

47. Direct the Chair to send a letter of support for Senate Bill 684, the Polluters Pay Climate Superfund Act of 2025, to the bill's author and to our legislative delegation  
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## **County of Santa Cruz Board of Supervisors**

### **Agenda Item Submittal**

**From:** Board of Supervisors - Third District and Second District

**Subject:** Support for Senate Bill 684 - the Polluters Pay Climate Superfund Act of 2025

**Meeting Date:** June 24, 2025

**Formal Title:** Direct the Chair to send a letter of support for Senate Bill 684, the Polluters Pay Climate Superfund Act of 2025, to the bill's author and to our legislative delegation

### **Recommended Actions**

Direct the Chair to send a letter of support for Senate Bill 684, the Polluters Pay Climate Superfund Act of 2025, to the bill's author and to our legislative delegation.

### **Executive Summary**

Senate Bill 684 (SB 684), authored by Senator Caroline Menjivar, establishes the Polluters Pay Climate Superfund Program, which directs the California Environmental Protection Agency (CalEPA) to calculate and recover the cost of climate-related damages resulting from fossil fuel emissions in California between 1990 and 2045. The revenues generated would fund efforts to prepare for, prevent, and respond to the climate crisis, with a minimum of 40% of funds designated for disadvantaged communities.

Modeled after the federal Superfund law (CERCLA), SB 684 applies the “polluter pays” principle to climate damages, shifting some of the financial responsibility from taxpayers to fossil fuel companies. This approach supports climate resilience, justice, and equity while aligning with Santa Cruz County’s Climate Action and Adaptation Plan goals.

### **Discussion**

California is already grappling with severe and escalating climate impacts—including record-breaking heat, prolonged droughts, catastrophic wildfires, and sea level rise—that are placing immense pressure on local governments and frontline communities. These impacts not only undermine public health and safety but also result in enormous economic costs. The 2020 CZU Fires cost \$68 million for suppression and caused over \$2.4 billion in (reported) losses. The January 2025 wildfires in Los Angeles has been estimated to have caused up to \$53.8 billion in property losses and climate related damages are expected to dramatically increase in coming years

SB 684 responds to these realities. Specifically, it would:

- Hold major polluters accountable by requiring CalEPA to identify fossil fuel entities responsible for a significant share of the state’s emissions and demand cost recovery proportionate to the climate damages caused.
- Establish a dedicated Climate Superfund to support statewide resilience and adaptation projects, including investments in green job training, energy efficiency, regenerative agriculture, and community preparedness.
- Ensure equity by requiring that at least 40% of fund expenditures benefit disadvantaged communities most vulnerable to climate change.
- Promote transparent implementation through regular program evaluations by the Legislative Analyst’s Office and coordinated efforts across state departments and tribal governments.

Supporting SB 684 aligns with the Board's previous support for AB 1283 (Addis) and would directly advance Santa Cruz County's climate priorities, particularly those articulated in the County's Climate Action and Adaptation Plan. By holding fossil fuel corporations accountable for the harm caused by their emissions, the bill helps ensure that those most responsible contribute to the solution—easing the financial strain on local governments and enhancing the state's capacity to protect communities from further climate disruption.

**Financial Impact**

The recommended action does not have a financial impact.

**Strategic Initiatives**

Operational Plan - Sustainable Environment

**Submitted By:**

Justin Cummings, Third District Supervisor, and Kimberly De Serpa, Second District Supervisor

**Recommended By:**

Carlos J. Palacios, County Executive Officer

**Artificial Intelligence Acknowledgment:**

Artificial Intelligence (AI) did not significantly contribute to the development of this agenda item.

