

## INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

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### **(23-0006) REQUIRES LANDFILL UPGRADES. AUTHORIZES ONLY SPECIFIED PRIVATE COMPANIES TO ADMINISTER UPGRADE FUNDING AND CERTAIN EDUCATION FUNDS. INITIATIVE STATUTE.**

Requires closed landfills to implement aerobic bioreactor technology that uses liquid and air to speed decomposition and reduce methane gas emissions. Prohibits state funding for required landfill upgrades and instead authorizes only NGD Consortium (consisting of several related private companies) to administer funding. Establishes funds, administered by NGD Consortium, for public schools and college savings accounts for students in communities with upgraded landfills; these funds will be financed by fines on noncompliant landfills and some of NGD Consortium's profits from the measure's programs. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: Increased state costs from administering new regulatory and funding programs likely totaling several millions of dollars annually. Uncertain local government cost impacts depending upon whether new requirements for landfills result in higher costs for providing waste collection and disposal services. Uncertain state and local government revenue impacts depending on a number of factors including the amount generated from various funding sources to support compliance for landfills and educational costs.

#### **To the Honorable Secretary of State of California:**

We, the undersigned, registered, qualified voters of California, residents of the County (or City and County) referenced on the signature page of this petition, hereby propose amendments to the California Elections Code, relating to Initiative Referendum and Recall reform, and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding general election or at any special statewide election held prior to that general election or as otherwise provided by law. The proposed statutory amendments read as follows:

SECTION 1. (a) The people of the State of California find and declare all of the following: (1) One of the major links to support the argument of climate change leading to the rise in sea levels is that landfills directly play a major role in the methane released into the atmosphere by decomposing organic waste. (2) Changing the way landfills work and eliminating methane releases would be a heavy blow in the war against climate change, and it is one of the things California desperately needs. (3) The average cost of upgrading landfills with modern technology is a huge sum and may not be possible with traditional financing sources available to communities. (4) The NGD Consortium is uniquely qualified to solve this landfill modernization funding issue by tokenizing every single landfill project over the secured and empowered blockchain when raising the funds from the sale of those tokens, thereby self-generating capital. (5) In addition, incalculable talent is lost every year due to young adults being unable to pursue higher education due to economic and financial limitations. (6) The 501(c)(3) nonprofit arm of the NGD Consortium, NGD Communities For Education, envisions enlightening children with financial literacy while also helping them save for their higher education through educational accounts. (b) Therefore, it is the intent of the people of the State of California in enacting this measure to accomplish both of the following: (1) Self-generate capital for the modernization of California landfills through financing mechanisms serviced by the NGD Consortium. (2) Provide relief for the lack of education funding in the state by providing supplemental funding for children, schools, and higher education. SEC. 2. Chapter 13.2 (commencing with Section 42660) is added to Part 3 of Division 30 of the Public Resources Code, to read: Chapter 13.2. California Adopted Landfill Modernization to Support Education Act— A Carbon Neutrality Plan Article 1. General Provisions 42660. (a) This chapter shall be known, and may be cited, as the "California Adopted Landfill Modernization to Support Education Act – A Carbon Neutrality Plan" or "CALMSEA-CNP." (b) For purposes of this chapter, the following definitions apply: (1) "Aerobic landfill bioreactor system" means a substantially specialized process that uses blowers and pumping equipment to simultaneously inject air and liquids homogeneously into a landfill cell to promote rapid decay of organic matter and eliminate methane generation. (2) "ALBS" means aerobic landfill bioreactor system. (3) "Cell" means the portion of compacted solid wastes in a landfill that is enclosed by natural soil or cover material during a designated period. (4) "Department" means the Department of Resources Recycling and Recovery. (5) "Landfill" includes a landfill operated by a private entity or local jurisdiction. (6) "Local jurisdiction" includes any political subdivision of the state, a city, a county, a city and county, or a special district that provides solid waste collection services. (7) "State board" means the State Air Resources Board. (8) "Tipping fee" means a fee paid by a person to dispose of waste in a landfill. (9) "Unit" means an area of land, or a portion of a waste management facility, at which waste is discharged. "Unit" includes containment features and ancillary features for precipitation and drainage control and for monitoring. Article 2. Landfill Management Reform for Education Financing 42661. (a) The department, in consultation with the state board, shall adopt, on or before December 31, 2025, regulations to reduce methane emissions associated with the disposal of organic waste in landfills. The regulations shall require a landfill unit to modernize existing anaerobic landfill management procedures by replacing those procedures with aerobic landfill bioreactor system technology, funded by a mechanism described in subdivision (b). (b) The department, in consultation with the state board, shall adopt, in conjunction with the adoption of regulations pursuant to subdivision (a), a statewide carbon neutrality landfill adoption plan, known as the California Adopted Landfill Modernization – Carbon Neutrality Plan (CALM-CNP), for landfills to comply with the regulations adopted pursuant to subdivision (a). The CALM-CNP shall include all of the following financing mechanisms for funding landfill compliance with the regulations: (1) Carbon credits. (2) Embedded finance. (3) Banking as a service. (4) Blockchains. (5) Crowdfunding. (6) Cap-and-trade markets under the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code). (c) (1) The department shall also consult with the Department of Financial Protection and Innovation regarding the financing mechanisms in the CALM-CNP. (2) The department, in consultation with the state board and the Department of Financial Protection and Innovation, shall oversee the implementation of this chapter. (d) State moneys, including, but not limited to, moneys from the General Fund, shall not be used for funding landfill compliance with the regulations adopted pursuant to subdivision (a). 42662. (a) (1) In using ALBS technology pursuant to subdivision (a) of Section 42661, a landfill shall obtain third-party verification from a minimum of three carbon offset verifiers in accordance the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code). (2) In using ALBS technology pursuant to subdivision (a) of Section 42661, the ALBS process shall be precisely controlled and monitored with state-of-the-art apparatus and techniques to maintain optimal temperature and moisture content throughout the waste mass to ensure efficient function and successful results. (b) A landfill shall complete a classification process to determine the age and viability of each project before using ALBS technology pursuant to subdivision (a) of Section 42661. The classifications and corresponding deadlines shall be as follows: (1) (A) "Category A" includes landfills that

