

AMENDED IN SENATE SEPTEMBER 11, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1719**

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**Introduced by ~~Committee on Jobs, Economic Development, and the Economy (Arambula (Chair), Silva (Vice Chair), Caballero, Garcia, Price, and Salas)~~ Assembly Member Hancock**

March 5, 2007

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An act to add a chapter heading immediately preceding Section 99500 of Title 20, and to repeal and add Chapter 8 of Division 1 of Title 2 (commencing with Section 8700) of the Government Code, relating to the ~~Office of California-Mexico Affairs~~. *An act to amend Sections 14514.7, 14575, and 14581 of, to amend, repeal, and add Sections 42291, 42291.5, 42292, 42293, and 42294 of, and to add Sections 42297.1 and 42299 to, the Public Resources Code, relating to recycling, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1719, as amended, ~~Committee on Jobs, Economic Development, and the Economy~~ Hancock. ~~Office of California-Mexico Affairs~~. *Recycling: beverage containers: plastic bags.*

(1) *Under existing law, the California Beverage Container Recycling and Litter Reduction Act, every beverage container sold or offered for sale in this state is required to have a minimum refund value. A distributor is required to pay a redemption payment for every beverage container sold or offered for sale in the state to the Department of Conservation and the department is required to deposit those amounts in the California Beverage Container Recycling Fund. The money in*

*the fund is continuously appropriated to the department for the payment of refund values and processing fees.*

*The existing act requires the department to calculate a processing fee and a processing payment for each beverage container with a specified scrap value. The processing fee is required to be paid by beverage manufacturers for each beverage container sold or transferred to a dealer. Existing law requires the department to pay processing payments for redeemed containers to processors, for each type of beverage container for charity, in a specified manner. The department is required to reduce the processing fee for calendar year 2007 to zero for a container that has a recycling rate equal to, or greater than, 40%.*

*This bill would instead require the department to suspend the requirement to pay the processing fee for any container type with a certain recycling rate for calendar year 2008, if the balance of the fund is more than \$150,000,000.*

*(2) Existing law provides that the money in the California Beverage Container Recycling Fund is continuously appropriated to the department to pay refund values, administrative fees, and a reserve for contingencies. The department is then authorized to make other specified expenditures from the moneys remaining in the fund after the moneys for those purposes have been set aside, including the annual expenditure of \$15,000,000 for payments for curbside programs and neighborhood dropoff programs.*

*This bill would increase that amount for curbside programs and neighborhood dropoff programs to an expenditure of \$20,000,000 in 2008, and \$15,000,000 annually thereafter.*

*(3) The department is authorized to expend \$1,500,000 annually in the form of grants for beverage container recycling and litter reduction programs.*

*This bill would instead authorize the department to expend \$2,000,000 annually in the form of grants to nonprofit organizations and schools for beverage container recycling and litter reduction programs.*

*(4) The department is authorized to expend up to \$20,000,000 annually to issue grants for recycling market development and expansion-related activities, including specified research and market development.*

*This bill would authorize the department to expand up to \$24,000,000 in 2008, and up to \$20,000,000 annually thereafter for those purposes. The bill would additionally include, as eligible for these grants,*

*payments to operators of recycling centers and recycling programs in rural regions for certain transportation and other costs.*

*(5) Existing law authorizes the department to annually expend \$5,000,000, from January 1, 2007, to January 1, 2008, to provide grants to local governments or nonprofit agencies to place multifamily housing source separated container recycling receptacles in low-income communities.*

*This bill would increase the time period when those expenditures may be made to January 1, 2009, and would additionally include curbside program operators as eligible for those grants.*

*(6) The bill would additionally authorize the department to expend up to \$10,000,000 in 2008 to provide grants to local governments and other public agencies to reduce and remove beverage container litter that ends up in storm drains or contributes to marine debris.*

*(7) The bill would also additionally authorize up to \$5,000,000 to be expended in 2008 for grants to public agencies or nonprofit organizations for environmental education incentives to reduce beverage container waste and to increase beverage container recycling.*

*(8) The existing California Integrated Waste Management Act of 1989, which is administered by the California Integrated Waste Management Board establishes an integrated waste management program. The act requires every manufacturer of plastic trash bags of 0.75 mil or greater thickness (regulated bags) to ensure that a trash bag intended for sale in this state contains a quantity of recycled plastic postconsumer material equal to at least 10% of the weight of the bag, or that at least 30% of the weight of the material used in all of the manufacturer's plastic products intended for sale in this state is recycled plastic postconsumer material. A manufacturer is required to obtain certain information from its suppliers of recycled plastic postconsumer material and to submit a report to the board certifying compliance with those requirements.*

*This bill would require a manufacturer of plastic trash bags to submit, on or before March 1, 2008, and annually thereafter, until March 1, 2011, a report to the board certifying the total volume of plastic film and the volume of recycled plastic postconsumer material used in the manufacture of its regulated plastic trash bags sold or distributed in California. The bill would require the board, by July 1, 2008, to adopt a strategy and disposal reduction targets for reducing the disposal of plastic in California's waste stream.*

*The bill would provide that the requirements for the use of recycled plastic postconsumer material by a manufacturer of regulated bags, including the related enforcement and certification provisions, would not be operative as of January 1, 2007, and would repeal those provisions on January 1, 2008. The bill would then make those provisions operative on January 1, 2009, with conforming changes regarding the enforcement and certification requirements.*

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

~~Existing law establishes the Office of California-Mexico Affairs to serve as a clearinghouse for information and assistance to other state agencies involved with Mexico, and to develop favorable relations with Mexico.~~

~~This bill would make various technical, nonsubstantive changes regarding the above provisions.~~

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: ~~no~~ yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

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

1 *SECTION 1. Section 14514.7 of the Public Resources Code is*  
2 *amended to read:*

3 14514.7. “Nonprofit convenience zone recycler” means a  
4 recycling center that meets ~~all~~ *both* of the ~~following~~ *following* criteria in  
5 subdivisions (a) and (b) and at least one of the criteria specified  
6 in either subdivision (c) or (d):

7 (a) The recycling center is operated by an organization  
8 established under Section 501(c) or 501(d) of Title 26 of the United  
9 States Code.

10 (b) The recycling center is certified by the department pursuant  
11 to Section 14538.

12 (c) The recycling center is located within a convenience zone,  
13 but is not necessarily a supermarket site.