AMENDED IN SENATE MARCH 26, 2025

**SENATE BILL**

**No. 684**

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**Introduced by Senator Menjivar**

**(Coauthors: Senators Allen, Gonzalez, Stern, and Wiener)**

(Coauthors: Assembly Members Addis, Connolly, Garcia, ~~and Kalra~~  
*Kalra, Rogers, and Ward*)

February 21, 2025

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An act to add Part 4.8 (commencing with Section 71370) to Division 34 of the Public Resources Code, relating to climate change, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 684, as amended, Menjivar. Polluters Pay Climate Superfund Act of 2025.

The California Global Warming Solutions Act of 2006, until January 1, 2031, authorizes the State Air Resources Board to adopt a regulation establishing a system of market-based declining aggregate emissions limits for sources or categories of sources that emit greenhouse gases (market-based compliance mechanism) that meets certain requirements. Existing law establishes the Greenhouse Gas Reduction Fund and requires all moneys, except for fines and penalties, collected by the state board from the auction or sales of allowances as a part of a market-based compliance mechanism to be deposited into the fund and requires the Legislature to appropriate moneys in the fund for the purpose of reducing greenhouse gas emissions in the state, as provided.

Existing law, the California Climate Crisis Act, declares that it is the policy of the state both to achieve net-zero greenhouse gas emissions as soon as possible, but no later than 2045, and achieve and maintain net-negative greenhouse gas emissions thereafter, and to ensure that by

2045, statewide anthropogenic greenhouse gas emissions are reduced to at least 85% below the 1990 levels.

This bill would enact the Polluters Pay Climate Superfund Act of 2025 and would establish the Polluters Pay Climate Superfund Program to be administered by the California Environmental Protection Agency to require fossil fuel polluters to pay their fair share of the damage caused by greenhouse gases released into the atmosphere during the covered period, which the bill would define as the time period between the 1990 and 2024 calendar years, inclusive, resulting from the extraction, production, refining, sale, or combustion of fossil fuels or petroleum products, to relieve a portion of the burden to address cost borne by current and future California taxpayers. The bill would require the agency, within 90 days of the effective date of the act, to determine and publish a list of responsible parties, which the bill would define as an entity with a majority ownership interest in a business engaged in extracting or refining fossil fuels that, during the covered period, did business in the state or otherwise had sufficient contact with the state, and is determined by the agency to be responsible for more than 1,000,000,000 metric tons of covered fossil fuel emissions, as defined, in aggregate globally, during the covered period.

This bill would require the agency, within one year of the effective date of the act, to conduct and complete a climate cost study to, among other things, quantify the total damage amount, which the bill would define as all past and future climate harms and damages to the state from January 1, 1990, through December 31, 2045, inclusive. The bill would require the agency to update the climate cost study, not less frequently than every 5 years, through January 1, 2045, as provided. The bill would require the agency, within 60 days of the completion of the climate cost study, to determine and assess, as provided, a cost recovery demand for each responsible party listed, which represents the responsible party's proportionate share of the total damage amount. The bill would require responsible parties to pay their cost recovery demand, as provided. The bill would require the collected cost recovery demands to be deposited in the Polluters Pay Climate-Superfund Fund, *Superfund*, which the bill would create in the State Treasury. The bill would, upon appropriation by the Legislature, require moneys in the ~~fund~~ *Polluters Pay Climate Superfund* be expended for, among other things, qualifying expenditures, which the bill would define to include expenditures for projects and programs to mitigate, adapt, or respond to the damages and costs caused to the state from climate change. The

bill would require the agency to determine the initial implementation costs for the act, as provided, and would require the agency to assess an amount allocated equitably among responsible parties to cover those costs.

