not use a renewable electrical generation facility. The generation of electricity provided to the local publicly owned electric utility shall result in a credit to the eligible customer-generator and shall be priced in accordance with the generation component, established under the applicable structure to which the customer would be assigned if the customer did not use a renewable electrical generation facility.

(3) All costs and credits shall be shown on the eligible customer-generator's bill for each billing period. In any months in which the eligible customer-generator has been a net consumer of electricity calculated on the basis of value determined pursuant to paragraph (2), the customer-generator shall owe to the local publicly owned electric utility the balance of electricity costs and credits during that billing period. In any billing period in which the eligible customer-generator has been a net producer of electricity calculated on the basis of value determined pursuant to paragraph (2), the local publicly owned electric utility shall owe to the eligible customer-generator the balance of electricity costs and credits during that billing period. Any net credit to the eligible customer-generator of electricity costs may be carried forward to subsequent billing periods, provided that a local publicly owned electric utility may choose to carry the credit over as a kilowatthour credit consistent with the provisions of any applicable contract or tariff, including any differences attributable to the time of generation of the electricity. At the end of each 12-month period, the local publicly owned electric utility may reduce any net credit due to the eligible customer-generator to zero.

(j) A renewable electrical generation facility used by an eligible customer-generator shall meet all applicable safety and performance standards established by the National Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories,

including Underwriters Laboratories Incorporated and, where applicable, rules of the commission regarding safety and reliability. A customer-generator whose renewable electrical generation facility meets those standards and rules shall not be required to install additional controls, perform or pay for additional tests, or purchase additional liability insurance.

(k) If the commission determines that there are cost or revenue obligations for an electrical corporation that may not be recovered from customer-generators acting pursuant to this section, those obligations shall remain within the customer class from which any shortfall occurred and shall not be shifted to any other customer class. Net energy metering and co-energy metering customers shall not be exempt from the public goods charges imposed pursuant to Article 7 (commencing with Section 381), Article 8 (commencing with Section 385), or Article 15 (commencing with Section 399) of Chapter 2.3 of Part 1.

(*l*) A net energy metering, co-energy metering, or wind energy co-metering customer shall reimburse the Department of Water Resources for all charges that would otherwise be imposed on the customer by the commission to recover bond-related costs pursuant to an agreement between the commission and the Department of Water Resources pursuant to Section 80110 of the Water Code, as well as the costs of the department equal to the share of the department's estimated net unavoidable power purchase contract costs attributable to the customer. The commission shall incorporate the determination into an existing proceeding before the commission, and shall ensure that the charges are nonbypassable. Until the commission has made a determination regarding the nonbypassable charges, net energy metering, co-energy metering, and wind energy co-metering shall continue under the same rules, procedures, terms, and conditions as were applicable on December 31, 2002.

(m) In implementing the requirements of subdivisions (k) and (*l*), an eligible customer-generator shall not be required to replace its existing meter except as set forth in paragraph (1) of subdivision (c), nor shall the electric utility require additional measurement of usage beyond that which is necessary for customers in the same rate class as the eligible customer-generator.

(n) It is the intent of the Legislature that the Treasurer incorporate net energy metering, including net surplus electricity compensation, co-energy metering, and wind energy co-metering projects undertaken pursuant to this section as sustainable building methods or distributive energy technologies for purposes of evaluating low-income housing projects.

SEC. 47. Section 5012 is added to the Public Utilities Code, to read:

5012. This chapter shall become inoperative on November 1, 2020, and, as of January 1, 2021, is repealed.

SEC. 48. Section 5900 of the Public Utilities Code is amended to read:

5900. (a) The holder of a state franchise shall comply with the provisions of Sections 53055, 53055.1, 53055.2, and 53088.2 of the Government Code, and any other customer service standards pertaining to the provision of video service established by federal law or regulation or

adopted by subsequent enactment of the Legislature. All customer service and consumer protection standards under this section shall be interpreted and applied to accommodate newer or different technologies while meeting or exceeding the goals of the standards.

(b) The holder of a state franchise shall comply with provisions of Section 637.5 of the Penal Code and the privacy standards contained in Section 551 and following of Title 47 of the United States Code.

