

AMENDED IN SENATE SEPTEMBER 2, 2011

AMENDED IN SENATE AUGUST 15, 2011

AMENDED IN SENATE JULY 7, 2011

AMENDED IN ASSEMBLY MAY 3, 2011

AMENDED IN ASSEMBLY APRIL 13, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 794**

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**Introduced by Assembly Member Wieckowski  
(Principal coauthor: Assembly Member Carter)**

February 17, 2011

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~~An act to amend Sections 42461, 42474, 42476, and 42479 of, and to add Section 42461.5 to, the Public Resources Code, relating to solid waste. An act to amend Section 15150 of the Education Code, relating to school bonds.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 794, as amended, Wieckowski. ~~Solid waste: hazardous electronic waste. Local education facility bonds: anticipation notes.~~

*Existing law authorizes the governing board of a school or community college district to order an election and submit to the electors of the district the question whether the bonds of the district shall be issued and sold for the purpose of raising money for various facilities purposes, for refunding bonds, or for the purchase of schoolbuses. Existing law limits the total amount of bonds that a school or community college district may issue to 1.25% of the taxable property of the school or community college district.*

*Existing law also authorizes the governing board of a school district or community college district to issue bond anticipation notes. Existing law requires a bond anticipation note to be payable not more than 5 years from the date of the original issuance of the note. Existing law allows the interest on the notes to be payable from the proceeds of the sale of bonds or from the tax levied to pay principal of and interest on the bonds.*

*This bill, instead of allowing the interest on the notes to be paid from the tax levied to pay the principal of and interest on the bonds, would allow the interest on the notes to be paid from a property tax levied for that purpose if authorized by a resolution of the governing board and would provide that this tax is authorized by law. The bill also would allow the premium received on the sale of the bonds to be used to pay the interest on the notes.*

~~(1) Existing law establishes the Electronic Waste Recycling Act of 2003, which regulates the disposal and recycling of electronic waste. The act further makes it unlawful to sell, on and after July 1, 2004, a covered electronic device in this state to a consumer, as defined, unless the Department of Resources Recycling and Recovery (department) or the Department of Toxic Substances Control determines that the manufacture of that device is in compliance with the act. The act further prohibits the sale of a covered electronic device, after January 1, 2005, that is not labeled, as specified. The act contains legislative findings and declarations that declare that one of the purposes of the act is to provide sufficient funding for the safe, cost-free, and convenient collection and recycling of 100% of the covered electronic waste discarded or offered for recycling in the state, to, among other things, eliminate electronic waste stockpiles and legacy devices by December 31, 2007.~~

~~This bill would revise those findings and declarations to declare that one of the purposes of the act is to provide sufficient funding for the safe, cost-free, and convenient collection and recycling of 100% of the covered electronic waste initially discarded in the state, to, among other things, eliminate electronic waste stockpiles and legacy devices by December 31, 2007.~~

~~(2) The act imposes various civil penalties in an amount of up to \$25,000 to be administratively imposed by the Department of Resources Recycling and Recovery for specified violations of the act.~~

~~This bill would additionally authorize the department to impose a civil penalty in an amount of up to \$25,000 per violation against any~~

~~person, including an authorized collector or covered electronic waste (e-waste) recycler, that makes a false statement or representation in a document filed, submitted, maintained, or used for purposes of compliance with the act and associated regulations. The bill would require that an authorized collector or covered e-waste recycler who makes a false statement or representation regarding the source of covered electronic waste is not liable for that statement or representation if the authorized collector or covered e-waste recycler has made verifiable and reasonable efforts to determine the source of the covered electronic waste, unless the department determines the authorized collector or covered e-waste recycler was negligent in ensuring the accuracy of the source of the waste. The bill would further authorize the department to revoke the approval or deny the renewal application of a authorized collector or covered e-waste recycler that makes a false statement or representation, or to deny an application from an applicant or an individual identified in the application that has a history demonstrating a pattern of operation in conflict with the act and the regulations adopted pursuant to the act.~~

~~(3) The act authorizes the department to pay an electronic waste recycling payment or electronic waste recovery payment for covered waste if specified conditions are met, including, among other things, that the covered electronic waste, including any residuals from the processing of the waste, is handled in compliance with all applicable statutes and regulations. A violation of the act, including the regulations adopted pursuant to the act, is a crime.~~