This bill would require the Director of Finance, within 45 days of the effective date of the act, to perform an initial assessment of the reasonable and appropriate initial implementation costs that will be incurred by the agency.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

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

- 1 SECTION 1. This act shall be known, and may be cited, as the
- 2 Polluters Pay Climate Superfund Act of 2025.
- 3 SEC. 2. (a) The Legislature finds and declares all of the
- 4 following:
- 5 (1) Climate change, resulting primarily from the combustion of
- 6 fossil fuels, is an immediate, grave threat to the people,
- 7 communities, biodiversity, environment, and economy of the state.
- 8 (2) Severe consequences of climate change, including rising
- 9 sea levels, increasing temperatures, intensifying droughts, wildfires,
- 10 flooding, heat waves, loss of biodiversity, and other climate
- 11 change-driven ecosystem threats and extreme weather events, have
- 12 already materialized, are costing Californians billions of dollars,
- 13 and constitute an emergency for the state, which must now take
- 14 urgent action to prevent further damages, protect California
- 15 residents and communities, and transition to clean renewable
- 16 energy.
- 17 (3) *Californians, especially California's most vulnerable*
- 18 *populations, including low-income communities and communities*
- 19 *of color, children, and the elderly, are disproportionately harmed*
- 20 *by the climate emergency; emergency and climate-related costs,*
- 21 *including escalating costs of utilities, housing, health care, and*
- 22 *insurance.*
- 23 (4) The state must develop and implement protective measures
- 24 to counteract the adverse effects of climate change.

(5) Protective measures necessary to mitigate climate change, adapt to the adverse effects of climate change, and expedite the transition away from fossil fuels will require significant new investment.

(6) Peer-reviewed research has determined with great accuracy the share of carbon dioxide and methane released into the atmosphere by the operations and products of specific fossil fuel companies.

(7) The fossil fuel industry should now contribute its fair share to government expenditures to protect the state from climate disaster.

(b) In enacting this act, it is not the intent of the Legislature for either of the following:

(1) For the act to be a determination of fault.

(2) For the act to have any impact on the ability of any person or entity to hold polluters accountable for harms caused.

SEC. 3. Part 4.8 (commencing with Section 71370) is added to Division 34 of the Public Resources Code, to read:

PART 4.8. POLLUTERS PAY CLIMATE SUPERFUND ACT  
OF 2025

CHAPTER 1. DEFINITIONS

71370. For purposes of this part, the following definitions apply:

(a) “Agency” means the California Environmental Protection Agency.

(b) “Annual payment date” means the date, as determined by the agency, not later than October 1 of each calendar year, by which a responsible party shall pay its cost recovery demand.

(c) “Climate cost study” means a study conducted pursuant to Section 71371.3.

(d) “Cost recovery demand” means a charge assessed against a responsible party for compensatory cost recovery payments, as determined pursuant to Section 71371.4.

(e) “Costs” means direct and indirect costs in current dollars to the state, ~~local~~, *local* and tribal ~~governments~~ *governments*, and California residents incurred and projected to be incurred into the future to prepare for, prevent, adapt, or respond to the damages

1 and harms associated with the impacts of covered fossil fuel  
2 emissions.

3 (f) “Covered fossil fuel emissions” means the quantity of  
4 greenhouse gases released into the atmosphere during the covered  
5 period, expressed in metric tons of carbon dioxide equivalent,  
6 ~~resulting from~~ *attributable to* the extraction, production, refining,  
7 sale, or ~~combustion~~ *combustion, including by third parties*, of  
8 fossil fuels or petroleum products.

9 (g) “Covered period” means the time period between January  
10 1, 1990, and December 31, 2024, inclusive.

11 (h) “Fossil fuel” means coal, crude oil, petroleum products, or  
12 fuel gases, or their byproducts.

13 (i) “Fuel gas” includes, but is not limited to, methane, natural  
14 gas, liquefied natural gas, and manufactured fuel gas.

15 (j) “Fund” means the Polluters Pay Superfund ~~Fund~~ established  
16 pursuant to Section 71372.

17 (k) “Greenhouse gas” has the same meaning as set forth in  
18 Section 38505 of the Health and Safety Code.

19 (l) “Notice of cost recovery demand” means a written or  
20 electronic communication informing a responsible party of the  
21 amount of cost recovery demand due, payable to the fund.