have been closed and capped one year before the effective date of this chapter, and up to six months following the effective date of this chapter, that have already been closed and capped, or are scheduled to be closed and capped. (B) Category A landfills shall be immediately made ready for ALBS technology implementation upon the effective date of this chapter. (2) (A) "Category B" includes landfills not included in Category A that are closed and capped as of three years before the effective date of this chapter. (B) Category B landfills shall, subsequent to Category A, be required to be retrofitted with ALBS technology within three years after the effective date of this chapter and made ready for ALBS technology implementation. (3) (A) "Category C" includes landfills not included in Category A or B that are scheduled to be closed and capped within three years after the effective date of this chapter. (B) Category C landfills shall, within three years after the effective date of this chapter, subsequent to Category A, be made ready for ALBS technology implementation. (4) (A) "Category D" includes all remaining landfills not covered in Category A, B, or C that are planned to be closed any time after three years after the effective date of this chapter. (B) Category D landfills shall be deemed subject to this chapter and scheduled to be made ready for ALBS technology in accordance with subdivision (c). (5) (A) "Category E" includes capped landfills that are older than three years as of the effective date of this chapter. (B) Category E landfills shall be considered for bioreactor technology use and considered for suitability to have ALBS technology applied based on carbon offset capabilities in accordance with subdivision (c). (c) (1) Landfills meeting the requirements of Category A shall adopt all of the following: (A) An ALBS letter of implementation. (B) An ALBS memorandum of understanding. (C) An ALBS project overview document that shall be adopted before each ALBS project approval. In adopting the project overview document, the landfill shall obtain approval from the department and state board for all of the following: (i) ALBS equipment. (ii) ALBS safety measures. (iii) ALBS protocols. (iv) ALBS procedures. (v) ALBS measures. (vi) ALBS technological specifications, as required by the department and state board, within two years after the effective date of this chapter. (2) Landfills meeting the requirements of Category B or C shall meet all Category A requirements within three years after the effective date of this chapter, including implementation of ALBS technology. (3) Landfills meeting the requirements of Category D shall meet all Categories A, B, and C requirements and implementation protocols moving forward on an ongoing basis. (4) Landfills meeting the requirements of Category E shall, for all remaining ALBS bioreactors not considered to meet Category A, B, C, or D requirements, at the discretion of the department and in consultation with the state board, consider ALBS technology and retrofitting if reducing methane emissions for these landfills still meets the need to be fitted with ALBS. 42663. (a) Within six months of the effective date of this chapter, a landfill shall submit an ALBS letter of implementation followed by an ALBS memorandum of understanding and an ALBS project overview document to the department. Those documents shall be finalized within six months of submission to initiate the ALBS project. (b) If the deadlines specified in subdivision (a) are not met by a landfill, the landfill shall remit to the department 10 percent of its tipping fees starting the day after a landfill misses a deadline. During the period of time a landfill has missed a deadline specified in subdivision (a), tipping fee increases shall not be imposed on customers. When a landfill meets the deadlines specified in subdivision (a), the 10 percent remittance shall cease. (c) The department shall deposit one-half of the moneys remitted to the department under subdivision (b) into the California Adopted Landfill Modernization to Support Education Act – Children's Higher Education Fund (CALMSEA-CHEF) and one-half into the California Adopted Landfill Modernization to Support Education Act – School Fund (CALMSEA-SF). (d) (1) For every landfill that complies with subdivision (a), the department shall calculate an amount equal to the penalties the landfill would have paid under subdivision (b) had the landfill not complied with subdivision (a). (2) The NGD Consortium, whose members include the New Green Deal Corporation, the NGD Environmental Corporation, and the NGD Financial Corporation, shall remit to the department the total amount calculated pursuant to paragraph (1) for every landfill that complies with subdivision (a). The amount remitted to the department pursuant to this paragraph shall come from the profits of the NGD Financial Corporation generated by complying with Section 42669. (3) The department shall deposit one-half of the moneys remitted to the department under paragraph (2) into the California Adopted Landfill Modernization to Support Education Act – Children's Higher Education Fund (CALMSEA-CHEF) and one-half into the California Adopted Landfill Modernization to Support Education Act – School Fund (CALMSEA-SF). 42664. Notwithstanding any other law, an amount equal to 10 percent of the total penalties imposed by the department pursuant to paragraph (5) of subdivision (a) of Section 42652.5 for a violation of the regulations adopted pursuant to Senate Bill No. 1383 of the 2015–16 Regular Session (Chapter 395 of the Statutes of 2016) shall be annually transferred, as follows: (a) One-half of that 10 percent shall be annually transferred to the California Adopted Landfill Modernization to Support Education Act – Children's Higher Education Fund (CALMSEA-CHEF), which is hereby created in the State Treasury. (b) One-half of that 10 percent shall be annually transferred to the California Adopted Landfill Modernization to Support Education Act – School Fund

