

AMENDED IN ASSEMBLY MARCH 29, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

**ASSEMBLY BILL**

**No. 626**

**Introduced by Assembly Member Sher**

February 17, 1995

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An act to amend Section ~~40000~~ of 11126 of the Government Code, to amend Sections 12159 and 12162 of the Public Contract Code, to amend Sections 40000, 41802, 41820, 41821, 41822, 42000, 42010, 42244, 42414, 42415, 42443, 42520, 42601, 42603, 42650, 43030, 48027, 48657, 48676, and 50001 of, to repeal Sections 41770.5, 42008, 42247, 42373, 42512, 42563, 42623, 42884, 43221, and 48022 of, to repeal Article 3 (commencing with Section 42380) of Chapter 6 of Part 3 of, and Article 7 (commencing with Section 42859) of Chapter 16 of Part 3 of, Division 30 of, and to repeal and add Section 40507 of, the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 626, as amended, Sher. Solid waste ~~management:~~ legislative intent: reporting requirements.

(1) Existing law, the California Integrated Waste Management Act of 1989, regulates the handling and management of solid waste and ~~makes legislative findings and declarations in that regard.~~ The act is administered by the California Integrated Waste Management Board, and requires the board to implement various programs related to the management of solid waste.

*The act requires the board to file an annual report, on or before March 31 of each year, of specified content regarding the administration of the act with the Legislature.*

*This bill would revise and recast those reporting provisions and would require that report to be submitted on or before March 1 of each year, and would delete obsolete provisions in those provisions.*

*(2) The act requires each city, county, and, if subject to diversion requirements, regional agency to implement a source reduction and recycling element that shows how the city, county, or regional agency will divert 25% of all solid waste from landfill or transformation facilities by January 1, 1995, and 50% by January 1, 2000, through source reduction, recycling, and composting activities. The act requires each city, county, and regional agency to submit a report to the board summarizing its progress in achieving those diversion goals, and requires the report to be submitted with the source reduction and recycling element, on or by October 1, 1994, except as specified.*

*This bill would instead require that report to be submitted on or before March 1 of each year, and would delete obsolete provisions in that regard.*

*By additionally requiring the report to be submitted on an annual basis, the bill would impose a state-mandated local program.*

*(3) The act creates the Solid Waste Disposal Site Cleanup Trust Fund, and continuously appropriates money in the trust fund for specified purposes.*

*This bill would make legislative findings and declarations regarding the need for adequate funds in the trust fund.*

*(4) Existing law, until January 1, 2000, the State Assistance for Recycling (STAR) Markets Act of 1989, requires a state agency or contractor supplying materials, goods, or services to the state or the Legislature, if a recycled product, as defined, costs more than the same product made with virgin material, to purchase fewer of those more costly products, if feasible, or to apply cost savings, if any, gained from buying other recycled products toward the purchase of those products.*

*This bill would extend those provisions indefinitely.*



(5) *The act requires that, by January 1, 1994, at least 40% of the total dollar amount of paper products purchased or procured by the Department of General Services be a recycled paper product, as defined, and requires at least 15% of the total fine writing and printing paper purchased or procured by the department be a recycled paper product.*

*This bill would delete those obsolete provisions.*

(6) *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.*

~~This bill would add an additional legislative finding and declaration regarding the reduction, recycling, or reuse of solid waste.~~

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 11126 of the Government Code*  
2 *is amended to read:*

3 11126. (a) (1) Nothing in this article shall be  
4 construed to prevent a state body from holding closed  
5 sessions during a regular or special meeting to consider  
6 the appointment, employment, or dismissal of a public  
7 employee or to hear complaints or charges brought  
8 against that employee by another person or employee  
9 unless the employee requests a public hearing. ~~As~~

10 (2) *As a condition to holding a closed session on the*  
11 *complaints or charges to consider disciplinary action or to*  
12 *consider dismissal, the employee shall be given written*  
13 *notice of his or her right to have a public hearing, rather*  
14 *than a closed session, which and that notice shall be*  
15 *delivered to the employee personally or by mail at least*  
16 *24 hours before the time for holding a regular or special*  
17 *meeting. If notice is not given, any disciplinary or other*  
18 *action taken against any employee at the closed session*  
19 *shall be null and void. The*



1 (3) *The* state body also may exclude from any public  
2 or closed session, during the examination of a witness, any  
3 or all other witnesses in the matter being investigated by  
4 the state body. ~~Following~~

5 (4) *Following* the public hearing or closed session, the  
6 body may deliberate on the decision to be reached in a  
7 closed session.

