

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

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 amended, 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, *including authorizing the Department of Resources Recycling and Recovery to annually expend up to \$5,000,000 for a statewide public education and information campaign. The department is required to convene a specified advisory committee before expending those funds.*

~~This bill would delete obsolete provisions and would make a technical, nonsubstantive change: repeal the authorization of the department to spend those funds in that manner and would make conforming changes.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
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

1 moneys set aside in the fund, pursuant to subdivision (c) of Section
2 14580, for the purposes of this section in the following manner:

3 (1) For each fiscal year, the department may expend the amount
4 necessary to make the required handling fee payment pursuant to
5 Section 14585.

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

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

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

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

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

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

35 (B) Eligible activities for the use of these funds may include,
36 but are not limited to, support for new or existing curbside
37 recycling programs, neighborhood dropoff recycling programs,
38 public education promoting beverage container recycling, litter
39 prevention, and cleanup, cooperative regional efforts among two

1 or more cities or counties, or both, or other beverage container
2 recycling programs.

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

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

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

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

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

29 (6) (A) The department shall expend the amount necessary to
30 pay the processing payment established pursuant to Section 14575.
31 The department shall establish separate processing fee accounts
32 in the fund for each beverage container material type for which a
33 processing payment and processing fee are calculated pursuant to
34 Section 14575, or for which a processing payment is calculated
35 pursuant to Section 14575 and a voluntary artificial scrap value is
36 calculated pursuant to Section 14575.1, into which account shall
37 be deposited both of the following:

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

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

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

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

18 ~~(8)~~
 19 (7) Up to ten million dollars (\$10,000,000) may be expended
 20 annually by the department for quality incentive payments for
 21 empty glass beverage containers pursuant to Section 14549.1.

22 ~~(9)~~
 23 (8) (A) Up to ten million dollars (\$10,000,000) may be
 24 expended annually by the department for market development
 25 payments for empty plastic beverage containers pursuant to Section
 26 14549.2, until January 1, 2017.

27 (B) On and after January 1, 2012, in addition to the amount
 28 specified in subparagraph (A), the department may expend the
 29 amount calculated pursuant to subparagraph (C) for market
 30 development payments for empty plastic beverage containers
 31 pursuant to Section 14549.2.

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

34 (i) The department shall determine, on or before January 1,
 35 2012, and annually thereafter, whether the amount of funds
 36 estimated to be necessary pursuant to clause (ii) of subparagraph
 37 (A) of paragraph (6) for deposit to a processing fee account
 38 established by the department for plastic beverage containers to
 39 make processing payments for plastic beverage containers for the
 40 current calendar year is less than the total amount of funds that

1 were estimated to be necessary the previous calendar year pursuant
2 to clause (ii) of subparagraph (A) of paragraph (6) for deposit to
3 that processing fee account.

4 (ii) If the amount estimated to be necessary for the current
5 calendar year, as specified in clause (i), is less than the amount
6 estimated to be necessary for the previous calendar year, the
7 department shall calculate the amount of that difference.

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

11 (iv) If the department determines that the amount of funds
12 authorized for expenditure pursuant to this subparagraph is not
13 needed to make plastic market development payments pursuant to
14 subparagraph (B) in the calendar year for which that amount is
15 allocated, the department may expend those funds during the
16 following year.

17 (v) If the department determines that there are insufficient funds
18 to both make the market development payments pursuant to
19 subparagraph (B) and to deposit the amount required by clause (ii)
20 of subparagraph (A) of paragraph (6), for purposes of making the
21 processing payments and reducing the processing fees pursuant to
22 Section 14575 for plastic beverage containers, the department shall
23 suspend the implementation of this subparagraph and subparagraph
24 (B).

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

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

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

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

1 (d) If the department determines that there are insufficient funds
2 to make the payments specified pursuant to this section and Section
3 14575, the department shall reduce all payments proportionally.

4 ~~(e) Prior to making an expenditure pursuant to paragraph (7) of~~
5 ~~subdivision (a), the department shall convene an advisory~~
6 ~~committee consisting of representatives of the beverage industry,~~
7 ~~beverage container manufacturers, environmental organizations,~~
8 ~~the recycling industry, nonprofit organizations, and retailers to~~
9 ~~advise the department on the most cost-effective and efficient~~
10 ~~method of the expenditure of the funds for that education and~~
11 ~~information campaign.~~

12 ~~(f)~~
13 (e) Subject to the availability of funds, the department shall
14 retroactively pay in full any payments provided in this section that
15 have been proportionally reduced during the period of January 1,
16 2010, through June 30, 2010.