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(CALMSEA-SF), which is hereby created in the State Treasury. 42665. (a) Notwithstanding any other law, and except as provided in subdivision (b), a garbage truck or dumpster shall include a message on the garbage truck or dumpster promoting the funding of higher education through the California Adopted Landfill Modernization to Support Education Act – Children’s Higher Education Fund (CALMSEA-CHEF). The message shall also identify the NGD Consortium as the entity that services the CALMSEA-CHEF custodial accounts. (b) Subdivision (a) shall not apply to a garbage truck or dumpster that identifies the owner and includes the contact information of the owner on the garbage truck or dumpster. 42666. (a) Notwithstanding any other law, all revenue received from advertising on a garbage truck or dumpster shall be apportioned pursuant to this section. (b) (1) Fifty percent of all revenue received from advertising on a garbage truck or dumpster shall be retained by the owner of the garbage truck or dumpster and shall only be used to support increasing the number of electric garbage trucks operating in the state, including, but not limited to, purchases, maintenance and upkeep, and paying regulatory fees. (2) Thirty percent of all revenue received from advertising on a garbage truck or dumpster shall be apportioned to local governmental entities. The revenue shall be apportioned to the local governmental entity responsible for the direct regulation of the garbage truck or dumpster as follows: (A) Fifty percent of the revenue apportioned to a local governmental entity pursuant to this paragraph shall be used for the following purposes: (i) To offset fees paid by the owner of the garbage truck or dumpster to the local governmental entity. (ii) To pay for compliance costs incurred by the local governmental entity. (iii) To educate the community about the NGD Consortium’s higher education and landfill modernization objectives, goals, and opportunities. (iv) To pay for road maintenance. (B) Fifty percent of the revenue apportioned to a local governmental entity pursuant to this paragraph shall be used to offset local taxes related to waste collection. (3) Ten percent of all revenue received from advertising on a garbage truck or dumpster shall be deposited into the California Adopted Landfill Modernization to Support Education Act – Children’s Higher Education Fund (CALMSEA-CHEF). (4) Ten percent of all revenue received from advertising on a garbage truck or dumpster shall be deposited into the California Adopted Landfill Modernization to Support Education Act – School Fund (CALMSEA-SF). (c) This section shall apply only to a contract, or renewal of a contract, to advertise on a garbage truck or dumpster entered into or renewed on or after the effective date of this act. 42667. (a) Notwithstanding Section 13340 of the Government Code, the moneys in the California Adopted Landfill Modernization to Support Education Act – Children’s Higher Education Fund (CALMSEA-CHEF) are hereby continuously appropriated without regard to fiscal year to the department for financing the higher education costs of students in communities with a landfill that has undergone the modernization described in subdivision