(c) The local entity shall enforce all of the customer service and protection standards of this section with respect to complaints received from residents within the local entity's jurisdiction, but it may not adopt or seek to enforce any additional or different customer service or other performance standards under Section 53055.3 or subdivision (q), (r), or (s) of Section 53088.2 of the Government Code, or any other authority or provision of law.

(d) The local entity shall, by ordinance or resolution, provide a schedule of penalties for any material breach by a holder of a state franchise of this section. No monetary penalties shall be assessed for a material breach if it is out of the reasonable control of the holder. Further, no monetary penalties may be imposed prior to January 1, 2007. Any schedule of monetary penalties adopted pursuant to this section shall in no event exceed five hundred dollars ($500) for each day of each material breach, not to exceed one thousand five hundred dollars ($1,500) for each occurrence of a material breach. However, if a material breach of this section has occurred, and the local entity has provided notice and a fine or penalty has been assessed, and if a subsequent material breach of the same nature occurs within 12 months, the penalties may be increased by the local entity to a maximum of one thousand dollars ($1,000) for each day of each material breach, not to exceed three thousand dollars ($3,000) for each occurrence of the material breach. If a third or further material breach of the same nature occurs within those same 12 months, and the local entity has provided notice and a fine or penalty has been assessed, the penalties may be increased to a maximum of two thousand five hundred dollars ($2,500) for each day of each material breach, not to exceed seven thousand five hundred dollars ($7,500) for each occurrence of the material breach. With respect to video providers subject to a franchise or license, any monetary penalties assessed under this section shall be reduced dollar-for-dollar to the extent any liquidated damage or penalty provision of a current cable television ordinance, franchise contract, or license agreement imposes a monetary obligation upon a video provider for the same customer service failures, and no other monetary damages may be assessed.

(e) The local entity shall give the video service provider written notice of any alleged material breach of the customer service standards of this division and allow the video provider at least 30 days from receipt of the notice to remedy the specified material breach.

(f) A material breach for the purposes of assessing penalties shall be deemed to have occurred for each day within the jurisdiction of each local entity, following the expiration of the period specified in subdivision (e),

that any material breach has not been remedied by the video service provider, irrespective of the number of customers or subscribers affected.

(g) Any penalty assessed pursuant to this section shall be remitted to the local entity, which shall submit one-half of the penalty to the Digital Divide Account established in Section 280.5.

(h) Any interested person may seek judicial review of a decision of the local entity in a court of appropriate jurisdiction. For this purpose, a court of law shall conduct a de novo review of any issues presented.

(i) This section shall not preclude a party affected by this section from utilizing any judicial remedy available to that party without regard to this section. Actions taken by a local legislative body, including a local franchising entity, pursuant to this section shall not be binding upon a court of law. For this purpose, a court of law shall conduct de novo review of any issues presented.

(j) For purposes of this section, "material breach" means any substantial and repeated failure of a video service provider to comply with service quality and other standards specified in subdivision (a).

(k) The Public Advocate's Office of the Public Utilities Commission shall have authority to advocate on behalf of video subscribers regarding renewal of a state-issued franchise and enforcement of this section, and Sections 5890 and 5950. For this purpose, the office shall have access to any information in the possession of the commission subject to all restrictions on disclosure of that information that are applicable to the commission.

SEC. 49. Section 6161 of the Water Code is amended to read:

6161. (a) (1) An owner of a state jurisdictional dam, except an owner of a dam classified by the department pursuant to Section 6160 as a low hazard dam, shall submit electronically to the department an inundation map that shows the area that would be subject to flooding under various failure scenarios unique to the dam and the critical appurtenant structures of the dam.

(2) Before approval of an inundation map, the department shall review the map and may require the owner to make changes that the department deems necessary.

(3) Upon approval of the inundation map or maps by the department, the owner of the dam shall develop and submit electronically to the department and the Office of Emergency Services an emergency action plan that is based upon the approved inundation map or maps.

(4) If an owner of a dam has an existing emergency action plan as of March 1, 2017, the department shall review any inundation map or maps contained in the plan. If the department determines the inundation map or maps are sufficient, as described in subparagraphs (A) or (B), the owner of the dam shall submit the emergency action plan associated with the inundation map or maps to the Office of Emergency Services to review the emergency action plan as follows:

(A) If an emergency action plan existing as of March 1, 2017, contains an inundation map for the dam and all critical appurtenant structures, if critical appurtenant structures exist, and the department determines that the

inundation map or maps for the dam and all existing critical appurtenant structures are sufficient, the owner of the dam shall submit the complete emergency action plan reflecting all critical appurtenant structures to the Office of Emergency Services for review within 30 days of department approval.