14 (d) *The recycling center is located within one mile of a*  
15 *supermarket whose convenience zone is unserved by a recycling*  
16 *center.*

17 (e) *The existence of that recycling center is the basis for an*  
18 *exemption from the requirement of subdivision (a) of Section*  
19 *14571.*

1 SEC. 2. Section 14575 of the Public Resources Code is  
2 amended to read:

3 14575. (a) If any type of empty beverage container with a  
4 refund value established pursuant to Section 14560 has a scrap  
5 value less than the cost of recycling, the department shall, on  
6 January 1, 2000, and on or before January 1 annually thereafter,  
7 establish a processing fee and a processing payment for the  
8 container by the type of the material of the container.

9 (b) The processing payment shall be at least equal to the  
10 difference between the scrap value offered to a statistically  
11 significant sample of recyclers by willing purchasers, and except  
12 for the initial calculation made pursuant to subdivision (d), the  
13 sum of both of the following:

14 (1) The actual cost for certified recycling centers, excluding  
15 centers receiving a handling fee, of receiving, handling, storing,  
16 transporting, and maintaining equipment for each container sold  
17 for recycling or, only if the container is not recyclable, the actual  
18 cost of disposal, calculated pursuant to subdivision (c). The  
19 department shall determine the statewide weighted average cost  
20 to recycle each beverage container type, which shall serve as the  
21 actual recycling costs for purposes of ~~paragraphs~~ *paragraph* (2)  
22 ~~and (3)~~ of subdivision (c), by conducting a survey of the costs of  
23 a statistically significant sample of certified recycling centers,  
24 excluding those recycling centers receiving a handling fee, for  
25 receiving, handling, storing, transporting, and maintaining  
26 equipment.

27 (2) A reasonable financial return for recycling centers.

28 (c) The department shall base the processing payment pursuant  
29 to this section upon all of the following:

30 (1) The department shall use the average scrap values paid to  
31 recyclers between October 1, 2001, and September 30, 2002, for  
32 the 2003 calculation and the same 12-month period directly  
33 preceding the year in which the processing fee is calculated for  
34 any subsequent calculation.

35 ~~(2) To calculate the 2003 processing payments, the department~~  
36 ~~shall use the recycling costs for certified recycling centers used to~~  
37 ~~calculate the January 1, 2002, processing payments.~~

38 ~~(3)~~

39 (2) For calculating processing payments that will be in effect  
40 on and after January 1, 2004, the department shall determine the

1 actual costs for certified recycling centers, every second year,  
2 pursuant to paragraph (1) of subdivision (b). The department shall  
3 adjust the recycling costs annually to reflect changes in the cost  
4 of living, as measured by the Bureau of Labor Statistics of the  
5 United States Department of Labor or a successor agency of the  
6 United States government.

7 ~~(d) Notwithstanding paragraph (1) of subdivision (b) and~~  
8 ~~subdivision (e), for the purpose of setting the cost for recycling~~  
9 ~~non polyethylene terephthalate (non-PET) plastic containers by~~  
10 ~~certified recycling centers to determine the processing payment~~  
11 ~~for those containers, the department shall use a recycling cost of~~  
12 ~~six hundred forty-two dollars and sixty-nine cents (\$642.69) per~~  
13 ~~ton for the January 1, 2002, calculation of the processing payment.~~

14 (e)

15 (d) Except as specified in subdivision ~~(f)~~ (g), the actual  
16 processing fee paid by a beverage manufacturer shall equal 65  
17 percent of the processing payment calculated pursuant to  
18 subdivision (b).

19 (f)

20 (e) The department, consistent with Section 14581 and subject  
21 to the availability of funds, shall reduce the processing fee paid  
22 by beverage manufacturers by expending funds in each material  
23 processing fee account, in the following manner:

24 ~~(1) The processing fee in effect on January 1, 2004, shall be~~  
25 ~~equal to the following amounts:~~

26 ~~(A) For a container type that was subject to this division on~~  
27 ~~January 1, 1999, 12 percent of the processing payment if the~~  
28 ~~recycling rate of that container type was equal to, or greater than,~~  
29 ~~60 percent for the 1999 calendar year.~~

30 ~~(B) For a container type that was not subject to this division on~~  
31 ~~January 1, 1999, 12 percent of the processing payment, if the~~  
32 ~~recycling rate of that container type was equal to, or greater than,~~  
33 ~~60 percent for the 2001 calendar year.~~

34 ~~(C) For a container type that was not subject to this division on~~  
35 ~~January 1, 1999, 15 percent of the processing payment if the~~  
36 ~~recycling rate for that container type was equal to, or greater than,~~  
37 ~~45 percent, but less than 60 percent for the 2001 calendar year.~~

38 ~~(D) For a container type that was not subject to this division on~~  
39 ~~January 1, 1999, 20 percent of the processing payment if the~~

1 recycling rate for that container type was equal to, or greater than,  
2 30 percent, but less than 45 percent, for the 2001 calendar year.

3 ~~(2)~~

4 (1) On January 1, 2005, and annually thereafter, the processing  
5 fee shall equal the following amounts:

6 (A) Ten percent of the processing payment for a container type  
7 with a recycling rate equal to or greater than 75 percent.

8 (B) Eleven percent of the processing payment for a container  
9 type with a recycling rate equal to or greater than 65 percent, but  
10 less than 75 percent.

11 (C) Twelve percent of the processing payment for a container  
12 type with a recycling rate equal to or greater than 60 percent, but  
13 less than 65 percent.

14 (D) Thirteen percent of the processing payment for a container  
15 type with a recycling rate equal to or greater than 55 percent, but  
16 less than 60 percent.

17 (E) Fourteen percent of the processing payment for a container  
18 type with a recycling rate equal to or greater than 50 percent, but  
19 less than 55 percent.

20 (F) Fifteen percent of the processing payment for a container  
21 type with a recycling rate equal to or greater than 45 percent, but  
22 less than 50 percent.

23 (G) Eighteen percent of the processing payment for a container  
24 type with a recycling rate equal to or greater than 40 percent, but  
25 less than 45 percent.

26 (H) Twenty percent of the processing payment for a container  
27 type with a recycling rate equal to or greater than 30 percent, but  
28 less than 40 percent.

29 (I) Sixty-five percent of the processing payment for a container  
30 type with a recycling rate less than 30 percent.

31 ~~(3)~~

32 (2) Notwithstanding this section, for calendar year ~~2007~~ 2008  
33 only, the department shall reduce to zero the processing fee paid  
34 for any container type with a recycling rate equal to, or greater  
35 than 40 percent. *if the balance of the fund that is subject to*  
36 *expenditure pursuant to Section 14581 on September 30, 2007 is*  
37 *more than one hundred fifty million dollars (\$150,000,000) the*  
38 *requirement to pay a processing fee for any container type shall*  
39 *be suspended during the subsequent calendar year (January 1 to*

1 December 31) for each container type with a recycling rate as  
2 follows:

3 (A) Equal to or greater than 45 percent for the 12-month period  
4 ending June 30, 2007.