22 (m) “Petroleum products” means a liquid hydrocarbon at  
23 atmospheric temperature and pressure that is the product of the  
24 fractionation, distillation, or other refining or processing of crude  
25 oil and that is used as, useable as, or may be refined as, a fuel or  
26 fuel blendstock, including, but not limited to, gasoline, diesel fuel,  
27 aviation fuel, bunker fuel, and renewable fuels containing more  
28 than 5 percent petroleum products.

29 (n) “Program” means the Polluters Pay Climate Superfund  
30 Program established pursuant to Section 71371.

31 (o) (1) “Qualifying expenditures” means expenditures for  
32 projects and programs within the state to mitigate, adapt, or respond  
33 to the damages and harms from climate change, as well as ongoing  
34 operation and maintenance for those projects or programs that  
35 satisfy the regulations adopted pursuant to Section 71373.2.

36 (2) Qualifying expenditures shall include all reasonable costs  
37 incurred by the agency and other public agencies for administering  
38 and implementing projects or programs financed by the fund.  
39 Administrative costs shall not exceed 10 percent for any project  
40 or program financed by the fund.



(3) Qualifying expenditures shall ~~include, but are not limited to,~~ include expenditures for projects and programs that ~~do~~ mitigate or adapt to climate change and its impact to the state, local and tribal governments, and California residents. Qualifying expenditures include, but are not limited to, investments in any of the following:

~~(A) Mitigate climate change and its impacts to state, local, and tribal governments and California residents, such as through energy efficiency, natural systems climate resilience, accelerating the transition to clean energy sources, building and infrastructure decarbonization, distributed energy generation and storage, or zero-emission transportation and infrastructure, including public transit.~~

~~(B) Adapt to climate change and its impacts to state, local, and tribal governments and California residents, such as through sustainable community infrastructure, green workforce development, sustainable agricultural practices, or financial support programs for workers whose livelihoods are impacted by climate change, or job training and support for workers who provide essential services during climate disaster.~~

~~(C) Address climate-fueled disaster response and climate-resilient recovery.~~

(A) Community disaster preparedness, response, and recovery, that includes any of the following:

(i) Hardening of structures in existing, at-risk, and recovering communities.

(ii) Evacuation planning and design.

(iii) Postdisaster soil and water remediation.

(iv) Emergency housing, health, and medical response.

(v) Sustainable community planning and infrastructure, including community resilience centers, affordable infill housing, and public services funding to support emergency services and disaster response.

(B) Energy efficiency and resiliency, including, climate-resilient schools, electric school buses, vehicle-to-grid bidirectionality, microgrids, community solar, accelerating the transition to clean energy sources, zero-emission infrastructure, including public transit, or building and infrastructure decarbonization.

(C) Green workforce development and job training, and support for first responders and essential workers during climate disasters,

1 *financial support programs for workers whose livelihoods are*  
2 *impacted by climate change.*

3 (D) *Regenerative agricultural practices.*

4 (E) *Natural system protections, such as preservation or*  
5 *nonextractive restoration of shrublands, forests, grasslands,*  
6 *deserts, or riparian areas, groundwater recharge or storage, or*  
7 *instream flow projects.*

8 (p) “Responsible party” means an entity, including, but not  
9 limited to, an individual, trustee, agent, partnership, association,  
10 corporation, or other legal organization, including a foreign nation,  
11 that satisfies all of the following conditions:

12 (1) (A) The entity holds or held a majority ownership interest  
13 in a business engaged in extracting or refining fossil fuels during  
14 the covered period or is a successor in interest to the entity.

15 (B) For purpose of subparagraph (A), entities in a commonly  
16 controlled group, as defined in Section 25105 of the Revenue and  
17 Taxation Code, shall be treated as a single entity for purposes of  
18 this subdivision and shall be jointly and severally liable for the  
19 payment of any cost recovery demand owed by any entity in the  
20 commonly controlled group.