(B) (i) If an emergency action plan existing as of March 1, 2017, contains an inundation map for the dam but not for all critical appurtenant structures, if critical appurtenant structures exist, the department shall review a map included in the existing emergency action plan for sufficiency. If the department approves the map, the owner of the dam shall submit the existing emergency action plan associated with the approved map to the Office of Emergency Services. The owner of the dam shall continue to prepare inundation maps with due diligence for any remaining critical appurtenant structures and submit the map or maps to the department for review and approval. The Office of Emergency Services may defer review and approval of the new or updated emergency action plan until the Office of Emergency Services has received inundation maps approved by the department for the dam and all critical appurtenant structures. If the Office of Emergency Services approves an emergency action plan when the owner of the dam is continuing to prepare inundation maps with due diligence pursuant to this subparagraph, an owner of a dam may use that emergency action plan that existed as of March 1, 2017, on an interim basis, pending approval of a new or updated emergency action plan that includes maps for the dam and all critical appurtenant structures.

(ii) For the purposes of this subparagraph, "due diligence" means that the owner of a dam is progressing toward completion of the inundation map or maps for all critical appurtenant structures according to a reasonable schedule proposed by the owner of the dam and approved by the department. When evaluating the time schedule proposed by the owner of the dam, the department may consider, among other relevant factors, the hazard classification of the dam, the number of critical appurtenant structure inundation maps that are outstanding, and the complexity of the failure scenarios. The owner of a dam shall submit a proposed time schedule to the department no later than 60 days after the effective date of the act that added this subparagraph. Failure to submit a proposed time schedule to the department or to comply with a time schedule approved by the department may result in the imposition of penalties, restrictions, or liens pursuant to Chapter 8 (commencing with Section 6425). After the department approves maps for the critical appurtenant structures, the dam owner shall submit a new or updated emergency action plan including the approved maps to the Office of Emergency Services within 60 days.

(b) (1) The Office of Emergency Services shall review and approve an emergency action plan no later than 60 days after receipt of the plan from the dam owner pursuant to Section 8589.5 of the Government Code. To the extent possible, the Office of Emergency Services shall give priority to a dam with the highest hazard classification as determined by the department pursuant to Section 6160.

(2) If the Office of Emergency Services determines a proposed emergency action plan does not meet the requirements of Section 8589.5 of the Government Code, the Office of Emergency Services shall inform the owner of the dam and require the owner of the dam to amend and resubmit the emergency action plan for approval. The Office of Emergency Services shall review and, if the emergency action plan meets the requirements of Section 8589.5 of the Government Code, approve a resubmitted emergency action plan within 30 days of receipt from the owner of the dam.

(3) Upon approval by the Office of Emergency Services of an emergency action plan, the Office of Emergency Services shall notify the department and the owner of the dam of the approval. The owner of the dam shall ensure that the approved emergency action plan is disseminated to appropriate public safety and emergency management agencies in potentially affected jurisdictions, to the extent these agencies want to receive approved emergency action plans.

(c) (1) The department shall make available to the public an approved inundation map and any schedule submitted pursuant to clause (ii) of subparagraph (B) of paragraph (4) of subdivision (a).

(2) Nothing in Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code shall be construed to require disclosure of an emergency action plan.

(d) (1) Pursuant to the classification by the department under Section 6160, an owner of a dam shall complete and submit an emergency action plan as follows:

(A) On or before January 1, 2018, if the hazard classification of the dam is extremely high.

(B) On or before January 1, 2019, if the hazard classification of the dam is high.

(C) On or before January 1, 2021, if the hazard classification of the dam is significant.

(2) An owner of a dam who has an existing emergency action plan as of March 1, 2017, that the department determines has a sufficient inundation map and that the Office of Emergency Services determines has a sufficient emergency action plan pursuant to paragraph (4) of subdivision (a) is not subject to the timelines set forth in paragraph (1).

(e) An owner of a dam shall update an emergency action plan, including an inundation map, no less frequently than every 10 years, and sooner under conditions that include, but are not limited to, the following:

(1) A significant modification to the dam or a critical appurtenant structure, as determined by the department.