5 (B) For any container type with a recycling rate of less than  
6 the required thresholds, the processing fee payment shall be in the  
7 amount provided in paragraph (1).

8 ~~(4)~~

9 (3) The department shall calculate the recycling rate for purposes  
10 of paragraphs ~~(2) and (3)~~ (1) and (2) based on the 12-month period  
11 ending on June 30 that directly precedes the date of the January 1  
12 processing fee determination.

13 ~~(g)~~

14 (f) Not more than once every three months, the department may  
15 make an adjustment in the amount of the processing payment  
16 established pursuant to this section notwithstanding any change  
17 in the amount of the processing fee established pursuant to this  
18 section, for any beverage container, if the department makes the  
19 following determinations:

20 (1) The statewide scrap value paid by processors for the material  
21 type for the most recent available 12-month period directly  
22 preceding the quarter in which the processing payment is to be  
23 adjusted is 5 percent more or 5 percent less than the average scrap  
24 value used as the basis for the processing payment currently in  
25 effect.

26 (2) Funds are available in the processing fee account for the  
27 material type.

28 (3) Adjusting the processing payment is necessary to further  
29 the objectives of this division.

30 ~~(h)~~

31 (g) (1) Except as provided in paragraphs (2) and (3), every  
32 beverage manufacturer shall pay to the department the applicable  
33 processing fee for each container sold or transferred to a distributor  
34 or dealer within 40 days of the sale in the form and in the manner  
35 which the department may prescribe.

36 (2) (A) Notwithstanding Section 14506, with respect to the  
37 payment of processing fees for beer and other malt beverages  
38 manufactured outside the state, the beverage manufacturer shall  
39 be deemed to be the person or entity named on the certificate of  
40 compliance issued pursuant to Section 23671 of the Business and

1 Professions Code. If the department is unable to collect the  
2 processing fee from the person or entity named on the certificate  
3 of compliance, the department shall give written notice by certified  
4 mail, return receipt requested, to that person or entity. The notice  
5 shall state that the processing fee shall be remitted in full within  
6 30 days of issuance of the notice or the person or entity shall not  
7 be permitted to offer that beverage brand for sale within the state.  
8 If the person or entity fails to remit the processing fee within 30  
9 days of issuance of the notice, the department shall notify the  
10 Department of Alcoholic Beverage Control that the certificate  
11 holder has failed to comply, and the Department of Alcoholic  
12 Beverage Control shall prohibit the offering for sale of that  
13 beverage brand within the state.

14 (B) The department shall enter into a contract with the  
15 Department of Alcoholic Beverage Control, pursuant to Section  
16 14536.5, concerning the implementation of this paragraph, which  
17 shall include a provision reimbursing the Department of Alcoholic  
18 Beverage Control for its costs incurred in implementing this  
19 paragraph.

20 (3) (A) Notwithstanding paragraph (1), if a beverage  
21 manufacturer displays a pattern of operation in compliance with  
22 this division and the regulations adopted pursuant to this division,  
23 to the satisfaction of the department, the beverage manufacturer  
24 may make a single annual payment of processing fees, if the  
25 beverage manufacturer meets either of the following conditions:

26 (i) If the redemption payment and refund value is not increased  
27 pursuant to paragraph (3) of subdivision (a) of Section 14560, the  
28 beverage manufacturer's projected processing fees for a calendar  
29 year total less than ten thousand dollars (\$10,000).

30 (ii) If the redemption payment and refund value is increased  
31 pursuant to paragraph (3) of subdivision (a) of Section 14560, the  
32 beverage manufacturer's projected processing fees for a calendar  
33 year total less than fifteen thousand dollars (\$15,000).

34 (B) An annual processing fee payment made pursuant to this  
35 paragraph is due and payable on or before February 1 for every  
36 beverage container sold or transferred by the beverage  
37 manufacturer to a distributor or dealer in the previous calendar  
38 year.

39 (C) A beverage manufacturer shall notify the department of its  
40 intent to make an annual processing fee payment pursuant to this

1 paragraph on or before January 31 of the calendar year for which  
2 the payment will be due.

3 (4) The department shall pay the processing payments on  
4 redeemed containers to processors, in the same manner as it pays  
5 refund values pursuant to Sections 14573 and 14573.5. The  
6 processor shall pay the recycling center the entire processing  
7 payment representing the actual costs and financial return incurred  
8 by the recycling center, as specified in subdivision (b).

9 (i)

10 (h) When assessing processing fees pursuant to subdivision (a),  
11 the department shall assess the processing fee on each container  
12 sold, as provided in subdivisions (e) and (f), by the type of material  
13 of the container, assuming that every container sold will be  
14 redeemed for recycling, whether or not the container is actually  
15 recycled.

16 (j)

17 (i) The container manufacturer, or a designated agent, shall pay  
18 to, or credit, the account of the beverage manufacturer in an amount  
19 equal to the processing fee.

20 (k)

21 (j) If, at the end of any calendar year for which glass recycling  
22 rates equal or exceed 45 percent and sufficient surplus funds remain  
23 in the glass processing fee account to make the reduction pursuant  
24 to this subdivision or if, at the end of any calendar year for which  
25 PET recycling rates equal or exceed 45 percent and sufficient  
26 surplus funds remain in the PET processing fee account to make  
27 the reduction pursuant to this subdivision, the department shall  
28 use these surplus funds in the respective processing fee accounts  
29 in the following calendar year to reduce the amount of the  
30 processing fee that would otherwise be due from glass or PET  
31 beverage manufacturers pursuant to this subdivision.

32 (1) The department shall reduce the glass or PET processing  
33 fee amount pursuant to this subdivision in addition to any reduction  
34 for which the glass or PET beverage container qualifies under  
35 subdivision (f).

36 (2) The department shall determine the processing fee reduction  
37 by dividing two million dollars (\$2,000,000) from each processing  
38 fee account by an estimate of the number of containers sold or  
39 transferred to a distributor during the previous calendar year, based  
40 upon the latest available data.

1 SEC. 3. Section 14581 of the Public Resources Code is  
2 amended to read:

3 14581. (a) Subject to the availability of funds, and pursuant  
4 to subdivision (c), the department shall expend the moneys set  
5 aside in the fund, pursuant to subdivision (c) of Section 14580, for  
6 the purposes of this section:

7 (1) (A) On and after July 1, 2005, to June 30, 2006, inclusive,  
8 up to thirty-one million dollars (\$31,000,000) may be expended  
9 for that fiscal year for the payment of handling fees pursuant to  
10 Section 14585.