8 (b) For the purposes of this section, “employee” shall  
9 not include any person who is elected to, or appointed to  
10 a public office by, any state body. However, officers of the  
11 California State University who receive compensation for  
12 their services, other than per diem and ordinary and  
13 necessary expenses, shall, when engaged in that capacity,  
14 be considered employees. Furthermore, for purposes of  
15 this section, the term employee shall include a person  
16 exempt from civil service pursuant to subdivision (e) of  
17 Section 4 of Article VII of the California Constitution.

18 ~~(b)~~

19 (c) Nothing in this article shall be construed to  
20 ~~prevent to do any of the following:~~

21 (1) *Prevent* state bodies which administer the  
22 licensing of persons engaging in businesses or professions  
23 from holding closed sessions to prepare, approve, grade,  
24 or administer examinations.

25 ~~(e) Nothing in this article shall be construed to~~  
26 ~~prevent~~

27 (2) *Prevent* an advisory body of a state body which  
28 administers the licensing of persons engaged in  
29 businesses or professions from conducting a closed session  
30 to discuss matters which the advisory body has found  
31 would constitute an unwarranted invasion of the privacy  
32 of an individual licensee or applicant if discussed in an  
33 open meeting, provided the advisory body does not  
34 include a quorum of the members of the state body it  
35 advises. Those matters may include review of an  
36 applicant’s qualifications for licensure and an inquiry  
37 specifically related to the state body’s enforcement  
38 program concerning an individual licensee or applicant  
39 where the inquiry occurs prior to the filing of a civil,



1 criminal, or administrative disciplinary action against the  
2 licensee or applicant by the state body.

3 ~~(d) Nothing in this article shall be construed to~~  
4 ~~prohibit~~

5 (3) *Prohibit* a state body from holding a closed session  
6 to deliberate on a decision to be reached in a proceeding  
7 required to be conducted pursuant to Chapter 5  
8 (commencing with Section 11500) of Part 1 of Division 3  
9 of Title 2 or similar provisions of law.

10 ~~(e) Nothing in this article shall be construed to~~  
11 ~~prevent~~

12 (4) *Prevent* any state body from holding a closed  
13 session to consider matters affecting the national security.

14 ~~(f) Nothing in this article shall be construed to grant~~

15 (5) *Grant* a right to enter any correctional institution  
16 or the grounds of a correctional institution where that  
17 right is not otherwise granted by law, nor shall anything  
18 in this article be construed to prevent a state body from  
19 holding a closed session when considering and acting  
20 upon the determination of a term, parole, or release of  
21 any individual or other disposition of an individual case,  
22 or if public disclosure of the subjects under discussion or  
23 consideration is expressly prohibited by statute.

24 ~~(g) Nothing in this article shall be construed to~~  
25 ~~prevent~~

26 (6) *Prevent* any closed session to consider the  
27 conferring of honorary degrees, or gifts, donations, and  
28 bequests which the donor or proposed donor has  
29 requested in writing to be kept confidential.

30 ~~(h) Nothing in this article shall be construed to~~  
31 ~~prevent~~

32 (7) *Prevent* the Alcoholic Beverage Control Appeals  
33 Board from holding a closed session for the purpose of  
34 holding a deliberative conference as provided in Section  
35 11125.

36 ~~(i) Nothing in this article shall be construed to prevent~~

37 (8) (A) *Prevent* a state body from holding closed  
38 sessions with its negotiator prior to the purchase, sale,  
39 exchange, or lease of real property by or for the state body  
40 to give instructions to its negotiator regarding the price



1 and terms of payment for the purchase, sale, exchange, or  
2 lease.

3 (B) However, prior to the closed session, the state  
4 body shall hold an open and public session in which it  
5 identifies the real property or real properties which the  
6 negotiations may concern and the person or persons with  
7 whom its negotiator may negotiate.