21 (2) During any part of the covered period, the entity did business  
22 in the state or otherwise had sufficient contacts with the state to  
23 give the state jurisdiction over the entity pursuant to Section 410.10  
24 of the Code of Civil Procedure.

25 (3) The agency determines that ~~the entity is responsible for~~ more  
26 than one billion metric tons of covered fossil fuel emissions, in  
27 aggregate globally, *are attributable to the entity* during the covered  
28 period.

29 (q) “Total damage amount” means the costs determined by the  
30 agency in its climate cost study of past and future climate damages  
31 and harms from January 1, 1990, up to, and including, December  
32 31, 2045, ~~resulting from~~ *attributable to* covered fossil fuel  
33 emissions.

34  
35 CHAPTER 2. POLLUTERS PAY CLIMATE SUPERFUND PROGRAM

36  
37 71371. (a) There is hereby established the Polluters Pay  
38 Climate Superfund Program to be administered by the agency.

39 (b) The purpose of the program is to require fossil fuel polluters  
40 to pay their fair share of the damage caused by covered fossil fuel

1 emissions, thereby relieving a portion of the burden to address  
2 costs otherwise borne by current and future California taxpayers.

3 71371.1. (a) A responsible party, as determined by the agency  
4 pursuant to Section 71371.2, shall be strictly liable for a cost  
5 recovery demand.

6 (b) Beginning January 1, 2026, each responsible party shall pay  
7 to the agency its cost recovery demand established pursuant to  
8 Section 71371.4.

9 71371.2. Within 90 days of the effective date of this part, the  
10 agency shall determine and publish on its internet website a list of  
11 responsible parties subject to this part. The agency may update the  
12 list from time to time, as appropriate.

13 71371.3. (a) The agency shall conduct or commission a climate  
14 cost study and the study shall be completed within one year of the  
15 effective date of this part.

16 (b) The climate cost study shall include, at a minimum, an  
17 evaluation of all of the following:

18 (1) (A) The cost-driving effects of covered fossil fuel emissions  
19 on ~~the state, local, local~~ *local* and tribal ~~governments~~ *governments*, and  
20 California residents, including effects on public health and safety,  
21 biodiversity and ecosystems, agriculture and food systems, water,  
22 wildfire, the built environment, economic development, and any  
23 other effects that may be relevant.

24 (B) The evaluation shall be based on a review of existing best  
25 peer-reviewed and publicly available science on climate impacts  
26 and costs, including climate attribution science and methodologies,  
27 California's Fourth Climate Change Assessment, information  
28 available from ~~the California's~~ *California's* ongoing Fifth ~~National~~ *National* Climate  
29 *Change* Assessment, and any future relevant assessments.

30 (C) Climate impacts, including, but not limited to, extreme  
31 weather events, such as heat waves, droughts, and flooding, sea  
32 level rise, air and water temperature shifts, changes in wildfire,  
33 such as to area burned, smoke, air quality, and damage to  
34 communities, and related economic impacts, such as agricultural  
35 and food system costs, health costs, housing insurability,  
36 affordability, and access, shall be considered in the evaluation.

37 (2) A calculation of the costs incurred since January 1, 1990,  
38 and projected to be incurred into the future up to, and including,  
39 December 31, 2045, within the state for effects identified under  
40 paragraph (1).

1 (3) A list to identify potential harms and impacts incurred since  
2 January 1, 1990, and projected to be incurred into the future up  
3 to, and including, December 31, 2045, within the state ~~from~~  
4 *attributable to* covered fossil fuel emissions, that are not yet  
5 quantifiable using current best available scientific methodologies,  
6 for consideration in future updates as science and quantification  
7 methods evolve.

8 (4) A calculation of the total damage amount.

9 (5) An assessment of potential qualifying expenditures meeting  
10 the requirements of Section 71371.6.

11 (c) The agency shall update the climate cost study using the  
12 best publicly available peer-reviewed science, data, and  
13 methodology, not less frequently than every five years, through  
14 January 1, 2045.