11 (B) On and after July 1, 2006, to June 30, 2007, inclusive, up  
12 to thirty-three million dollars (\$33,000,000) may be expended for  
13 that fiscal year for the payment of handling fees pursuant to Section  
14 14585.

15 (C) On and after July 1, 2007, to June 30, 2008, inclusive, up  
16 to thirty-five million dollars (\$35,000,000) may be expended for  
17 that fiscal year for the payment of handling fees pursuant to Section  
18 14585.

19 (D) For each fiscal year commencing July 1, 2008, the  
20 department may expend the amount necessary to make the required  
21 handling fee payment pursuant to Section 14585.

22 (2) ~~Fifteen~~ *Twenty* million dollars ~~(\$15,000,000)~~ *(\$20,000,000)*  
23 shall be expended *in 2008, and fifteen million dollars (\$15,000,000)*  
24 annually *thereafter* for payments for curbside programs and  
25 neighborhood dropoff programs pursuant to Section 14549.6.

26 (3) (A) Fifteen million dollars (\$15,000,000), plus the  
27 proportional share of the cost-of-living adjustment, as provided in  
28 subdivision (b), shall be expended annually in the form of grants  
29 for beverage container litter reduction programs and recycling  
30 programs issued to either of the following:

31 (i) Certified community conservation corps that were in  
32 existence on September 30, 1999, or that are formed subsequent  
33 to that date, that are designated by a city or a city and county to  
34 perform litter abatement, recycling, and related activities, if the  
35 city or the city and county has a population, as determined by the  
36 most recent census, of more than 250,000 persons.

37 (ii) Community conservation corps that are designated by a  
38 county to perform litter abatement, recycling, and related activities,  
39 and are certified by the California Conservation Corps as having

1 operated for a minimum of two years and as meeting all other  
2 criteria of Section 14507.5.

3 (B) Any grants provided pursuant to this paragraph shall not  
4 comprise more than 75 percent of the annual budget of a  
5 community conservation corps.

6 ~~(C) The community conservation corps issued grants pursuant  
7 to clause (ii) of subparagraph (A) shall also meet the criteria of  
8 Section 14507.6, if Assembly Bill 3038 of the Regular Session of  
9 the Legislature is enacted and adds Section 14507.6 to the Public  
10 Resources Code.~~

11 (4) (A) On or after July 1, 2007, until June 30, 2008, for only  
12 that fiscal year, up to twenty million dollars (\$20,000,000) may  
13 be expended in the form of competitive grants issued to community  
14 conservation corps that are designated by a city, or county and that  
15 meet all of the following criteria:

16 (i) Are certified by the California Conservation Corps as having  
17 operated for a minimum of two years.

18 (ii) Meet all other requirements under Section 14507.5.

19 (B) The department shall prepare and adopt criteria and  
20 procedures for evaluating grant applications on a competitive basis.  
21 Eligible activities for the use of these funds shall include  
22 developing new projects, or enhancing or assisting existing  
23 projects, to increase beverage container recycling and increasing  
24 the quality of recycled material at the following locations:

25 ~~(1) Multi-family~~

26 (i) *Multifamily* dwellings.

27 ~~(2)~~

28 (ii) Schools.

29 ~~(3)~~

30 (iii) Commercial, state, and local government buildings.

31 ~~(4)~~

32 (iv) Bars, restaurants, hotels, and lodging establishments, and  
33 entertainment venues.

34 ~~(5)~~

35 (v) Parks and beaches.

36 (C) Any grants provided pursuant to this paragraph shall not  
37 comprise more than 75 percent of the annual budget of a  
38 community conservation corps.

1 (D) Any grants provided pursuant to this paragraph shall support  
2 one-time capital improvement projects and shall not be used to  
3 support ongoing staff activities.

4 (E) Any grant funds appropriated pursuant to this paragraph  
5 that have not been awarded to a grantee prior to the end of the  
6 2007–08 fiscal year shall revert to the fund.

7 (5) Ten million five hundred thousand dollars (\$10,500,000)  
8 may be expended annually for payments of five thousand dollars  
9 (\$5,000) to cities and ten thousand dollars (\$10,000) for payments  
10 to counties for beverage container recycling and litter cleanup  
11 activities, or the department may calculate the payments to counties  
12 and cities on a per capita basis, and may pay whichever amount  
13 is greater, for those activities.

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

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

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

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

38 (F) For the purposes of this paragraph, per capita population  
39 shall be based on the population of the incorporated area of a city  
40 or city and county and the unincorporated area of a county. The

1 department may withhold payment to any city, county, or city and  
2 county that has prohibited the siting of a supermarket site, caused  
3 a supermarket site to close its business, or adopted a land use policy  
4 that restricts or prohibits the siting of a supermarket site within its  
5 jurisdiction.

6 (6) ~~One million five hundred thousand dollars (\$1,500,000)~~ *Two*  
7 *million dollars (\$2,000,000)* may be expended annually in the form  
8 of grants *to nonprofit organizations and schools* for beverage  
9 container recycling and litter reduction programs.

10 (7) (A) The department shall expend the amount necessary to  
11 pay the processing payment and supplemental processing payment  
12 established pursuant to Sections 14575 and 14575.5 and pay  
13 processing fee rebates pursuant to Section 14575.2. The department  
14 shall establish separate processing fee accounts in the fund for  
15 each beverage container material type for which a processing  
16 payment and processing fee are calculated pursuant to Section  
17 14575, or for which a processing payment is calculated pursuant  
18 to Section 14575 and a voluntary artificial scrap value is calculated  
19 pursuant to Section 14575.1, into which account shall be deposited  
20 all of the following:

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

23 (ii) Funds equal to the difference between the amount in clause  
24 (i) and the amount of the processing payments established in  
25 subdivision (b) of Section 14575, and adjusted pursuant to  
26 ~~paragraphs (2) and (3)~~ *paragraph (2)* of subdivision (c) of, and  
27 subdivision ~~(f)~~ *(e)* of, Section 14575, to reduce the processing fee  
28 to the level provided in subdivision ~~(f)~~ *(e)* of Section 14575, or to  
29 reflect the agreement by a willing purchaser to pay a voluntary  
30 artificial scrap value pursuant to Section 14575.1.

31 (iii) Funds equal to an amount sufficient to pay the total amount  
32 of the supplemental processing payments established pursuant to  
33 Section 14575.5.

