

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1108

Introduced by Assembly Member Low

February 27, 2015

An act to amend Section ~~26227~~ 14572 of the Public Resources Code, relating to ~~clean energy~~: *beverage containers*.

LEGISLATIVE COUNSEL'S DIGEST

AB 1108, as amended, Low. ~~Clean energy: financial assistance.~~
Beverage Containers: recycling.

(1) The California Beverage Container Recycling and Litter Reduction Act requires certified recycling centers, when accepting an empty beverage container from a consumer, to pay the refund value. A violation of the act is a crime.

This bill would prohibit a certified recycling center from accepting or paying the refund value to a consumer for more than 50 pounds of aluminum beverage containers or plastic beverage containers, or any combination thereof, or 500 pounds of glass beverage containers, submitted by that consumer to the certified recycling center in a single 24-hour period. Since a violation of this requirement would be a crime, the bill would impose a state-mandated local program.

(2) 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.

The California Clean Energy Jobs Act, an initiative approved by the voters as Proposition 39 at the November 6, 2012, statewide general election, made changes to corporate income taxes and, except as specified, provides for the transfer of \$550,000,000 annually from the General Fund to the Clean Energy Job Creation Fund for 5 fiscal years beginning with the 2013–14 fiscal year. Moneys in the Clean Energy Job Creation Fund are available, upon appropriation by the Legislature, for purposes of funding eligible projects that create jobs in California and improve energy efficiency and expand clean energy generation. Existing law provides for the allocation of available funds to public school facilities, university and college facilities, and other public buildings and facilities, as well as job training and workforce development and public-private partnerships for eligible projects, as specified. Existing law establishes prescribed criteria that apply to all expenditures from the Clean Energy Job Creation Fund.

This bill would make technical, nonsubstantive changes to a provision within the act that transfers and allocates moneys from the Clean Energy Job Creation Fund.

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

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

- 1 SECTION 1. Section 14572 of the Public Resources Code is
- 2 amended to read:
- 3 14572. (a) (1) Except as provided in ~~subdivision (b)~~,
- 4 ~~subdivisions (b) and (e)~~, a certified recycling center shall accept
- 5 from any consumer or dropoff or collection program any empty
- 6 beverage container, and shall pay to the consumer or dropoff or
- 7 collection program the refund value of the beverage container.
- 8 (2) Except as provided in paragraph (3), the recycling center
- 9 may pay the refund value based on the weight of returned
- 10 containers.
- 11 (3) On and after September 1, 2013, for beverage containers
- 12 redeemed by consumers, a certified recycling center shall pay the
- 13 refund value using the applicable segregated rate, as defined in
- 14 paragraph (43) of subsection (a) of Section 2000 of Title 14 of the
- 15 California Code of Regulations, as that section read on September
- 16 1, 2013, which shall be based on the weight of the redeemed
- 17 beverage containers.

1 (b) Any recycling center or processor that was in existence on
2 January 1, 1986, and that refused, as of January 1, 1986, to accept
3 at a particular location a certain type of empty beverage container
4 may continue to refuse to accept at the location the type or types
5 of empty beverage containers that the recycling center or processor
6 refused to accept as of January 1, 1986. A certified recycling center
7 that refuses, pursuant to this subdivision, to accept a certain type
8 or types of empty beverage containers is not eligible to receive
9 handling fees unless the center agrees to accept all types of empty
10 beverage containers and is a supermarket site. This subdivision
11 does not preclude the certified recycling center from receiving a
12 handling fee for beverage containers redeemed at supermarket
13 sites that do accept all types of containers.

14 (c) The department shall develop procedures by which recycling
15 centers and processors that meet the criteria of subdivision (b) may
16 recertify to change the material types accepted.

17 (d) (1) Only a certified recycling center may pay the refund
18 value to consumers or dropoff or collection programs. A person
19 shall not pay a noncertified recycler for empty beverage containers
20 an amount that exceeds the current scrap value for each container
21 type, which shall be determined in the following manner:

22 (A) For a plastic or glass beverage container, the current scrap
23 value shall be determined by the department.