15 (d) The agency shall, in accordance with Section 9795 of the  
16 Government Code, submit to the Legislature the climate cost study  
17 and update.

18 71371.4. (a) Within 60 days of the completion of the climate  
19 cost study, the agency shall determine and assess a cost recovery  
20 demand upon each responsible party by doing all of the following:

21 (1) Quantify covered fossil fuel emissions attributable to each  
22 responsible party based on publicly reported data on the operations  
23 and production of the fossil fuel industry and the best available  
24 and most up-to-date Intergovernmental Panel on Climate Change  
25 emissions factors for greenhouse gas inventories.

26 (2) Establish the proportionate share percentage of each  
27 responsible party as equal to the ratio of the responsible party's  
28 covered fossil fuel emissions to covered fossil fuel emissions  
29 globally.

30 (3) Establish a cost recovery demand for each responsible party  
31 in an amount equal to the proportionate share percentage of the  
32 responsible party as determined pursuant to paragraph (2)  
33 multiplied by the total damage amount determined pursuant to the  
34 climate study or its update prepared pursuant to Section 71371.3.

35 (b) Within 60 days of an update of the climate cost study, the  
36 agency shall update and adjust, as necessary, the quantification  
37 and determinations made pursuant to subdivision (a).

38 (c) (1) The notice of cost recovery demand shall inform the  
39 responsible party of its obligation to remit the cost recovery  
40 demand, or any adjustment to the cost recovery demand, in full,

1 on or before the annual payment date of the calendar year in which  
2 the notice is issued or the next calendar year if the provided notice  
3 is issued less than 60 days before the annual payment date.

4 (2) A responsible party may elect to pay its cost recovery  
5 demand in 20 installments by providing written notice of its  
6 election and submission of at least 10 percent of the cost recovery  
7 demand on or before the annual payment date of the calendar year  
8 in which the initial notice is issued or the next calendar year if the  
9 notice is issued less than 60 days before the annual payment date.

10 The remaining balance shall be paid in equal installments that are  
11 due on or before the annual payment of each calendar year after  
12 the initial payment.

13 (3) The unpaid balance of all remaining installments shall  
14 become due immediately if any of the following occurs:

15 (A) The responsible party fails to pay any installment by the  
16 due date pursuant to this subdivision.

17 (B) Except as provided in paragraph (4), there is a liquidation  
18 or sale of substantially all the assets of the responsible party.

19 (C) The responsible party ceases to do business.

20 (4) In the case of a sale of substantially all the assets of a  
21 responsible party, the remaining installments shall not become due  
22 immediately if the buyer enters into an agreement with the agency  
23 under which the buyer assumes liability for the remaining  
24 installments due under paragraph (2) in the same manner as if the  
25 buyer was the responsible party.

26 (5) If an update to the climate cost study results in an adjustment  
27 to the responsible party's cost recovery demand, the agency shall,  
28 within 60 days, issue a revised written notice of cost recovery  
29 demand notifying the responsible party of the adjusted payment  
30 due.

31 (6) Payment of the cost recovery demand may be stayed by the  
32 agency or a court pending administrative or judicial resolution, as  
33 applicable, of a challenge filed under Section 71371.5.

34 71371.5. (a) The agency shall establish procedures for an entity  
35 to challenge its designation as a responsible party under Section  
36 71371.2 or its cost recovery demand established pursuant to Section  
37 71371.4.

38 (b) The agency may adjust a responsible party's cost recovery  
39 demand if the responsible party establishes, to the satisfaction of  
40 the agency, both of the following:

1 (1) A portion of ~~the~~ *its* cost recovery demand amount is  
2 attributable to ~~the refining of crude oil fossil fuel~~ extracted by  
3 another responsible party.

4 (2) The ~~crude oil fossil fuel~~ extracted by the other ~~entity~~  
5 *responsible party* was accounted for when the agency determined  
6 the cost recovery demand amount for the other ~~entity or the~~  
7 ~~successor in interest of the other entity~~; *responsible party*.