(2) A significant change to downstream development that involves people and property.

SEC. 50. Section 12986 of the Water Code, as amended by Section 3 of Chapter 549 of the Statutes of 2012, is amended to read:

12986. (a) The department, upon appropriation by the Legislature, shall reimburse an eligible local agency pursuant to this part for costs incurred

in any year for the maintenance or improvement of project or nonproject levees as follows:

(1) Costs incurred shall not be reimbursed if the entire cost incurred per mile of project or nonproject levee is either of the following:

(A) Two thousand five hundred dollars ($2,500) or less for a project or nonproject levee in an urban area.

(B) One thousand dollars ($1,000) or less for a project or nonproject levee in a rural area.

(2) Not more than 75 percent of any costs incurred in excess of the amount per mile of project or nonproject levee specified in paragraph (1) shall be reimbursed.

(3) In addition to project plans approved by the board, the department shall require the local agency to provide information to the department that may include, but is not limited to, a detailed engineer's report prepared pursuant to subdivision (b) of Section 4 of Article XIII D of the California Constitution, audited financial statements, or an assessment commissioners' report. The information provided to the department shall be the basis for determining the maximum allowable reimbursement eligible under this part. Nothing in this paragraph shall be interpreted to increase the maximum reimbursement allowed under paragraph (2).

(4) Reimbursements made to the local agency in excess of the maximum allowable reimbursement shall be returned to the department.

(5) All final costs allocated or reimbursed under a plan shall be approved by the Central Valley Flood Protection Board for project and nonproject levee work.

(6) Costs incurred pursuant to this part that are eligible for reimbursement include construction costs and associated engineering services, financial or economic analyses, environmental costs, mitigation costs, and habitat improvement costs.

(b) Upon completion of its evaluation pursuant to Sections 139.2 and 139.4, by January 1, 2008, the department shall recommend to the Legislature and the Governor priorities for funding under this section.

(c) Reimbursements made pursuant to this section shall reflect the priorities of, and be consistent with, the Delta Plan established pursuant to Chapter 1 (commencing with Section 85300) of Part 4 of Division 35.

(d) For the purposes of this section, the following definitions apply:

(1) "Rural area" means an area that is not an urban area.

(2) "Urban area" means an area in which 10 percent or more of the land area within the project area is used for residential use.

SEC. 51. Section 12986 of the Water Code, as amended by Section 2 of Chapter 549 of the Statutes of 2012, is repealed.

SEC. 52. Section 12987.5 of the Water Code is amended to read:

12987.5. (a) In an agreement entered into under Section 12987, the board may provide for an advance to the applicant in an amount not to exceed 75 percent of the estimated state share. The agreement shall provide that no advance shall be made until the applicant has incurred costs averaging one thousand dollars ($1,000) per mile of levee.

(b) Advances made under subdivision (a) shall be subtracted from amounts to be reimbursed after the work has been performed. If the department finds that work has not been satisfactorily performed or where advances made actually exceed reimbursable costs, the local agency shall promptly remit to the state all amounts advanced in excess of reimbursable costs. If advances are sought, the board may require a bond to be posted to ensure the faithful performance of the work set forth in the agreement.

SEC. 53. Section 3 of Chapter 421 of the Statutes of 2017 is amended to read:

SEC. 3. (a) The receiving departments or local jurisdictions described in Sections 8, 9, 29, 32, 35, 37, 39, and 40 of this act succeed to and are vested with all the authority, duties, powers, purposes, functions, responsibilities, and jurisdiction of the Public Utilities Commission, its predecessors, and its officers for the purposes of those transfers of authority. The receiving bureau and department described in Sections 8 and 40 of this act may prescribe reasonable rules and regulations as may be necessary to implement, administer, and enforce their respective duties prescribed in this act in addition to rules and regulations specifically authorized by this act or any other provision of law.

(b) The transfers of jurisdiction in this act shall be effective on July 1, 2018. The commission, receiving departments, and local jurisdictions may take administrative actions before July 1, 2018, to prepare for the transfer.