34 (B) Notwithstanding Section 13340 of the Government Code,  
35 the money in each processing fee account is hereby continuously  
36 appropriated to the department for expenditure without regard to  
37 fiscal years, for purposes of making processing payments and  
38 supplemental processing payments, and reducing processing fees,  
39 pursuant to Sections 14575 and 14575.5 and paying processing  
40 fee rebates pursuant to Section 14575.2.

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

5 (9) Until January 1, 2008, the department may expend up to  
6 five million dollars (\$5,000,000) for the purposes of undertaking  
7 a statewide public education and information campaign aimed at  
8 promoting increased recycling of beverage containers that meets  
9 both of the following requirements:

10 (A) The public education and information campaign is  
11 multimedia and includes print, radio, and television.

12 (B) The public education and information campaign is  
13 multilingual.

14 ~~(10) (A) Until January 1, 2007, up to three million dollars~~  
15 ~~(\$3,000,000) shall be expended annually for the payment of quality~~  
16 ~~glass incentive payments pursuant to Section 14549.1.~~

17 ~~(B)~~

18 (10) On and after January 1, 2007, up to fifteen million dollars  
19 (\$15,000,000) may be expended annually by the department for  
20 quality incentive payments for empty beverage containers pursuant  
21 to Section 14549.1.

22 (11) Up to *twenty-four million dollars (\$24,000,000) may be*  
23 *expended in 2008, and up to twenty million dollars (\$20,000,000)*  
24 *may be expended annually thereafter* by the department, until  
25 January 1, 2012, to issue grants for recycling market development  
26 and expansion-related activities aimed at increasing the recycling  
27 of beverage containers, including, but not limited to, the following:

28 (A) Research and development of collecting, sorting, processing,  
29 cleaning, or otherwise upgrading the market value of recycled  
30 beverage containers.

31 (B) Identification, development, and expansion of markets for  
32 recycled beverage containers.

33 (C) Research and development for products manufactured using  
34 recycled beverage containers.

35 (D) Research and development to provide high-quality materials  
36 that are substantially free of contamination.

37 (E) Payments to California manufacturers who recycle beverage  
38 containers that are marked by resin type identification code “3,”  
39 “4,” “5,” “6,” or “7,” pursuant to Section 18015.

1 (F) *Payments to operators of recycling centers and recycling*  
 2 *programs in rural regions, as defined in subparagraph (A) of*  
 3 *paragraph (1) of subdivision (b) of Section 14571, for beverage*  
 4 *containers to cover any transportation costs or other costs in excess*  
 5 *of processing payments as determined by the department.*

6 (12) Up to ten million dollars (\$10,000,000) may be transferred  
 7 on a one-time basis by the department to the Recycling  
 8 Infrastructure Loan Guarantee Account, for expenditure pursuant  
 9 to Section 14582.

10 (13) Up to ten million dollars (\$10,000,000) may be expended  
 11 annually by the department for the payment of recycling incentive  
 12 payments pursuant to Section 14549.7 until payments for eligible  
 13 beverage containers redeemed or collected for recycling on or  
 14 before December 31, 2009, have been paid.

15 (14) Up to five million dollars (\$5,000,000) may be expended  
 16 annually by the department for market development payments for  
 17 empty plastic beverage containers pursuant to Section 14549.2,  
 18 until January 1, 2012.

19 (15) Up to five million dollars (\$5,000,000) may be expended,  
 20 by the department, on a one-time basis beginning on January 1,  
 21 2007, in coordination with the Department of Parks and Recreation  
 22 for the purposes of installing source separated beverage container  
 23 recycling receptacles at each of the state parks, starting with those  
 24 parks that have the highest day use.

25 (16) Up to five million dollars (\$5,000,000) *annually* may be  
 26 expended, from January 1, 2007, to January 1, ~~2008~~ 2009, to  
 27 provide grants to local governments, *curbside program operators*,  
 28 or nonprofit agencies to place multifamily housing source separated  
 29 beverage container recycling receptacles in low-income  
 30 communities.

31 (17) *Up to ten million dollars (\$10,000,000) may be expended*  
 32 *in 2008 by the department to provide grants to local governments*  
 33 *and other public agencies to reduce and remove beverage*  
 34 *container litter that ends up in storm drains or contributes to*  
 35 *marine debris.*

36 (18) *Up to five million dollars (\$5,000,000) may be expended*  
 37 *in 2008 in grants to public agencies or nonprofit organizations*  
 38 *for environmental education initiatives aimed at reducing beverage*  
 39 *container litter and waste and increasing recycling of beverage*  
 40 *containers, including, but not limited to, curriculum development,*

1 *field science-based programs, school-based programs, or other*  
2 *public education programs .*

3 (b) The fifteen million dollars (\$15,000,000) that is set aside  
4 pursuant to paragraph (3) of subdivision (a) is a base amount that  
5 the department shall adjust annually to reflect any increases or  
6 decreases in the cost of living, as measured by the Department of  
7 Labor, or a successor agency, of the federal government.

8 (c) (1) The department shall review all funds on a quarterly  
9 basis to ensure that there are adequate funds to make the payments  
10 specified in this section and the processing fee reductions required  
11 pursuant to Section 14575.

12 (2) If the department determines, pursuant to a review made  
13 pursuant to paragraph (1), that there may be inadequate funds to  
14 pay the payments required by this section and the processing fee  
15 reductions required pursuant to Section 14575, the department  
16 shall immediately notify the appropriate policy and fiscal  
17 committees of the Legislature regarding the inadequacy.

18 (3) On or before 180 days after the notice is sent pursuant to  
19 paragraph (2), the department may reduce or eliminate  
20 expenditures, or both, from the funds as necessary, according to  
21 the procedure set forth in subdivision (d).

22 (d) If the department determines that there are insufficient funds  
23 to make the payments specified pursuant to this section and Section  
24 14575, the department shall reduce all payments proportionally.

25 (e) Prior to making an expenditure pursuant to paragraph (7) of  
26 subdivision (a), the department shall convene an advisory  
27 committee consisting of representatives of the beverage industry,  
28 beverage container manufacturers, environmental organizations,  
29 the recycling industry, nonprofit organizations, and retailers, to  
30 advise the department on the most cost-effective and efficient  
31 method of the expenditure of the funds for that education and  
32 information campaign.

33 (f) After setting aside money for the expenditures required  
34 pursuant to subdivisions (a) and (b) and Section 14580, the  
35 department may, on and after January 1, 2007, but not after July  
36 1, 2007, expend remaining moneys in the fund to pay a refund  
37 value in an amount greater than the refund value established  
38 pursuant to subdivision (b) of Section 14560.