8 (c) This section does not limit a real party's right to seek judicial  
9 review of a determination made by the agency, except that no civil  
10 action shall be maintained under this part unless it is commenced  
11 within 30 days after the claim accrued.

12 71371.6. The agency shall establish funding criteria and  
13 guidelines in accordance with the climate cost study for programs  
14 and projects that are eligible as qualifying expenditures funded  
15 from moneys collected pursuant to this chapter.

16 71371.7. Until December 31, 2045, every five years after the  
17 effective date of this part, the Legislative Analyst's Office shall  
18 conduct an independent evaluation of the Polluters Pay Climate  
19 Superfund Program to be provided to the Governor, the President  
20 pro Tempore of the Senate, and the Speaker of the Assembly. The  
21 purpose of this evaluation shall be to determine the effectiveness  
22 of the program in achieving its purposes as described in this chapter  
23 and to provide recommendations for improving program  
24 administration.

25  
26 CHAPTER 3. POLLUTERS PAY CLIMATE SUPERFUND ~~FUND~~  
27

28 71372. (a) There is hereby established the Polluters Pay  
29 Climate Superfund ~~Fund~~ in the State Treasury. Moneys in the fund  
30 shall, upon appropriation by the Legislature, be used to implement  
31 the program pursuant to Chapter 2 (commencing with Section  
32 71371), including qualifying expenditures, and to reimburse any  
33 outstanding loan made from other funds used to finance the initial  
34 costs of the agency's activities in implementing this part. Moneys  
35 in the fund shall not be expended for any purposes not specified  
36 in this part.

37 (b) Moneys collected pursuant to Chapter 2 (commencing with  
38 Section 71371) or Chapter 4 (commencing with Section 71373)  
39 shall be deposited into the fund.

1 71372.1. Moneys in the fund shall be expended on qualifying  
2 expenditures in accordance with the findings of the climate cost  
3 study and updates to the study and guidelines and criteria  
4 established pursuant to Section 71371.6 so that both of the  
5 following occur:

6 (a) Not less than 40 percent of the moneys are expended for  
7 projects and programs that directly benefit disadvantaged  
8 communities, as defined by the agency, facing climate impacts.

9 (b) Programs and projects funded by the fund include the  
10 assessment and implementation of strategies to increase  
11 employment opportunities and improve job quality.  
12

#### 13 CHAPTER 4. MISCELLANEOUS PROVISIONS 14

15 71373. Within 45 days of the effective date of this part, the  
16 Director of Finance shall perform an initial assessment of the  
17 reasonable and appropriate initial implementation costs as  
18 described in Section 71373.3.

19 71373.1. In implementing this part, the agency shall conduct  
20 regular consultations with the Integrated Climate Adaptation and  
21 Resiliency Program, the State Air Resources Board and the  
22 Environmental Justice Advisory Committee of that state board,  
23 the State Water Resources Control Board, the Natural Resources  
24 Agency, the State Energy Resources Conservation and  
25 Development Commission, the Office of Emergency Services, the  
26 Strategic Growth Council, the State Department of Public Health,  
27 the Office of Environmental Health Hazard Assessment, the  
28 California Coastal Commission, *the Public Utilities Commission*,  
29 the Attorney General, and other appropriate public agencies and  
30 nongovernmental entities.

31 71373.2. (a) Within 180 days of the effective date of this part,  
32 the agency shall adopt all regulations, including those establishing  
33 requirements for projects and programs eligible for funding from  
34 the fund, necessary to carry out this part.

