

ASSEMBLY BILL

No. 1370

Introduced by Assembly Member Patterson

February 22, 2013

An act to amend Section 14581 of the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

AB 1370, as introduced, Patterson. Recycling: beverage containers. Existing law specifies the manner in which moneys in the California Beverage Container Recycling Fund, a continuously appropriated fund, are expended.

This bill would delete obsolete provisions and would make a technical, nonsubstantive change.

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

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

- 1 SECTION 1. Section 14581 of the Public Resources Code is
2 amended to read:
3 14581. (a) Subject to the availability of funds and in
4 accordance with subdivision (c), the department shall expend the
5 moneys set aside in the fund, pursuant to subdivision (c) of Section
6 14580, for the purposes of this section in the following manner:
7 (1) For each fiscal year, the department may expend the amount
8 necessary to make the required handling fee payment pursuant to
9 Section 14585.

1 (2) Fifteen million dollars (\$15,000,000) shall be expended
2 annually for payments for curbside programs and neighborhood
3 dropoff programs pursuant to Section 14549.6.

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

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

15 (ii) Community conservation corps that are designated by a
16 county to perform litter abatement, recycling, and related activities,
17 and are certified by the California Conservation Corps as having
18 operated for a minimum of two years and as meeting all other
19 criteria of Section 14507.5.

20 (B) The grants provided pursuant to this paragraph shall not
21 comprise more than 75 percent of the annual budget of a
22 community conservation corps.

23 ~~(C) For the 2009-10 fiscal year only, the eight million two~~
24 ~~hundred fifty thousand dollars (\$8,250,000) appropriated to the~~
25 ~~California Conservation Corps for certified local conservation~~
26 ~~corps by Item 3340-101-0133 of Sec. 2.00 of the 2009-10 Budget~~
27 ~~Act, as added by Section 166 of Chapter 1 of the Fourth~~
28 ~~Extraordinary Session of the Statutes of 2009, shall be in addition~~
29 ~~to the amounts expended pursuant to this paragraph.~~

30 (4) (A) Ten million five hundred thousand dollars (\$10,500,000)
31 may be expended annually for payments of five thousand dollars
32 (\$5,000) to cities and ten thousand dollars (\$10,000) for payments
33 to counties for beverage container recycling and litter cleanup
34 activities, or the department may calculate the payments to counties
35 and cities on a per capita basis, and may pay whichever amount
36 is greater, for those activities.

37 (B) Eligible activities for the use of these funds may include,
38 but are not necessarily limited to, support for new or existing
39 curbside recycling programs, neighborhood dropoff recycling
40 programs, public education promoting beverage container

1 recycling, litter prevention, and cleanup, cooperative regional
2 efforts among two or more cities or counties, or both, or other
3 beverage container recycling programs.

4 (C) These funds shall not be used for activities unrelated to
5 beverage container recycling or litter reduction.

6 (D) To receive these funds, a city, county, or city and county
7 shall fill out and return a funding request form to the department.
8 The form shall specify the beverage container recycling or litter
9 reduction activities for which the funds will be used.

10 (E) The department shall annually prepare and distribute a
11 funding request form to each city, county, or city and county. The
12 form shall specify the amount of beverage container recycling and
13 litter cleanup funds for which the jurisdiction is eligible. The form
14 shall not exceed one double-sided page in length, and may be
15 submitted electronically. If a city, county, or city and county does
16 not return the funding request form within 90 days of receipt of
17 the form from the department, the city, county, or city and county
18 is not eligible to receive the funds for that funding cycle.

19 (F) For the purposes of this paragraph, per capita population
20 shall be based on the population of the incorporated area of a city
21 or city and county and the unincorporated area of a county. The
22 department may withhold payment to ~~any~~ a city, county, or city
23 and county that has prohibited the siting of a supermarket site,
24 caused a supermarket site to close its business, or adopted a land
25 use policy that restricts or prohibits the siting of a supermarket site
26 within its jurisdiction.

27 (5) ~~(A)~~ One million five hundred thousand dollars (\$1,500,000)
28 may be expended annually in the form of grants for beverage
29 container recycling and litter reduction programs.

30 ~~(B) Notwithstanding subdivision (f), the department shall not~~
31 ~~expend funds pursuant to this paragraph for the 2010 and 2011~~
32 ~~calendar years.~~

33 (6) (A) The department shall expend the amount necessary to
34 pay the processing payment established pursuant to Section 14575.
35 The department shall establish separate processing fee accounts
36 in the fund for each beverage container material type for which a
37 processing payment and processing fee are calculated pursuant to
38 Section 14575, or for which a processing payment is calculated
39 pursuant to Section 14575 and a voluntary artificial scrap value is

1 calculated pursuant to Section 14575.1, into which account shall
2 be deposited both of the following:

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

5 (ii) Funds equal to the difference between the amount in clause
6 (i) and the amount of the processing payments established in
7 subdivision (b) of Section 14575, and adjusted pursuant to
8 paragraph (2) of subdivision (c) of, and subdivision (f) of, Section
9 14575, to reduce the processing fee to the level provided in
10 subdivision (e) of Section 14575, or to reflect the agreement by a
11 willing purchaser to pay a voluntary artificial scrap value pursuant
12 to Section 14575.1.