39 *SEC. 4. Section 42291 of the Public Resources Code is*  
40 *amended to read:*

1 42291. (a) ~~Until January 1, 1998, every manufacturer that~~  
 2 ~~manufactures plastic trash bags of 0.75 mil or greater thickness~~  
 3 ~~for sale in this state shall ensure that at least 30 percent of the~~  
 4 ~~material used in those plastic trash bags is recycled plastic~~  
 5 ~~postconsumer material.~~  
 6 ~~(b) (1) On and after January 1, 1998, the manufacturer's~~  
 7 ~~required use of recycled plastic postconsumer material shall be~~  
 8 ~~determined pursuant to paragraph (2). Compliance by a~~  
 9 ~~manufacturer with either alternative shall be deemed to be~~  
 10 ~~compliance with this subdivision.~~  
 11 ~~(2) Every~~  
 12 ~~(a) Every manufacturer of regulated bags for sale in this state~~  
 13 ~~shall do one of the following:~~  
 14 ~~(A)~~  
 15 ~~(1) Ensure that its plastic trash bags intended for sale in this~~  
 16 ~~state contain a quantity of recycled plastic postconsumer material~~  
 17 ~~equal to at least 10 percent of the weight of the regulated bags.~~  
 18 ~~(B)~~  
 19 ~~(2) Ensure that at least 30 percent of the weight of the material~~  
 20 ~~used in all of its plastic products intended for sale in this state is~~  
 21 ~~recycled plastic postconsumer material.~~  
 22 ~~(3)~~  
 23 ~~(b) Beginning March 1, 1999, and annually thereafter, every~~  
 24 ~~manufacturer subject to this subdivision shall certify to the board~~  
 25 ~~that it has used the required amount of recycled plastic~~  
 26 ~~postconsumer material annually in compliance with paragraph (2)~~  
 27 ~~subdivision (a).~~  
 28 ~~(c) Any certification of postconsumer materials used for~~  
 29 ~~compliance with this chapter shall not include any materials that~~  
 30 ~~are certified or used for compliance with any other state or federal~~  
 31 ~~requirement that requires the use or reporting of postconsumer~~  
 32 ~~materials for any plastic products.~~  
 33 ~~(d) If any manufacturer subject to this section is unable to obtain~~  
 34 ~~sufficient amounts of recycled plastic postconsumer material to~~  
 35 ~~comply with this section within a reporting period because of~~  
 36 ~~unavailability or because the available material did not meet~~  
 37 ~~recycled plastic postconsumer material quality standards adopted~~  
 38 ~~by the board, the manufacturer shall certify that fact to the board.~~  
 39 ~~Each manufacturer making that certification shall make a~~

1 reasonable effort to identify available supplies of material before  
2 submitting certification to the board.

3 (e) The Legislature hereby finds and declares that although the  
4 changes made to this section by the act amending this section  
5 during the 1998 portion of the 1997–98 Regular Session become  
6 effective after January 1, 1998, it is the intent of the Legislature  
7 that the new requirements specified in subdivision (b) be effective  
8 as of January 1, 1998. The Legislature further finds that this change  
9 is requested by the manufacturers subject to this section and that  
10 the retroactive effect of these changes will not cause any hardship  
11 on any manufacturer subject to this section, or cause any  
12 manufacturer to be subject to regulatory action as a result of these  
13 changes, but rather, would instead have the effect of preventing  
14 hardship to the manufacturers regulated by this section.

15 (f) *This section shall become inoperative on January 1, 2007,*  
16 *and, as of January 1, 2008, is repealed, unless a later enacted*  
17 *statute that is enacted before January 1, 2008, deletes or extends*  
18 *the dates on which it becomes inoperative and is repealed.*

19 *SEC. 5. Section 42291 is added to the Public Resources Code,*  
20 *to read:*

21 *42291. (a) On and after January 1, 2009, every manufacturer*  
22 *of regulated bags for sale in this state shall do one of the following:*

23 (1) *Ensure that its plastic trash bags intended for sale in this*  
24 *state contain a quantity of recycled plastic postconsumer material*  
25 *equal to at least 10 percent of the weight of the regulated bags.*

26 (2) *Ensure that at least 30 percent of the weight of the material*  
27 *used in all of its plastic products intended for sale in this state is*  
28 *recycled plastic postconsumer material.*

29 (b) *On and after March 1, 2010, and annually thereafter, every*  
30 *manufacturer subject to this subdivision shall certify to the board*  
31 *that it has used the required amount of recycled plastic*  
32 *postconsumer material annually in compliance with subdivision*  
33 *(a).*

34 (c) *Any certification of postconsumer materials used for*  
35 *compliance with this chapter shall not include any materials that*  
36 *are certified or used for compliance with any other state or federal*  
37 *requirement that requires the use or reporting of postconsumer*  
38 *materials for any plastic products.*

39 (d) *If any manufacturer subject to this section is unable to obtain*  
40 *sufficient amounts of recycled plastic postconsumer material to*

1 *comply with this section within a reporting period because of*  
 2 *unavailability or because the available material did not meet*  
 3 *recycled plastic postconsumer material quality standards adopted*  
 4 *by the board, the manufacturer shall certify that fact to the board.*  
 5 *Each manufacturer making that certification shall make a*  
 6 *reasonable effort to identify available supplies of material before*  
 7 *submitting certification to the board.*

8 *(e) This section shall become operative January 1, 2009.*

9 *SEC. 6. Section 42291.5 of the Public Resources Code is*  
 10 *amended to read:*

11 *42291.5. (a) For each pound of recycled plastic postconsumer*  
 12 *material purchased from a source of recycled plastic postconsumer*  
 13 *material in this state for use in the manufacture of plastic trash*  
 14 *bags, or other products manufactured with recycled plastic*  
 15 *postconsumer material in compliance with this chapter, the board*  
 16 *shall credit the manufacturer certifying pursuant to Section 42293*  
 17 *with having used 1.2 pounds of recycled plastic postconsumer*  
 18 *material toward compliance with the requirements of Section*  
 19 *42291.*

20 *(b) This section shall become inoperative on January 1, 2007,*  
 21 *and, as of January 1, 2008, is repealed, unless a later enacted*  
 22 *statute that is enacted before January 1, 2008, deletes or extends*  
 23 *the dates on which it becomes inoperative and is repealed.*

24 *SEC. 7. Section 42291.5 is added to the Public Resources Code,*  
 25 *to read:*

26 *42291.5. (a) For each pound of recycled plastic postconsumer*  
 27 *material purchased from a source of recycled plastic postconsumer*  
 28 *material in this state for use in the manufacture of plastic trash*  
 29 *bags, or other products manufactured with recycled plastic*  
 30 *postconsumer material in compliance with this chapter, the board*  
 31 *shall credit the manufacturer certifying pursuant to Section 42293*  
 32 *with having used 1.2 pounds of recycled plastic postconsumer*  
 33 *material toward compliance with the requirements of Section*  
 34 *42291.*