~~This bill would allow the department to pay an electronic waste recycling or recovery payment only for covered electronic waste for which the authorized collector or covered e-waste recycler demonstrates to have been generated by a person who used the covered electronic device while located in this state and would prohibit the department from making those payments for covered electronic waste generated outside of the state and brought into the state. The bill would require the department to establish the documentation requirements necessary for an authorized collector or covered e-waste recycler to demonstrate that covered electronic waste was generated in the state and eligible for payment. Because a violation of these requirements would be a crime, the bill would impose a state-mandated local program.~~

~~(4) The act requires the department, for covered electronic waste collected for recycling on and after January 1, 2005, to make those electronic waste recycling and recovery payments for the collection~~

and recycling of covered electronic waste to an authorized collector or covered electronic waste recycler, respectively, upon receipt of a completed and verified invoice submitted to the department by the authorized collector or recycler in the form and manner determined by the department.

~~This bill would instead require the department to make those electronic waste recycling and recovery payments for the collection and recycling of covered e-waste to an authorized collector or covered e-waste recycler, respectively, upon completion of the department’s review of a payment claim, submitted to the department in the form and manner determined by the department. The bill would also authorize the department to conduct a selective post-payment audit of authorized collectors, covered e-waste recyclers, or manufacturers receiving payments from the department to determine whether electronic waste recovery payments or payments to manufacturers are being made by the department according to the requirements of the act and the regulations adopted pursuant to that act, and would prescribe procedures for the appeal of the department’s denial or adjustment of a payment claim by a covered e-waste recycler that is dissatisfied with the department’s action in that regard.~~

~~(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

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

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

- 1     SECTION 1. Section 15150 of the Education Code is amended
- 2     to read:
- 3     15150. (a) When the governing board of a school district or a
- 4     community college district deems it in the best interests of the
- 5     district, it may by resolution, upon ~~such~~ terms and conditions as
- 6     that it shall prescribe, issue notes, on a negotiated or
- 7     competitive-bid basis, maturing within a period not to exceed five
- 8     years, in anticipation of the sale of bonds authorized pursuant to
- 9     Section 15100 or Section 15340 at the time the notes are issued.
- 10    The proceeds from the sale of the notes shall be used only for

1 authorized purposes of the bonds or to repay outstanding notes  
2 authorized by this section.

3 (b) All notes issued and any renewal ~~thereof~~ *of notes* shall be  
4 payable at a fixed time not more than five years from the date of  
5 the original issuance of the note. If the sale of the bonds does not  
6 occur ~~prior to~~ *before* the maturity of the notes issued in anticipation  
7 of the sale, the fiscal officer of the school district or community  
8 college district, in order to meet the notes then maturing, shall  
9 issue renewal notes for this purpose. The renewal of a note may  
10 not be issued after the sale of bonds in anticipation of which the  
11 original note was issued and the maturity date of the renewed note  
12 shall not be later than five years from the date of the original  
13 issuance of the note.

14 (c) Every note and any renewal ~~thereof~~ *of a note* shall be payable  
15 from the proceeds of the sale of bonds or of any renewal of notes  
16 or from other funds of the school district or community college  
17 district lawfully available for the purpose of repaying the notes,  
18 including state grants. The total amount of the notes or renewals  
19 ~~thereof of notes~~ issued and outstanding may not at any time exceed  
20 the total amount of the unsold bonds.

21 (d) (1) Interest on the notes shall be payable from proceeds of  
22 the sale of bonds, ~~or from the tax lawfully levied to pay principal~~  
23 ~~of and interest on the bonds in anticipation of which the notes are~~  
24 ~~issued, including any premium received on the sale of those bonds.~~

25 (2) *Interest on the notes may be paid from a property tax levied*  
26 *for that purpose if authorized by the resolution of the governing*  
27 *board. The tax for payment of the interest on the notes is a tax*  
28 *authorized by law for payment of the bonds in anticipation of which*  
29 *the notes are issued.*

30 (e) The original issuance of notes and any renewal ~~thereof~~ *of*  
31 *notes* may be in the form of commercial paper notes. Each issuance  
32 of commercial paper notes to repay outstanding notes shall be  
33 deemed to be a renewal of notes subject only to the requirements  
34 of this section.

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**All matter omitted in this version of the bill appears in the bill as amended in the Senate, August 15, 2011. (JR11)**

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