

AMENDED IN ASSEMBLY SEPTEMBER 6, 2007

AMENDED IN ASSEMBLY JULY 9, 2007

AMENDED IN SENATE MAY 8, 2007

AMENDED IN SENATE MARCH 26, 2007

**SENATE BILL**

**No. 898**

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**Introduced by Senator Simitian**

February 23, 2007

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~~An act to add Section 63.7 to the Harbors and Navigation Code, and to amend Sections 18015 and 48021 of the Public Resources Code, relating to solid waste. An act to amend Sections 18716 and 18744 of the Revenue and Taxation Code, relating to taxation.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 898, as amended, Simitian. ~~Beverage containers: solid waste cleanup: marinas and harbors. Personal income tax return: voluntary contributions.~~

*Under the Personal Income Tax Law, individual taxpayers are allowed to contribute amounts in excess of their tax liability for the support of specified funds or accounts, including, among others, the State Children's Trust Fund for the Prevention of Child Abuse and the Endangered and Rare Fish, Wildlife, and Plant Species Conservation and Enhancement Account. That law provides for the repeal of the contribution provisions for these funds on January 1, 2008.*

*This bill would instead provide a repeal date of January 1, 2013, for the contribution provisions for the State Children's Trust Fund for the Prevention of Child Abuse and the Endangered and Rare Fish, Wildlife, and Plant Species Conservation and Enhancement Account.*

*This bill would also make a technical, nonsubstantive change to one of the contribution provisions.*

~~(1) Existing law requires all rigid plastic bottles and rigid plastic containers sold in the state to be labeled with a code that indicates the resin used to produce the bottles or containers, with specified numbers and letters. The Division of Recycling of the Department of Conservation is required to maintain a list of abbreviations used on those labels.~~

~~This bill would additionally include, in the list of codes, “0” or “PLA,” which indicates bottles or containers made with polylactic acid.~~

~~(2) Under the California Integrated Waste Management Act of 1989, the California Integrated Waste Management Board is required to initiate a program for the cleanup of solid waste disposal sites and the cleanup of solid waste at codisposal sites, as defined, where the responsible party either cannot be identified or is unable or unwilling to pay for timely remediation, and where cleanup is needed to protect public health and safety or the environment. The act authorizes the board to expend a portion of the funds appropriated for the program for grants to public entities to abate illegal disposal sites, and specifies that for purposes of that authorization, an activity to remove or abate solid waste disposed into a municipal storm sewer is eligible to receive a partial grant, if the grant is used for solid waste cleanup, solid waste abatement, or any other activity that mitigates the impact of solid waste, and an ongoing program is established to prevent recurring solid waste disposal into the municipal storm sewer.~~

~~This bill would specify that the authorization to use a grant for any other activity that mitigates the impact of solid waste, concerns solid waste that would otherwise be disposed into the municipal storm sewer. The bill would also specify that the ongoing program established to prevent recurring solid waste disposal into the municipal storm sewer is required to be established by the public entity.~~

~~(3) The Department of Boating and Waterways is required, among other things, to acquire, construct, develop, and improve small craft harbors, related facilities, and connecting waterways.~~

~~This bill would require the Department of Boating and Waterways to recommend to the Legislature, by July 1, 2008, in coordination with the board, the California Coastal Commission, and the Department of Fish and Game, guidelines and programs for the removal and disposal of derelict fishing gear in the marine waters of the state, and programs~~

to improve waste management of derelict fishing gear by marina and vessel operators in marinas and harbors.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

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

1 SECTION 1. Section 18716 of the Revenue and Taxation Code  
2 is amended to read:

3 18716. (a) This article shall remain in effect only until January  
4 1, ~~2008~~ 2013, and as of that date is repealed, unless a later enacted  
5 statute, which is enacted before January 1, ~~2008~~ 2013, deletes or  
6 extends that date.

7 (b) (1) By September 1, 2006, and by September 1 of each  
8 subsequent calendar year that the State Children’s Trust Fund for  
9 the Prevention of Child Abuse appears on a tax return, the  
10 Franchise Tax Board shall do all of the following:

11 (A) Determine the minimum contribution amount required to  
12 be received during the next calendar year for the fund to appear  
13 on the tax return for the taxable year that includes that next calendar  
14 year.

15 (B) Provide written notification to the State Department of  
16 Social Services of the amount determined in subparagraph (A).

17 (C) Determine whether the amount of contributions estimated  
18 to be received during the calendar year will equal or exceed the  
19 minimum contribution amount determined by the Franchise Tax  
20 Board for the calendar year pursuant to subparagraph (A). The  
21 Franchise Tax Board shall estimate the amount of contributions  
22 to be received by using the actual amounts received and an estimate  
23 of the contributions that will be received by the end of that calendar  
24 year.

25 (2) If the Franchise Tax Board determines that the amount of  
26 contributions estimated to be received during a calendar year will  
27 not at least equal the minimum contribution amount for the calendar  
28 year, this article is repealed with respect to taxable years beginning  
29 on or after January 1 of that calendar year.