35 *(b) This section shall become operative January 1, 2009.*

36 *SEC. 8. Section 42292 of the Public Resources Code is*  
 37 *amended to read:*

38 *42292. (a) Each manufacturer shall obtain from its suppliers*  
 39 *of recycled plastic postconsumer material for use in the*  
 40 *manufacture of plastic trash bags, or other products manufactured*

1 with recycled plastic postconsumer material in compliance with  
2 this chapter, a statement identifying the quantity, source location,  
3 and proximate prior usage of, and the actual postconsumer material  
4 content of, each shipment of recycled plastic postconsumer material  
5 purchased by the manufacturer, and any other information that the  
6 board, may, by regulation, require the manufacturer to obtain from  
7 its suppliers, for purposes of inclusion in the annual report required  
8 by Section 42293.

9 *(b) This section shall become inoperative on January 1, 2007,*  
10 *and, as of January 1, 2008, is repealed, unless a later enacted*  
11 *statute that is enacted before January 1, 2008, deletes or extends*  
12 *the dates on which it becomes inoperative and is repealed.*

13 *SEC. 9. Section 42292 is added to the Public Resources Code,*  
14 *to read:*

15 *42292. (a) Each manufacturer shall obtain from its suppliers*  
16 *of recycled plastic postconsumer material for use in the*  
17 *manufacture of plastic trash bags, or other products manufactured*  
18 *with recycled plastic postconsumer material in compliance with*  
19 *this chapter, a statement identifying the quantity, source location,*  
20 *and proximate prior usage of, and the actual postconsumer*  
21 *material content of, each shipment of recycled plastic postconsumer*  
22 *material purchased by the manufacturer, and any other information*  
23 *that the board, may, by regulation, require the manufacturer to*  
24 *obtain from its suppliers, for purposes of inclusion in the annual*  
25 *report required by Section 42293.*

26 *(b) This section shall become operative January 1, 2009.*

27 *SEC. 10. Section 42293 of the Public Resources Code is*  
28 *amended to read:*

29 *42293. (a) On or before March 1, 1999, and annually thereafter,*  
30 *each manufacturer subject to this chapter shall submit a report to*  
31 *the board certifying that it has complied with Section 42291 during*  
32 *the preceding calendar year, certifying the name and physical*  
33 *location of each of its suppliers of recycled plastic postconsumer*  
34 *material for use in the manufacture of plastic trash bags, or other*  
35 *products manufactured with recycled plastic postconsumer material*  
36 *in compliance with this chapter, and containing the information*  
37 *obtained pursuant to Section 42292 and any other information that*  
38 *the board may require by regulation. Any manufacturer that*  
39 *processes its own recycled plastic postconsumer material shall*  
40 *certify to the board that it is the supplier of the material.*

1 ~~(b) On or before October 1, 2001, the board shall survey~~  
2 ~~manufacturers subject to this section and, notwithstanding Section~~  
3 ~~7550.5 of the Government Code, report back to the Legislature.~~  
4 ~~The survey shall do all of the following:~~

5 ~~(1) Identify the name and physical location of suppliers certified~~  
6 ~~by manufacturers pursuant to subdivision (a).~~

7 ~~(2) Identify the quantity of recycled plastic postconsumer~~  
8 ~~material provided by suppliers within the state and the quantity of~~  
9 ~~the material provided by suppliers outside the state.~~

10 ~~(3) Provide recommendations regarding recycled plastic~~  
11 ~~postconsumer material content requirements based on the~~  
12 ~~availability of that material.~~

13 ~~(4) Identify gauge thickness of all regulated bags.~~

14 ~~(5) Determine national production versus production of a~~  
15 ~~separate line for California.~~

16 *(b) This section shall become inoperative on January 1, 2007,*  
17 *and, as of January 1, 2008, is repealed, unless a later enacted*  
18 *statute that is enacted before January 1, 2008, deletes or extends*  
19 *the dates on which it becomes inoperative and is repealed.*

20 *SEC. 11. Section 42293 is added to the Public Resources Code,*  
21 *to read:*

22 *42293. (a) On or before March 1, 2012, and annually*  
23 *thereafter, each manufacturer subject to this chapter shall submit*  
24 *a report to the board certifying that it has complied with Section*  
25 *42291 during the preceding calendar year, certifying the name*  
26 *and physical location of each of its suppliers of recycled plastic*  
27 *postconsumer material for use in the manufacture of plastic trash*  
28 *bags, or other products manufactured with recycled plastic*  
29 *postconsumer material in compliance with this chapter, and*  
30 *containing the information obtained pursuant to Section 42292*  
31 *and any other information that the board may require by*  
32 *regulation. Any manufacturer that processes its own recycled*  
33 *plastic postconsumer material shall certify to the board that it is*  
34 *the supplier of the material.*

35 *(b) This section shall become operative January 1, 2009.*

36 *SEC. 12. Section 42294 of the Public Resources Code is*  
37 *amended to read:*

38 *42294. (a) Every wholesaler of plastic trash bags of 1.0 mil*  
39 *or greater thickness sold in this state shall certify to the board the*  
40 *name and physical location of each manufacturer from whom it*

1 purchased plastic trash bags for purposes of inclusion in the annual  
2 report required by subdivision (c).

3 (b) On and after January 1, 1995, every wholesaler of trash bags  
4 of 0.75 mil or greater thickness sold in this state shall certify to  
5 the board the name and physical location of each manufacturer  
6 from whom it purchased plastic trash bags for purposes of inclusion  
7 in the annual report required by subdivision (c).

8 (c) On or before March 1, 1994, and annually thereafter, each  
9 wholesaler shall submit a report to the board containing the  
10 certification required by this section for the preceding calendar  
11 year, together with any other information that the board may  
12 require by regulation.

13 (d) *This section shall become inoperative on January 1, 2007,*  
14 *and, as of January 1, 2008, is repealed, unless a later enacted*  
15 *statute that is enacted before January 1, 2008, deletes or extends*  
16 *the dates on which it becomes inoperative and is repealed.*

17 SEC. 13. Section 42294 is added to the Public Resources Code,  
18 to read:

19 42294. (a) Every wholesaler of plastic trash bags of 1.0 mil  
20 or greater thickness sold in this state shall certify to the board the  
21 name and physical location of each manufacturer from whom it  
22 purchased plastic trash bags for purposes of inclusion in the annual  
23 report required by subdivision (c).