(c) Regulations adopted, orders issued, and all other administrative actions taken by the Public Utilities Commission or any of its predecessors that are in effect immediately before July 1, 2018, shall remain in effect and are fully enforceable unless they are readopted, amended, or repealed by the receiving department or local jurisdiction or they expire by their own terms. Any other administrative actions, including licenses, permits, or other authorizations issued, adopted, prescribed, taken, or performed by, or on behalf of, the Public Utilities Commission or its officers in the administration of a program or the performance of a duty, responsibility, or authorization transferred to a receiving department or local jurisdiction pursuant to Section 8, 9, 29, 32, 35, 37, 39, or 40 of this act shall remain in effect and shall be deemed to be an action of the receiving department or local jurisdiction unless the receiving department or local jurisdiction determines otherwise.

(d) Any action or proceeding by or against the Public Utilities Commission or any of its predecessors, including any officer or employee named in an official capacity, pertaining to a matter as to which jurisdiction transferred pursuant to Section 8, 9, 29, 32, 35, 37, 39, or 40 of this act, shall not abate, but shall continue in the name of the receiving department or local jurisdiction. The receiving department or local jurisdiction shall be substituted for the Public Utilities Commission or any of its predecessors, including any officer or employee named in an official capacity, by the court or agency where the action or proceeding is pending. The substitution shall not in any way affect the rights of the parties to the action or proceeding.

(e) On or after July 1, 2018, the unexpended balance of all funds appropriated to and available for use by the Public Utilities Commission or any of its predecessors in carrying out any functions transferred to the receiving departments pursuant to Section 9 or 40 of this act are hereby reappropriated and available for use by the appropriate receiving departments in connection with the function affected by the transfer. The receiving departments shall use those moneys only for the purposes for which the original appropriations were made.

(f) All books, documents, data, records, and property of the Public Utilities Commission pertaining to a function transferred pursuant to Section 8, 9, 29, 32, 35, 37, 39, or 40 of this act shall be transferred to the appropriate receiving department or local jurisdiction.

(g) The status, positions, and rights of persons affected by the transfers of jurisdiction pursuant to Section 8, 9, 29, 32, 35, 37, 39, or 40 of this act shall continue to be retained by them pursuant to the State Civil Service Act (Part 2 (commencing with Section 18500) of Division 5 of Title 2 of the Government Code) except as to positions the duties of which are vested in a position exempt from civil service.

SEC. 54. Not later than September 30, 2020, the Controller, upon order of the Department of Finance, shall transfer all moneys remaining in the Transportation Rate Fund, established pursuant to Chapter 6 (commencing with Section 5001) of Division 2 of the Public Utilities Code, to the Household Movers Fund, established pursuant to Section 19229 of the Business and Professions Code.

SEC. 55. The Legislature finds and declares in relation to Sections 2 to 6, inclusive, of this act all of the following:

(a) Since its inception in 2009, Market Match, the state's largest nutrition incentive program, has encouraged the purchase and consumption of California fresh fruits, nuts, and vegetables by directly linking California specialty crop producers with nutrition benefit clients and doubling the purchasing value of the nutrition assistance received by nutrition benefit clients when they purchase California fresh fruits, nuts, and vegetables.

(b) Market Match dollars provide incentives for new consumers to visit local farmers' markets and purchase healthy produce, benefiting both their health and the health of local economies.

(c) The Market Match program has acted as an economic stimulus to local agricultural economies throughout the state by increasing the number of loyal customers, and the purchasing power of those customers, in areas including food deserts, where California fresh fruits, nuts, and vegetables are scarce.

(d) Data shows that the Market Match program has completed over 300,000 incentive transactions at 300 participating sites in over 31 counties.

(e) Data shows that Market Match dollars have had a six-fold return on investment (ROI) in farmers' market sales.

(f) The Pacific Coast Farmers' Market Association's business analysis of ROIs for Market Match programs in 2012 held in various regions and cities showed the following rates of ROI throughout the state:

(1) The East Bay region and the City and County of San Francisco: 132 percent ROI.
(2) The City of Long Beach: 257 percent ROI.
(3) The City of Huntington Park: 403 percent ROI.
(4) The City of Davis: 390 percent ROI.
(5) The City of Woodland: 576 percent ROI.
(6) The City of Monterey: 717 percent ROI.

(g) Market Match is currently utilizing $3 million per year to service 300 sites, and demand is outstripping supply of available matching funds.