30 (3) For purposes of this section, the minimum contribution  
31 amount for a calendar year means two hundred fifty thousand  
32 dollars (\$250,000) for the 2002 calendar year or the minimum  
33 contribution amount adjusted pursuant to subdivision (c).

1 (c) For each calendar year, beginning with calendar year 2003,  
2 the Franchise Tax Board shall adjust, on or before September 1 of  
3 that calendar year, the minimum contribution amount specified in  
4 subdivision (b) as follows:

5 (1) The minimum contribution amount for the calendar year  
6 shall be an amount equal to the product of the minimum  
7 contribution amount for the prior calendar year multiplied by the  
8 inflation factor adjustment as specified in paragraph (2) of  
9 subdivision (h) of Section 17041, rounded off to the nearest dollar.

10 (2) The inflation factor adjustment used for the calendar year  
11 shall be based on the figures for the percentage change in the  
12 California Consumer Price Index received on or before August 1  
13 of the calendar year pursuant to paragraph (1) of subdivision (h)  
14 of Section 17041.

15 (d) Notwithstanding the repeal of this article, any contribution  
16 amounts designated pursuant to this article prior to its repeal shall  
17 continue to be transferred and disbursed in accordance with this  
18 article as in effect immediately prior to that repeal.

19 *SEC. 2. Section 18744 of the Revenue and Taxation Code is*  
20 *amended to read:*

21 18744. (a) This article shall remain in effect only until January  
22 1, ~~2008~~ 2013, and as of that date is repealed, unless a later enacted  
23 statute, which is enacted before January 1, ~~2008~~ 2013, deletes or  
24 extends that date.

25 (b) (1) By September 1, 2006, and by September 1 of each  
26 subsequent calendar year that the Rare and Endangered Species  
27 Preservation Program Fund appears on a tax return, the Franchise  
28 Tax Board shall do all of the following:

29 (A) Determine the minimum contribution amount required to  
30 be received during the next calendar year for the fund to appear  
31 on the tax return for the taxable year that includes that next calendar  
32 year.

33 (B) Provide written notification to the Department of Fish and  
34 Game of the amount determined in subparagraph (A).

35 (C) Determine whether the amount of contributions estimated  
36 to be received during the calendar year will equal or exceed the  
37 minimum contribution amount determined by the Franchise Tax  
38 Board for the calendar year pursuant to subparagraph (A). The  
39 Franchise Tax Board shall estimate the amount of contributions  
40 to be received by using the actual amounts received and an estimate

1 of the contributions that will be received by the end of that calendar  
2 year.

3 (2) If the Franchise Tax Board determines that the amount of  
4 contributions estimated to be received during a calendar year will  
5 not at least equal the minimum contribution amount for the calendar  
6 year, this article is repealed with respect to taxable years beginning  
7 on or after January 1 of that calendar year.

8 (3) For purposes of this section, the minimum contribution  
9 amount for a calendar year means two hundred fifty thousand  
10 dollars (\$250,000) for the 2002 calendar year or the minimum  
11 contribution amount adjusted pursuant to subdivision (c).

12 (c) For each calendar year, beginning with calendar year 2003,  
13 the Franchise Tax Board shall adjust, on or before September 1 of  
14 that calendar year, the minimum contribution amount specified in  
15 subdivision (b) as follows:

16 (1) The minimum contribution amount for the calendar year  
17 shall be an amount equal to the product of the minimum  
18 contribution amount for the prior calendar year multiplied by the  
19 inflation factor adjustment as specified in paragraph (2) of  
20 subdivision (h) of Section 17041, rounded off to the nearest dollar.

21 (2) The inflation factor adjustment used for the calendar year  
22 shall be based on the figures for the percentage change in the  
23 California Consumer Price Index received on or before August 1  
24 of the calendar year pursuant to paragraph (1) of subdivision (h)  
25 of Section 17041.

26 (d) Notwithstanding the repeal of this article, any contribution  
27 amounts designated pursuant to this article prior to its repeal shall  
28 continue to be transferred and disbursed in accordance with this  
29 article as in effect immediately prior to that repeal.

30 ~~SECTION 1. Section 63.7 is added to the Harbors and~~  
31 ~~Navigation Code, to read:~~

32 ~~63.7. (a) For purposes of this section, "derelict fishing gear"~~  
33 ~~includes lost or abandoned fishing nets, fishing lines, and other~~  
34 ~~commercial and recreational fishing equipment.~~

35 ~~(b) On or before July 1, 2008, the department shall recommend~~  
36 ~~to the Legislature, in coordination with the California Coastal~~  
37 ~~Commission, the California Integrated Waste Management Board,~~  
38 ~~and the Department of Fish and Game, both of the following:~~

39 ~~(1) Guidelines and programs for the removal and disposal of~~  
40 ~~derelict fishing gear in the marine waters of the state.~~

1     ~~(2) Programs to improve waste management of derelict fishing~~  
2     ~~gear by marina and vessel operators in marinas and harbors.~~