24 (b) On and after January 1, 2011, every wholesaler of trash  
25 bags of 0.75 mil or greater thickness sold in this state shall certify  
26 to the board the name and physical location of each manufacturer  
27 from whom it purchased plastic trash bags for purposes of  
28 inclusion in the annual report required by subdivision (c).

29 (c) On or before March 1, 2012, and annually thereafter, each  
30 wholesaler shall submit a report to the board containing the  
31 certification required by this section for the preceding calendar  
32 year, together with any other information that the board may  
33 require by regulation.

34 (d) *This section shall become operative January 1, 2009.*

35 SEC. 14. Section 42297.1 is added to the Public Resources  
36 Code, to read:

37 42297.1. A manufacturer of plastic trash bags, as defined in  
38 Section 42290, shall submit, on or before March 1, 2008, and  
39 annually thereafter until March 1, 2011, a report to the board  
40 certifying the total volume of plastic film and the volume of

1 recycled plastic post consumer material used in the manufacture  
2 of its regulated plastic trash bags sold or distributed in California.

3 SEC. 15. Section 42299 is added to the Public Resources Code,  
4 to read:

5 42299. On or before July 1, 2008, the board, utilizing  
6 information, conclusions, and recommendations from existing  
7 reports, white papers, and waste characterization studies, shall  
8 adopt a strategy and disposal reduction targets for reducing the  
9 disposal of plastic in California’s wastestream.

10 SEC. 16. This act is an urgency statute necessary for the  
11 immediate preservation of the public peace, health, or safety within  
12 the meaning of Article IV of the Constitution and shall go into  
13 immediate effect. The facts constituting the necessity are:

14 In order to continue to allow the most efficient collection of  
15 litter, and, therefor, protect the public health and safety, it is  
16 necessary that this act take effect immediately.

17 SECTION 1. Chapter 8 (commencing with Section 8700) of  
18 Division 1 of Title 2 of the Government Code is repealed.

19 SEC. 2. Chapter 2 (commencing with Section 99510) is added  
20 to Title 20 of the Government Code, to read:

21

22 CHAPTER 2. OFFICE OF CALIFORNIA-MEXICO AFFAIRS

23

24 99510. The Legislature finds and declares the following:

25 (a) The United States and Mexican economies have become  
26 increasingly integrated, particularly since the 1994 adoption of the  
27 North American Free Trade Agreement, or NAFTA.

28 (b) This integration has brought both California and Mexico  
29 opportunities and challenges in the areas of economic development,  
30 labor relations, and environmental protection.

31 (c) The California Office of the Southwest Border Regional  
32 Conference (formerly commission) was established as part of a  
33 joint American border states effort to further and develop favorable  
34 relations with the six Mexican border states.

35 (d) The efforts of the California office of the conference continue  
36 to be an essential part of California’s interaction with Mexico.

37 (e) It is important for the state and for the nation that state  
38 agencies continue to address important United States-Mexico  
39 issues.

1 ~~(f) The Office of California-Mexico Affairs provides a focal~~  
2 ~~point in state government to serve as a clearinghouse for~~  
3 ~~information and assistance to other state agencies which are~~  
4 ~~involved with Mexico.~~

5 99511. ~~The following definitions shall govern the construction~~  
6 ~~of this chapter:~~

7 ~~(a) “Office” means the Office of California-Mexico Affairs.~~

8 ~~(b) “Conference” means the Southwest Border Regional~~  
9 ~~Conference.~~

10 99512. ~~(a) There is in state government an Office of~~  
11 ~~California-Mexico Affairs. Within this office the operations of the~~  
12 ~~California Office of the Southwest Border Regional Conference~~  
13 ~~shall be continued.~~

14 ~~(b) The office succeeds to and is vested with all the duties,~~  
15 ~~powers, purposes, and responsibilities vested in the California~~  
16 ~~office of the conference and previously vested in the Commission~~  
17 ~~of the Californias.~~

18 ~~(c) The office shall have possession and control of all records,~~  
19 ~~papers, offices, equipment, supplies, moneys, funds, appropriations,~~  
20 ~~land, and other property, real or personal, held for the benefit or~~  
21 ~~use of the California office of the conference, or previously held~~  
22 ~~for the benefit or use of the commission, in the performance of the~~  
23 ~~duties, powers, purposes, responsibilities, and jurisdiction of the~~  
24 ~~California office of the conference or the commission.~~

25 99513. ~~The members of the Southwest Border Regional~~  
26 ~~Conference shall be the Governors of the four American border~~  
27 ~~states. The California member of the conference is the Governor~~  
28 ~~of California or his designee.~~

29 99514. ~~The office shall further and develop favorable relations~~  
30 ~~with the State of Baja California, the State of Baja California Sur,~~  
31 ~~other Mexican states bordering on the United States, and the~~  
32 ~~remaining states and territories of the Republic of Mexico~~  
33 ~~necessary for the completion of the office’s tasks. The office shall~~  
34 ~~cooperate with similar organizations and agencies situated within~~  
35 ~~California, the United States, or Mexico, to further economic~~  
36 ~~development, improve working conditions and living standards,~~  
37 ~~and foster the protection and improvement of the environment in~~  
38 ~~Mexico and California. The office shall avail itself of the services~~  
39 ~~of the San Diego State University, which is engaged in educational,~~  
40 ~~cultural, and research activities with Mexico. The office shall be~~

1 responsible for carrying out the ongoing responsibilities of the  
2 Southwest Border Regional Conference.

3 99515. The Governor shall appoint a director of the office. The  
4 director may appoint and employ any personnel which he or she  
5 deems necessary to carry out the functions of the office. The office  
6 may incur all necessary expenses to effectuate its purposes and  
7 may accept grants from federal and state agencies. The office may  
8 also accept funds from private organizations or individuals in order  
9 to assist it in the accomplishment of its functions as set forth in  
10 this chapter.

11 99516. Members and employees of the office may travel outside  
12 of California and may hold hearings and conduct investigations  
13 within and outside of the state whenever necessary to carry out  
14 the duties set forth in this chapter. Members and employees may  
15 acquire any available information from any governmental agency  
16 within the United States or Mexico necessary to the completion  
17 of their tasks.

18 99517. The office shall be responsible for the establishment  
19 of committees in those topic areas deemed necessary by the  
20 director. Recommendations of the committees shall not be binding  
21 on the Governor or the Legislature but shall only be advisory in  
22 nature.

23 SEC. 3. A chapter heading is added immediately preceding  
24 Section 99500 of Title 20 of the Government Code, to read:

25  
26  
27

CHAPTER 1. GENERAL PROVISIONS