(a) of Section 42661 with a funding mechanism described in subdivision (b) of Section 42661. These higher education costs shall be financed through individual student custodial accounts. (b) (1) A student may request a disbursement from their custodial account by submitting a request to the department for funds and disclosing the educational purpose for which the funds would be used. (2) Except as provided in paragraph (3), funds appropriated pursuant to this section shall only be used for an educational purpose, including, but not limited to, paying the student’s expenses for, or related to, a college, university, trade school, or career technical education program. (3) Notwithstanding paragraph (2), a student may submit a request for a disbursement from their custodial account for noneducational purposes if the request for disbursement is based on financial hardship, death of their parent or guardian, or disability of the student or their parent or guardian, and the disbursed moneys shall only be used for expenses directly related to the hardship, death, or disability. (c) Any calculation of the moneys to be applied by the state for the support of school districts and community college districts pursuant to subdivision (b) of Section 8 of Article XVI of the California Constitution shall not include any moneys appropriated pursuant to this section. 42668. (a) Notwithstanding Section 13340 of the Government Code, the moneys in the California Adopted Landfill Modernization to Support Education Act – School Fund (CALMSEA-SF) are hereby continuously appropriated without regard to fiscal year to the department for the support of public schools, including, but not limited to, school districts, charter schools, and pupils who are home schooled, in communities with a landfill that has undergone the modernization described in subdivision (a) of Section 42661 with a funding mechanism described in subdivision (b) of Section 42661. (b) Moneys appropriated to public schools pursuant to this section shall be apportioned on a per-pupil basis with the same amount of funding apportioned for every public school pupil, including, but not limited to, pupils enrolled in charter schools and pupils who are home schooled, who attends school in a community with a landfill that has undergone the modernization described in subdivision (a) of Section 42661 with a funding mechanism described in subdivision (b) of Section 42661. (c) (1) Moneys appropriated to public schools pursuant to this section shall only be used to meet the educational needs of pupils, including, but not limited to, for instructional materials and supplies, computers, field trips, playground equipment, and after school activities. (2) Moneys appropriated to public schools pursuant to this section shall not be used to compensate teachers or administrators, or to pay for administrative costs incurred by the public school. (d) Any calculation of the moneys to be applied by the state for the support of school districts and community college districts pursuant to subdivision (b) of Section 8 of Article XVI of the California Constitution shall not include any moneys appropriated pursuant to this section. 42669. All of the following shall be serviced by the NGD Consortium: (a) The investment mechanisms described in subdivision (b) of Section 42661. (b) The individual student custodial accounts described in Section 42667. (c) The school funding described in Section 42668.