3     ~~SEC. 2. Section 18015 of the Public Resources Code is~~  
4     ~~amended to read:~~

5     ~~18015. (a) All rigid plastic bottles and rigid plastic containers~~  
6     ~~sold in California on and after January 1, 1992, shall be labeled~~  
7     ~~with a code that indicates the resin used to produce the rigid plastic~~  
8     ~~bottle or rigid plastic container. Rigid plastic bottles or rigid plastic~~  
9     ~~containers with labels and basecups of a different material shall~~  
10    ~~be coded by their basic material. The code shall consist of a number~~  
11    ~~placed inside a triangle, and letters placed below the triangle. The~~  
12    ~~triangle shall be equilateral, formed by three arrows with the apex~~  
13    ~~of each point of the triangle at the midpoint of each arrow, rounded~~  
14    ~~with a short radius. The pointer (arrowhead) of each arrow shall~~  
15    ~~be at the midpoint of each side of the triangle with a short gap~~  
16    ~~separating the pointer from the base of the adjacent arrow. The~~  
17    ~~triangle, formed by the three arrows curved at their midpoints shall~~  
18    ~~depict a clockwise path around the code number. The numbers~~  
19    ~~and letters used shall be as follows:~~

20     ~~1 = PETE (polyethylene terephthalate)~~

21     ~~2 = HDPE (high density polyethylene)~~

22     ~~3 = V (vinyl)~~

23     ~~4 = LDPE (low density polyethylene)~~

24     ~~5 = PP (polypropylene)~~

25     ~~6 = PS (polystyrene)~~

26     ~~7 = OTHER (includes multilayer)~~

27     ~~0 = PLA (polylactic acid)~~

28    ~~(b) A "7" shall appear below the resin abbreviation when the~~  
29    ~~bottle or container is composed of more than one layer of that~~  
30    ~~resin.~~

31    ~~(c) The Division of Recycling of the Department of~~  
32    ~~Conservation shall maintain a list of abbreviations used on labels~~  
33    ~~pursuant to subdivision (a) and shall provide a copy of that list to~~  
34    ~~any person upon request.~~

35    ~~SEC. 3. Section 48021 of the Public Resources Code is~~  
36    ~~amended to read:~~

37    ~~48021. (a) In prioritizing the sites for cleanup pursuant to~~  
38    ~~Section 48020, the board shall consider the degree of risk to public~~  
39    ~~health and safety and the environment posed by conditions at a~~  
40    ~~site, the ability of the site owner to clean up the site without~~

1 monetary assistance, the ability of the board to clean up the site  
2 adequately with available funds, maximizing the use of available  
3 funds, and other factors as determined by the board.

4 (b) (1) ~~In administering the program authorized by Section~~  
5 ~~48020, the board may expend funds directly for cleanup, provide~~  
6 ~~loans to parties who demonstrate the ability to repay state funds,~~  
7 ~~and provide partial grants to public entities, to assist in site cleanup.~~

8 (2) ~~The board may expend funds directly for the cleanup of a~~  
9 ~~publicly owned site only if the board determines that the public~~  
10 ~~entity lacks resources or expertise to timely manage the cleanup~~  
11 ~~itself.~~

12 (3) ~~In addition to the criteria specified in subdivision (a), in~~  
13 ~~considering partial grants that provide greater than 50 percent of~~  
14 ~~the funds directly for cleanup, the board shall consider the amount~~  
15 ~~of contributions of moneys or in-kind services from the applicant;~~  
16 ~~the availability of other appropriate funding sources to remediate~~  
17 ~~the site; the degree of public benefit; the presence of innovative~~  
18 ~~and cost-effective programs to abate or prevent solid waste~~  
19 ~~problems to be addressed by the grants; and other factors as~~  
20 ~~determined by the board.~~

21 (e) (1) ~~In addition to the expenditures specified in subdivision~~  
22 ~~(b), the board may expend a portion of the funds appropriated for~~  
23 ~~the program to abate illegal disposal sites.~~

24 (2) ~~For the purposes of this subdivision, the board may provide~~  
25 ~~grants to public entities.~~

26 (3) ~~Where funds are provided by the board to address illegal~~  
27 ~~disposal sites within a jurisdiction, the local enforcement agency~~  
28 ~~shall provide ongoing enforcement to prevent recurring illegal~~  
29 ~~disposal at the site.~~

30 (4) ~~For the purposes of this subdivision, an activity to remove~~  
31 ~~or abate solid waste disposed into a municipal storm sewer is~~  
32 ~~eligible to receive a partial grant, if the grant is used for solid waste~~  
33 ~~cleanup, solid waste abatement, or any other activity that mitigates~~  
34 ~~the impact of solid waste that otherwise would be disposed into~~  
35 ~~the municipal storm sewer, and an ongoing program is established~~  
36 ~~by the public entity to prevent recurring solid waste disposal into~~  
37 ~~the municipal storm sewer.~~

- 1     ~~(d) In developing and implementing the program, the board~~
- 2     ~~shall consult with certified local enforcement agencies and the~~
- 3     ~~regional water boards.~~

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