8 (C) For purposes of this ~~subdivision~~ *paragraph*, the  
9 negotiator may be a member of the state body.

10 (D) For purposes of this ~~subdivision~~ *paragraph*,  
11 “lease” includes renewal or renegotiation of a lease.

12 (E) Nothing in this ~~subdivision~~ *paragraph* shall  
13 preclude a state body from holding a closed session for  
14 discussions regarding eminent domain proceedings  
15 pursuant to subdivision.

16 ~~(j) (1) Nothing in this article shall be construed to~~  
17 ~~prevent~~

18 (9) *Prevent* the California Postsecondary Education  
19 Commission from holding closed sessions to consider  
20 matters pertaining to the appointment or termination of  
21 the Director of the California Postsecondary Education  
22 Commission.

23 ~~(2) Nothing in this article shall be construed to~~  
24 ~~prevent~~

25 (10) *Prevent* the Council for Private Postsecondary  
26 and Vocational Education from holding closed sessions to  
27 consider matters pertaining to the appointment or  
28 termination of the Executive Director of the Council for  
29 Private Postsecondary and Vocational Education.

30 ~~(k) Nothing in this article shall be construed to~~  
31 ~~prevent~~

32 (11) *Prevent* the Franchise Tax Board from holding  
33 closed sessions for the purpose of discussion of  
34 confidential tax returns or data the public disclosure of  
35 which is prohibited by law, or from considering matters  
36 pertaining to the appointment or removal of the  
37 Executive Officer of the Franchise Tax Board.

38 ~~(l) Nothing in this article shall be construed to prevent~~



1 (12) Prevent the Board of Corrections from holding  
2 closed sessions when considering reports of crime  
3 conditions under Section 6027 of the Penal Code.

4 ~~(m) Nothing in this article shall be construed to~~  
5 ~~prevent~~

6 (13) Prevent the State Air Resources Board from  
7 holding closed sessions when considering the proprietary  
8 specifications and performance data of manufacturers.

9 ~~(n) Nothing in this article shall be construed to~~  
10 ~~prevent~~

11 (14) Prevent the California Integrated Waste  
12 Management Board from holding closed sessions when  
13 considering any trade secret, or any confidential,  
14 proprietary, or financial data of manufacturers or  
15 businesses.

16 (15) Prevent a state body that invests retirement,  
17 pension, or endowment funds from holding closed  
18 sessions when considering investment decisions. For  
19 purposes of consideration of shareholder voting on  
20 corporate stocks held by the state body, closed sessions for  
21 the purposes of voting may be held only with respect to  
22 election of corporate directors, election of independent  
23 auditors, and other financial issues that could have a  
24 material effect on the net income of the corporation. For  
25 the purpose of real property investment decisions that  
26 may be considered in a closed session pursuant to this  
27 ~~subdivision~~ paragraph, a state body shall also be exempt  
28 from the ~~provision~~ provisions of ~~subdivision (i)~~ paragraph  
29 8 relating to the identification of real properties prior to  
30 the closed session.

31 ~~(o) Nothing in this article shall be construed to~~  
32 ~~prevent~~

33 (16) Prevent a state body, or boards, commissions,  
34 administrative officers, or other representatives that may  
35 properly be designated by law or by a state body, from  
36 holding closed sessions with its representatives in  
37 discharging its responsibilities under Chapter 10  
38 (commencing with Section 3500) of Division 4 of Title 1  
39 as the sessions relate to salaries, salary schedules, or  
40 compensation paid in the form of fringe benefits. For the



1 purposes enumerated in the preceding sentence, a state  
2 body may also meet with a state conciliator who has  
3 intervened in the proceedings.

4 ~~(p)~~

5 (b) (1) Notwithstanding any other provision of law,  
6 any meeting of the Public Utilities Commission at which  
7 the rates of entities under the commission’s jurisdiction  
8 are changed shall be open and public.

9 (2) Nothing in this article shall be construed to  
10 prevent the Public Utilities Commission from holding  
11 closed sessions to deliberate on the institution of  
12 proceedings, or disciplinary actions against regulated  
13 utilities.