13 (B) Notwithstanding Section 13340 of the Government Code,
14 the moneys in each processing fee account are hereby continuously
15 appropriated to the department for expenditure without regard to
16 fiscal years, for purposes of making processing payments pursuant
17 to Section 14575.

18 ~~(C) Notwithstanding the other provisions of this section and~~
19 ~~Section 14575, for the 2010 and 2011 calendar years, the total~~
20 ~~amount that the department may expend to reduce the amount of~~
21 ~~processing fees for each container type shall not exceed the total~~
22 ~~amount expended to reduce processing fees in the 2008 calendar~~
23 ~~year.~~

24 (7) ~~(A)~~ Up to five million dollars (\$5,000,000) may be annually
25 expended by the department for the purposes of undertaking a
26 statewide public education and information campaign aimed at
27 promoting increased recycling of beverage containers.

28 ~~(B) Notwithstanding subdivision (f), the department shall not~~
29 ~~expend funds pursuant to this paragraph for the 2010 and 2011~~
30 ~~calendar years.~~

31 (8) Up to ten million dollars (\$10,000,000) may be expended
32 annually by the department for quality incentive payments for
33 empty glass beverage containers pursuant to Section 14549.1.

34 (9) (A) Up to ten million dollars (\$10,000,000) may be
35 expended annually by the department for market development
36 payments for empty plastic beverage containers pursuant to Section
37 14549.2, until January 1, 2017.

38 (B) On and after January 1, 2012, in addition to the amount
39 specified in subparagraph (A), the department may expend the
40 amount calculated pursuant to subparagraph (C) for market

1 development payments for empty plastic beverage containers
2 pursuant to Section 14549.2.

3 (C) The department shall calculate the amount authorized for
4 expenditure pursuant to subparagraph (B) in the following manner:

5 (i) The department shall determine, on or before January 1,
6 2012, and annually thereafter, whether the amount of funds
7 estimated to be necessary pursuant to clause (ii) of subparagraph
8 (A) of paragraph (6) for deposit to a processing fee account
9 established by the department for plastic beverage containers to
10 make processing payments for plastic beverage containers for the
11 current calendar year is less than the total amount of funds that
12 were estimated to be necessary the previous calendar year pursuant
13 to clause (ii) of subparagraph (A) of paragraph (6) for deposit to
14 that processing fee account.

15 (ii) If the amount estimated to be necessary for the current
16 calendar year, as specified in clause (i), is less than the amount
17 estimated to be necessary for the previous calendar year, the
18 department shall calculate the amount of that difference.

19 (iii) The department shall expend an amount that is not greater
20 than 50 percent of the amount calculated pursuant to clause (ii)
21 for purposes of subparagraph (B).

22 (iv) If the department determines that the amount of funds
23 authorized for expenditure pursuant to this subparagraph is not
24 needed to make plastic market development payments pursuant to
25 subparagraph (B) in the calendar year for which that amount is
26 allocated, the department may expend those funds during the
27 following year.

28 (v) If the department determines that there are insufficient funds
29 to both make the market development payments pursuant to
30 subparagraph (B) and to deposit the amount required by clause (ii)
31 of subparagraph (A) of paragraph (6), for purposes of making the
32 processing payments and reducing the processing fees pursuant to
33 Section 14575 for plastic beverage containers, the department shall
34 suspend the implementation of this subparagraph and subparagraph
35 (B).

36 (D) Subparagraphs (B) and (C) shall remain operative only until
37 January 1, 2017.

38 (b) The fifteen million dollars (\$15,000,000) that is set aside
39 pursuant to paragraph (3) of subdivision (a) is a base amount that
40 the department shall adjust annually to reflect any increases or

1 decreases in the cost of living, as measured by the Department of
2 Labor, or a successor agency, of the federal government.

3 (c) (1) If the department determines, pursuant to a review made
4 pursuant to Section 14556, that there may be inadequate funds to
5 pay the payments required by this division, the department shall
6 immediately notify the appropriate policy and fiscal committees
7 of the Legislature regarding the inadequacy.

8 (2) On or before 180 days, but not less than 80 days, after the
9 notice is sent pursuant to paragraph (1), the department may reduce
10 or eliminate expenditures, or both, from the funds as necessary,
11 according to the procedure set forth in subdivision (d).

12 (d) If the department determines that there are insufficient funds
13 to make the payments specified pursuant to this section and Section
14 14575, the department shall reduce all payments proportionally.

15 (e) Prior to making an expenditure pursuant to paragraph (7) of
16 subdivision (a), the department shall convene an advisory
17 committee consisting of representatives of the beverage industry,
18 beverage container manufacturers, environmental organizations,
19 the recycling industry, nonprofit organizations, and retailers to
20 advise the department on the most cost-effective and efficient
21 method of the expenditure of the funds for that education and
22 information campaign.

23 (f) Subject to the availability of funds, the department shall
24 retroactively pay in full any payments provided in this section that
25 have been proportionally reduced during the period of January 1,
26 2010, through June 30, 2010.