**NOTICE TO THE PUBLIC:**

**YOU HAVE THE RIGHT TO SEE AN “OFFICIAL TOP FUNDERS” SHEET.**

**THIS PETITION MAY BE CIRCULATED BY A PAID PETITION GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK.**

**THE PROPONENTS OF THIS PROPOSED INITIATIVE MEASURE HAVE THE RIGHT TO WITHDRAW THE PETITION AT ANY TIME BEFORE THE MEASURE QUALIFIES FOR THE BALLOT.**

	<b>The signer of this petition must be registered to vote in _____ County.</b> <small>(Use blue/black ballpoint ink pen only to fill out entire petition!) (Please write the California County where the voter is legally registered to vote in here.)</small>	<b>This column for official use only</b>				
<b>REGISTERED VOTERS ONLY</b>	<table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%; padding: 5px;">                     1. Print Your Name: _____  <small>(clearly print full name as registered to vote—include middle initial)</small> </td> <td style="width:50%; padding: 5px;">                     Residence Address ONLY: _____  <small>(physical address only—No P.O. Boxes—No abbreviations)</small> </td> </tr> <tr> <td style="width:50%; padding: 5px;">                     Sign As                      Registered To Vote: _____  <small>(Using blue/black ballpoint ink pen—sign as legally registered to vote)</small> </td> <td style="width:50%; padding: 5px;">                     City: _____ Zip _____  <small>(print full city name —No abbreviations—must be CA voter)</small> </td> </tr> </table>	1. Print Your Name: _____ <small>(clearly print full name as registered to vote—include middle initial)</small>	Residence Address ONLY: _____ <small>(physical address only—No P.O. Boxes—No abbreviations)</small>	Sign As Registered To Vote: _____ <small>(Using blue/black ballpoint ink pen—sign as legally registered to vote)</small>	City: _____ Zip _____ <small>(print full city name —No abbreviations—must be CA voter)</small>	<b>DO NOT WRITE</b>
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**DECLARATION OF CIRCULATOR (To be completed after the above signature has been obtained and before turning in.)**

I, \_\_\_\_\_, am 18 years of age or older. (Special Note: All sections must be filled out in circulator’s OWN hand. Additionally, voters can sign their own petition as the circulator, but all sections **MUST** be filled out.)  
(Using only blue/black ballpoint ink pen, print full legal name—include middle initial)

My residence address is \_\_\_\_\_  
(physical address only—street number, name, city, state, zip) (No P.O. Boxes—No Abbreviations)

I circulated this section of the petition and witnessed each of the appended signatures being written. Each of the signatures on this petition is, to the best of my information and belief, the genuine signature of the person whose name it purports to be.

All signatures on this document were obtained between the dates of \_\_\_\_\_ and \_\_\_\_\_  
(month / day / year) (month / day / year)

I certify under penalty of perjury under the laws of the State of California that the forgoing is true and correct.

Executed on \_\_\_\_\_, at \_\_\_\_\_ County, California. Signature of Circulator \_\_\_\_\_  
(month / day) (year) (write county currently standing in when signing) (sign full legal name-include middle initial)