14 ~~(q)~~

15 (c) (1) Nothing in this article shall be construed to  
16 prevent a state body, based on the advice of its legal  
17 counsel, from holding a closed session to confer with, or  
18 receive advice from, its legal counsel regarding pending  
19 litigation when discussion in open session concerning  
20 those matters would prejudice the position of the state  
21 body in the litigation.

22 (2) For purposes of this article, all expressions of the  
23 lawyer-client privilege other than those provided in this  
24 subdivision are hereby abrogated. This subdivision is the  
25 exclusive expression of the lawyer-client privilege for  
26 purposes of conducting closed-session meetings pursuant  
27 to this article. For purposes of this subdivision, litigation  
28 shall be considered pending when any of the following  
29 circumstances exist:

30 ~~(1)~~

31 (3) An adjudicatory proceeding before a court, an  
32 administrative body exercising its adjudicatory authority,  
33 a hearing officer, or an arbitrator, to which the state body  
34 is a party, has been initiated formally.

35 ~~(2)~~

36 (4) (A) A point has been reached where, in the  
37 opinion of the state body on the advice of its legal counsel,  
38 based on existing facts and circumstances, there is a  
39 significant exposure to litigation against the state body;

40 ~~or~~



1 (B) Based on existing facts and circumstances, the  
2 state body is meeting only to decide whether a closed  
3 session is authorized pursuant to subparagraph (A).

4 ~~(3)~~

5 (5) (A) Based on existing facts and circumstances, the  
6 state body has decided to initiate or is deciding whether  
7 to initiate litigation.

8 (B) The legal counsel of the state body shall prepare  
9 and submit to it a memorandum stating the specific  
10 reasons and legal authority for the closed session. If the  
11 closed session is pursuant to paragraph (1), the  
12 memorandum shall include the title of the litigation. If  
13 the closed session is pursuant to paragraph (2) or (3), the  
14 memorandum shall include the existing facts and  
15 circumstances on which it is based. The legal counsel shall  
16 submit the memorandum to the state body prior to the  
17 closed session, if feasible, and in any case no later than one  
18 week after the closed session. The memorandum shall be  
19 exempt from disclosure pursuant to Section 6254.25.

20 (C) For purposes of this subdivision, “litigation”  
21 includes any adjudicatory proceeding, including eminent  
22 domain, before a court, administrative body exercising its  
23 adjudicatory authority, hearing officer, or arbitrator.

24 (D) Disclosure of a memorandum required under this  
25 subdivision shall not be deemed as a waiver of the  
26 lawyer-client privilege, as provided for under Article 3  
27 (commencing with Section 950) of Chapter 4 of Division  
28 8 of the Evidence Code.

29 ~~(F) Nothing~~

30 (d) *In addition to subdivisions (a), (b), and (c),*  
31 *nothing* in this article shall be construed to ~~prevent~~ *do any*  
32 *of the following:*

33 (1) *Prevent* a state body operating under a joint  
34 powers agreement for insurance pooling from holding a  
35 closed session to discuss a claim for the payment of tort  
36 liability or public liability losses incurred by the state body  
37 or any member agency under the joint powers  
38 agreement.

39 ~~(s) Nothing in this article shall be construed to prevent~~



1 (2) *Prevent* the examining committee established by  
2 the State Board of Forestry, pursuant to Section 763 of the  
3 Public Resources Code, from conducting a closed session  
4 to consider disciplinary action against an individual  
5 professional forester prior to the filing of an accusation  
6 against the forester pursuant to Section 11503.

7 ~~(t) Nothing in this article shall be construed to prevent~~

8 (3) *Prevent* an administrative committee established  
9 by the State Board of Accountancy pursuant to Section  
10 5020 or 5020.3 of the Business and Professions Code from  
11 conducting a closed session to consider disciplinary action  
12 against an individual accountant prior to the filing of an  
13 accusation against the accountant pursuant to Section  
14 11503. Nothing in this article shall be construed to prevent  
15 an examining committee established by the Board of  
16 Accountancy pursuant to Section 5023 of the Business and  
17 Professions Code from conducting a closed hearing to  
18 interview an individual applicant or accountant  
19 regarding the applicant's qualifications.