24 (B) For an aluminum beverage container, the current scrap value
25 shall be not greater than the amount paid to the processor for that
26 aluminum beverage container, on the date the container was
27 purchased, by the location of end use, as defined in the regulations
28 of the department.

29 (2) A person shall not receive or retain, for empty beverage
30 containers that come from out of state, any refund values,
31 processing payments, or administrative fees for which a claim is
32 made to the department against the fund.

33 (3) Paragraph (1) does not affect curbside programs under
34 contract with cities or counties.

35 (e) *A certified recycling center shall not accept or pay a refund*
36 *value to a consumer for more than 50 pounds of aluminum*
37 *beverage containers or plastic beverage containers, or any*
38 *combination thereof, or 500 pounds of glass beverage containers,*
39 *submitted by that consumer to the certified recycling center during*
40 *a single 24-hour period.*

1 *SEC. 2. No reimbursement is required by this act pursuant to*
 2 *Section 6 of Article XIII B of the California Constitution because*
 3 *the only costs that may be incurred by a local agency or school*
 4 *district will be incurred because this act creates a new crime or*
 5 *infraction, eliminates a crime or infraction, or changes the penalty*
 6 *for a crime or infraction, within the meaning of Section 17556 of*
 7 *the Government Code, or changes the definition of a crime within*
 8 *the meaning of Section 6 of Article XIII B of the California*
 9 *Constitution.*

10 ~~SECTION 1. Section 26227 of the Public Resources Code is~~
 11 ~~amended to read:~~

12 ~~26227. (a) (1) For the 2013–14 fiscal year, twenty-eight~~
 13 ~~million dollars (\$28,000,000) shall be transferred from the Job~~
 14 ~~Creation Fund to the Education Subaccount, which is hereby~~
 15 ~~created in the State Energy Conservation Assistance Account~~
 16 ~~created pursuant to Section 25416. The moneys in the Education~~
 17 ~~Subaccount are appropriated to the Energy Commission for the~~
 18 ~~purpose of low-interest and no-interest revolving loans and loan~~
 19 ~~loss reserves for eligible projects and technical assistance.~~

20 ~~(2) For the 2013–14 fiscal year, funds in the Education~~
 21 ~~Subaccount shall be available for local educational agencies and~~
 22 ~~community college districts. If a local educational agency or~~
 23 ~~community college district has an eligible project, the amount of~~
 24 ~~the funding resources gap that is to be considered a reasonable~~
 25 ~~loan value from the Education Subaccount is the project cost less~~
 26 ~~the amount of any grant awarded pursuant to Section 26233 and~~
 27 ~~less any state, federal, or local incentives. A local educational~~
 28 ~~agency or community college district may need to meet additional~~
 29 ~~credit or other financial qualifying criteria applicable pursuant to~~
 30 ~~the Energy Conservation Assistance Act of 1979 (Chapter 5.2~~
 31 ~~(commencing with Section 25410) of Division 15). The Energy~~
 32 ~~Commission shall facilitate a local educational agency or~~
 33 ~~community college district’s participation in both the Job Creation~~
 34 ~~Fund and Energy Conservation Assistance Account programs~~
 35 ~~through coordinated information, documentation, and review~~
 36 ~~processes regarding the project and the borrowing entity.~~

37 ~~(b) For the 2014–15 through 2017–18 fiscal years, inclusive,~~
 38 ~~the amount transferred from the Job Creation Fund to the Energy~~
 39 ~~Conservation Assistance Account shall be determined in the annual~~
 40 ~~budget.~~

1 ~~(e) Funds remaining in the Education Subaccount after the~~
2 ~~2017–18 fiscal year shall continue to be available in future years~~
3 ~~for loans to local educational agencies and community college~~
4 ~~districts pursuant to this section.~~

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