(h) Scaling up the Market Match program to serve 600 farmers' markets, farm stands, or community supported agriculture programs throughout the state would be beneficial to the health of local economies and the state economy while simultaneously improving the health of the most vulnerable families throughout California.

(i) The statewide Nutrition Incentive Matching Grant Program (Chapter 13 (commencing with Section 49010) of Division 17 of the Food and Agricultural Code), modeled after the successful experience of the Market Match program, helps to draw down federal funds and attract community-based philanthropy to further maximize access to fresh healthy foods and stimulate local economies in a more equitable cross section of communities.

SEC. 56. The Legislature finds and declares in relation to Sections 23 to 27, inclusive, of this act all of the following:

(a) Assembly Bill 142 (Chapter 661 of the Statutes of 2015) was enacted into law to require that the Secretary of the Natural Resources Agency, prior to the addition to the state wild and scenic rivers system of any segments to the Mokelumne River or its tributaries, study and submit to the Governor and the Legislature a report analyzing the suitability or nonsuitability of the proposed designation.

(b) In March 2018, the secretary completed the "Mokelumne River Wild and Scenic River Study Report", in which the secretary makes recommendations regarding the addition of five river segments, referred to as "Segments A through E," to the system because those five segments contain extraordinary wild, scenic, or recreational values, and would represent unique additions to the system.

(c) The secretary also recommends that the five segments designated as potential additions to the system in the report be added to the system with the inclusion of five special provisions specified in the report because those special provisions will better ensure the suitability of the designation to critical stakeholders in the watershed.

(d) It is therefore the intent of the Legislature to implement the recommendations of the Natural Resources Agency regarding the addition of five eligible Mokelumne River segments, referred to as Segments A through E, to the system with the inclusion of the five special provisions prescribed in the report.

SEC. 57. Due to the unique geographical features of the Mokelumne River and its tributaries, the Legislature hereby finds and declares in relation

to Sections 23 to 27, inclusive, of this act that a special law is necessary and a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution.

SEC. 58. The Legislature finds and declares in relation to Section 31 of this act that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances relating to public access at Martins Beach.

SEC. 59. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act or because costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SEC. 60. (a) (1) The sum of one hundred million dollars ($100,000,000) is hereby appropriated from the Natural Resources and Parks Preservation Fund, established pursuant to Section 5079.80 of the Public Resources Code, for the design and construction of the California Indian Heritage Center described in Section 5097.999 of the Public Resources Code. This money shall be allocated as follows:

(A) Four million six hundred ninety thousand dollars ($4,690,000) shall be for preliminary plans, as that term in is used in Section 3.00 of the Budget Act of 2018.

(B) Four million six hundred ninety thousand dollars ($4,690,000) shall be for working drawings, as that term in is used in Section 3.00 of the Budget Act of 2018.

(C) Ninety million six hundred twenty thousand dollars ($90,620,000) shall be for construction, as that term in is used in Section 3.00 of the Budget Act of 2018.

(2) The Department of Finance may authorize subschedule transfers within the appropriation pursuant to this subdivision in instances where the transfers are necessary for the efficient and cost-effective implementation of the project.

(3) The funds appropriated pursuant to this subdivision shall be available for encumbrance or expenditure until June 30, 2023.

(b) (1) The Department of Parks and Recreation may collect or receive moneys from contractual agreements, donations, gifts, bequests, or local government appropriations for the construction of the California Indian Heritage Center described in Section 5097.999 of the Public Resources Code.

(2) The money collected or received pursuant to paragraph (1) shall be deposited into the State Park Contingent Fund, established pursuant to Section 5009 of the Public Resources Code and, notwithstanding Section

13340 of the Government Code, shall be continuously appropriated, up to one hundred million dollars ($100,000,000), without regard to fiscal years, to the Department of Parks and Recreation for the purpose described in paragraph (1).

(c) The Department of Parks and Recreation may pursue construction of the California Indian Heritage Center in phases.

(d) The Department of Finance shall notify the chairperson of the Joint Legislative Budget Committee, the chairpersons of the respective Senate and Assembly fiscal committees, and legislative advisers of the State Public Works Board that preliminary plans will be delivered to the State Public Works Board for approval. This notification shall be made at least 30 days before preliminary plans are to be delivered to the State Public Works Board for approval.

SEC. 61. 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.

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