20 ~~(u) Nothing in this article shall be construed to~~  
21 ~~prevent~~

22 (4) *Prevent* a state body, as defined in Section 11121.2,  
23 from conducting a closed session to consider any matter  
24 that properly could be considered in closed session by the  
25 state body whose authority it exercises.

26 ~~(v) Nothing in this article shall be construed to~~  
27 ~~prevent~~

28 (5) *Prevent* a state body, as defined in Section 11121.7,  
29 from conducting a closed session to consider any matter  
30 that properly could be considered in a closed session by  
31 the body defined as a state body pursuant to Section  
32 11121, 11121.2, or 11121.5.

33 ~~(w) Nothing in this article shall be construed to~~  
34 ~~prevent~~

35 (6) *Prevent* a state body, as defined in Section 11121.8,  
36 from conducting a closed session to consider any matter  
37 that properly could be considered in a closed session by  
38 the state body it advises.

39 ~~(x) Nothing in this article shall be construed to~~  
40 ~~prevent~~



1 (7) Prevent the State Board of Equalization from  
2 holding closed sessions for either of the following:

3 ~~(1)~~

4 (A) When considering matters pertaining to the  
5 appointment or removal of the executive secretary of the  
6 State Board of Equalization.

7 ~~(2)~~

8 (B) For the purpose of hearing confidential taxpayer  
9 appeals or data, the public disclosure of which is  
10 prohibited by law.

11 ~~(y) Nothing in this article shall be construed to~~  
12 ~~prevent~~

13 (8) Prevent the California Earthquake Prediction  
14 Evaluation Council, or other body appointed to advise the  
15 Director of the Office of Emergency Services or the  
16 Governor pursuant to Section 8590 concerning matters  
17 relating to volcanic or earthquake predictions, from  
18 holding closed sessions when considering the evaluation  
19 of possible predictions.

20 ~~(z)~~

21 (e) This article shall not prevent ~~the~~ either of the  
22 following:

23 (1) The Teachers' Retirement Board or the Board of  
24 Administration of the Public Employees' Retirement  
25 System from holding closed sessions when considering  
26 matters pertaining to the recruitment, appointment,  
27 employment, or removal of the chief executive officer or  
28 when considering matters pertaining to the recruitment  
29 or removal of the Chief Investment Officer of the State  
30 Teachers' Retirement System or the Public Employees'  
31 Retirement System.

32 ~~(aa) This article shall not prevent the~~

33 (2) The Commission on Teacher Credentialing from  
34 holding closed sessions when considering matters relating  
35 to the recruitment, appointment, or removal of its  
36 executive director.

37 SEC. 2. Section 12159 of the Public Contract Code is  
38 amended to read:

39 12159. (a) If a recycled product, as defined in  
40 subdivision (a) of Section 12200, costs more than the same



1 product made with virgin material, the state agency shall,  
2 if feasible, purchase fewer of those more costly products  
3 or apply *the* cost savings, if any, gained from buying other  
4 recycled products towards the purchase of those more  
5 costly products to meet the solid waste diversion goals of  
6 Section 41780.

7 (b) All state agencies shall, if feasible, establish  
8 purchasing practices which ensure the purchase of  
9 materials, goods, and supplies ~~which that~~ may be recycled  
10 or reused. Each state agency shall initiate activities for the  
11 collection, separation, and recycling of recyclable  
12 materials and may appoint a recycling coordinator to  
13 assist in implementing this section.

14 ~~(c) This section shall remain in effect only until~~  
15 ~~January 1, 2001, and as of that date is repealed, unless a~~  
16 ~~later enacted statute which is chaptered prior to that date~~  
17 ~~extends or deletes that date.~~

18 *SEC. 3. Section 12162 of the Public Contract Code is*  
19 *amended to read:*

20 12162. (a) The department shall set ~~the following~~  
21 ~~goals for the purchase of recycled paper products:~~

22 ~~(1) By January 1, 1994, at least 40 percent of the total~~  
23 ~~dollar amount of paper products purchased or procured~~  
24 ~~shall be a recycled paper product, as defined in Section~~  
25 ~~12161. In addition, at least 15 percent of the total fine~~  
26 ~~writing and printing paper purchased or procured shall~~  
27 ~~be a recycled paper product, as defined in Section 12161.~~