35 (b) The agency may prescribe, adopt, and enforce any  
36 emergency regulations as necessary to implement, administer, and  
37 enforce its duties under this part. Emergency regulations prescribed,  
38 adopted, or enforced pursuant to this part shall be adopted in  
39 accordance with Chapter 3.5 (commencing with Section 11340)  
40 of Part 1 of Division 3 of Title 2 of the Government Code, and,

1 for purposes of that chapter, including Sections 11349.1 and  
2 11349.6 of the Government Code, the adoption of the regulation  
3 is an emergency and shall be considered by the Office of  
4 Administrative Law as necessary for the immediate preservation  
5 of the public peace, health and safety, and general welfare.  
6 Notwithstanding any other law, the emergency regulations adopted  
7 by the California Environmental Protection Agency may remain  
8 in effect for two years from adoption.

9 71373.3. (a) Within 120 days of the effective date of this part,  
10 the agency shall determine the initial implementation costs,  
11 including the costs of the initial climate cost study, the development  
12 and adoption of regulations to implement this part, and other  
13 appropriate initial program implementation costs.

14 (b) The agency shall equitably assess a charge on the responsible  
15 parties for the full amount of the agency's initial implementation  
16 costs determined pursuant to subdivision (a). The agency shall  
17 notify responsible parties of the charge.

18 (c) Within 60 days of the notification, each responsible party  
19 shall remit the charge to the agency for deposit into the fund.

20 (d) A responsible party's payment of the charge may be stayed  
21 by the agency or a court pending administrative or judicial  
22 resolution, as applicable, of a challenge filed under Section  
23 71371.5.

24 71373.4. The agency and the Attorney General shall have the  
25 authority to enforce the requirements of this part and to assess fees  
26 for late payments of cost recovery demands pursuant to Chapter  
27 2 (commencing with Section 71371) or the charge assessed under  
28 Section 71373.3. The late fees shall accrue daily, assessed at the  
29 rate of 10 percent per annum, on amounts remaining due.

30 71373.5. The Secretary of State shall have the authority to  
31 revoke or suspend the business license of a responsible party that  
32 fails to comply with this part.

33 71373.6. (a) This part does not do either of the following:

34 (1) Relieve the liability of an entity for damages resulting from  
35 climate change, as provided by law.

36 (2) Preempt, displace, or restrict any rights or remedies of a  
37 person, the state, units of local government, or tribal government  
38 under law relating to a past, present, or future allegation of any of  
39 the following:



1 (A) Deception concerning the effects of fossil fuels on climate  
2 change.

3 (B) Damage or injury resulting from the role of fossil fuels in  
4 contributing to climate change.

5 (C) Failure to avoid damage or injury related to climate change,  
6 including claims for nuisance, trespass, battery, design defect,  
7 negligence, failure to warn, or deceptive or unfair practices and  
8 claims for injunctive, declaratory, monetary, or other relief.

9 (b) This part does not preempt or supersede any state law or  
10 local ordinance, regulation, policy, or program, including, but not  
11 limited to, those that do any of the following:

12 (1) Limit, set, or enforce standards for emissions of greenhouse  
13 gases.

14 (2) Monitor, report, or keep records of emissions of greenhouse  
15 gases.

16 (3) Collect revenue through fees or levy taxes.

17 (4) Conduct or support investigations.

18 71373.7. The remedies provided in this part are in addition to  
19 other remedies provided by law. This part does not limit a party's  
20 right, including the agency, other governmental bodies, or private  
21 individuals, from pursuing civil action or other remedies provided  
22 by law, or to capture additional costs not recovered by this part.

23 71374. The provisions of this part are severable. If any  
24 provision of this part or its application is held invalid, that  
25 invalidity shall not affect other provisions or applications that can  
26 be given effect without the invalid provision or application.

27 SEC. 4. This act is an urgency statute necessary for the  
28 immediate preservation of the public peace, health, or safety within  
29 the meaning of Article IV of the California Constitution and shall  
30 go into immediate effect. The facts constituting the necessity are:

31 To fund and implement measures to address the immediate,  
32 ongoing threats to public safety, and the health and welfare of the  
33 people, the environment, and the State of California from climate  
34 change, it is necessary for this act to take effect immediately.