

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2467

Introduced by Assembly Member Nestande

February 21, 2014

An act ~~relating to student financial aid~~, to amend Section 14549.2 of the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

AB 2467, as amended, Nestande. ~~Student financial aid: veterans: California Beverage Container Recycling and Litter Reduction Act: market development payments.~~

Existing law, the California Beverage Container Recycling and Litter Reduction Act, requires a distributor to pay a redemption payment for every beverage container sold or offered for sale in the state to the Department of Resources Recycling and Recovery for deposit in the California Beverage Container Recycling Fund. The department, until January 1, 2017, is authorized to annually expend up to \$10,000,000 from the fund to make market development payments to a certified entity for empty plastic beverage containers that are subsequently washed and processed into flake, pellet, or other form, and made usable for the manufacture of a plastic product, and to make market development payments to a product manufacturer for empty plastic beverage containers that are subsequently washed and processed into flake, pellet, or other form, and used by that product manufacturer to manufacture a product. The act authorizes the department to adopt any rules or regulations which may be necessary or useful to carry out the act.

Existing law provides that, in general, regulations shall be adopted pursuant to the Administrative Procedures Act, but exempts emergency regulations from certain requirements of the Administrative Procedures Act.

This bill would specify that a regulation, or an amendment to a regulation, implementing this statute regarding market development payments to certified entities and product manufacturers shall be adopted pursuant to the Administrative Procedures Act and would prohibit the regulation, or amendment to that regulation, from being adopted or amended through an expedited or emergency process.

~~Existing law, commencing January 1 of the 2009–10 academic year, and each academic year thereafter, and upon a specific appropriation by the Legislature, authorizes any qualifying member of the California National Guard, the State Military Reserve, or the Naval Militia to apply for a California National Guard Educational Assistance Award.~~

~~This bill would state the intent of the Legislature to enact legislation that would establish a grant or scholarship program for military veterans residing in this state who are attending one of the segments of public postsecondary education that would enable a veteran to complete a baccalaureate degree or its equivalent following the exhaustion of his or her 36 months of benefits under a specified federal law.~~

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 14549.2 of the Public Resources Code is
- 2 amended to read:
- 3 14549.2. (a) For purposes of this section, the following
- 4 definitions shall apply:
- 5 (1) “Certified entity” means a recycling center, processor, or
- 6 dropoff or collection program certified by the department pursuant
- 7 to this division.
- 8 (2) “Product manufacturer” means—any a person who
- 9 manufactures a plastic product in this state.
- 10 (b) In order to develop California markets for empty plastic
- 11 beverage containers collected for recycling in the state, the
- 12 department may, consistent with Section 14581 and subject to the
- 13 availability of funds, pay a market development payment to a

1 certified entity or product manufacturer for empty plastic beverage
2 containers collected and managed pursuant to this section.

3 (c) The department shall make a market development payment
4 to a certified entity or product manufacturer in accordance with
5 this section, only if the plastic beverage container is collected and
6 either recycled or used in manufacturing, in the state, as follows:

7 (1) The department shall make a market development payment
8 to a certified entity for empty plastic beverage containers that are
9 collected for recycling in the state, that are subsequently washed
10 and processed by a certified entity into a flake, pellet, or other
11 form in the state, and made usable for the manufacture of a plastic
12 product by a product manufacturer.

13 (2) The department shall make a market development payment
14 to a product manufacturer for empty plastic beverage containers
15 that are collected for recycling in the state, that are subsequently
16 washed and processed into a flake, pellet or other form in the state,
17 and used by that product manufacturer to manufacture a product
18 in this state.

19 (3) The department shall determine the amount of the market
20 development payment, which may be set at a different level for a
21 certified entity and a product manufacturer, but shall not exceed
22 one hundred fifty dollars (\$150) per ton. In setting the amount of
23 the market development payment for both certified entities and
24 product manufacturers, the department shall consider all of the
25 following:

26 (A) The minimum funding level needed to encourage the in-state
27 washing and processing of empty plastic beverage containers
28 collected for recycling in this state.

29 (B) The minimum funding level needed to encourage the in-state
30 manufacturing that utilizes empty plastic beverage containers
31 collected for recycling in this state.

32 (C) The total amount of funds projected to be available for
33 plastic market development payments and the desire to maintain
34 the minimum funding level needed throughout the year.

35 (4) The department may make a market development payment
36 to both a certified entity and a product manufacturer for the same
37 empty plastic beverage container.

38 (d) *Notwithstanding Section 11346.1, a regulation, or an*
39 *amendment to a regulation, implementing subdivision (b) shall be*
40 *adopted pursuant to the Administrative Procedures Act (Chapter*

1 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
2 Title 2 of the Government Code), and shall not be adopted or
3 amended through an expedited or emergency process.

4 ~~(d)~~

5 (e) This section shall remain in effect only until January 1, 2017,
6 and as of that date is repealed, unless a later enacted statute, that
7 is enacted before January 1, 2017, deletes or extends that date.

8 ~~SECTION 1. It is the intent of the Legislature to enact~~
9 ~~legislation that would establish a grant or scholarship program for~~
10 ~~military veterans residing in the state who are attending one of the~~
11 ~~segments of public postsecondary education that would enable a~~
12 ~~veteran to complete a baccalaureate degree, or its equivalent,~~
13 ~~following the exhaustion of his or her 36 months of benefits under~~
14 ~~Section 3312 of Title 38 of the United States Code.~~