28 ~~(2) By as a goal for the purchase of recycled paper~~  
29 ~~products that, by January 1, 1996, at least 50 percent of the~~  
30 ~~total dollar amount of paper products purchased or~~  
31 ~~procured shall is to be a recycled paper product, as~~  
32 ~~defined in Section 12161. In addition, at least 25 percent~~  
33 ~~of the total fine writing and printing paper purchased or~~  
34 ~~procured shall is to be a recycled paper product, as~~  
35 ~~defined in Section 12161.~~

36 (b) All state agencies shall report to the department  
37 and to the board on their progress in meeting the goals  
38 specified in ~~this section~~ *subdivision (a)* and Section 12205  
39 and shall submit to the department and to the board a  
40 detailed plan to meet those goals. The department shall



1 develop a uniform reporting procedure which state  
2 agencies shall follow. If at any time a goal has not been  
3 met, the department, in consultation with the board, shall  
4 review procurement policies and shall make  
5 recommendations for immediate revisions to ensure that  
6 the goal is met. The department, in consultation with the  
7 board, shall present its conclusions and recommendations  
8 on these revisions of procurement policies to the  
9 Legislature in the department's annual report pursuant  
10 to Section 12225.

11 (c) (1) All state agencies shall give a purchase  
12 preference, not to exceed 10 percent, to recycled paper  
13 products, if the product's fitness, quality, availability, and  
14 price meet the requirements of Section 12161. The board,  
15 in consultation with the department, shall establish *every*  
16 *two years*, on or before May 1, 1994, ~~and every two years~~  
17 ~~thereafter~~, price preferences for the purposes of meeting  
18 the goals set forth in this section and Section 12205 for  
19 recycled products. For those priority commodities, as  
20 defined by the board, the price preference established by  
21 the board shall not be less than 5 percent. ~~The board shall~~  
22 ~~publish the established price preferences annually in the~~  
23 ~~board's report to the Legislature pursuant to Section~~  
24 ~~40507 of the Public Resources Code.~~

25 (2) In establishing the price preferences, the board  
26 shall take into consideration *all of* the following factors:

27 (A) Materials that comprise the largest percentage of  
28 the state's solid waste stream.

29 (B) Materials that have the highest percentage of  
30 postconsumer material.

31 (C) Materials that require expanded markets.

32 (D) Any other market factors as determined by the  
33 board.

34 (3) The combined dollar amount of preference  
35 granted pursuant to this section and any other provision  
36 of law shall not exceed one hundred thousand dollars  
37 (\$100,000).

38 (d) Notwithstanding paragraph (1) of subdivision (c),  
39 the recycled paper bidder preference shall not exceed  
40 fifty thousand dollars (\$50,000) if a preference exceeding



1 that amount would preclude an award to a small business  
2 that offers nonrecycled paper products and is qualified in  
3 accordance with Section 14838 of the Government Code.

4 (e) The board shall implement a pilot program, from  
5 January 1, 1994, to January 1, 1997, for funding claims  
6 submitted by state agencies for providing the price  
7 preferences required by this section and Section 12205. A  
8 state agency's purchase of recycled paper products  
9 pursuant to subdivision (a) shall be ineligible for claims  
10 under the pilot program. On or before March 31, 1996, in  
11 conjunction with the annual report required by Section  
12 40507 of the Public Resources Code, the board shall report  
13 to the Legislature and Governor on the pilot program and  
14 make recommendations concerning the continuation or  
15 modification of the program. A sum of not more than  
16 three hundred thousand dollars (\$300,000) total, or one  
17 hundred thousand dollars (\$100,000) annually, shall be  
18 expended for the purposes of implementing the pilot  
19 program. This subdivision shall be operative only if  
20 adequate funds for the pilot program are made available.

21 (f) This section shall remain in effect only until  
22 January 1, 2001, and as of that date is repealed, unless a  
23 later enacted statute which is chaptered prior to that date  
24 extends or deletes that date.

25 *SEC. 4.* Section 40000 of the Public Resources Code is  
26 amended to read:

27 40000. The Legislature hereby finds and declares all  
28 of the following:

29 (a) In 1988, Californians disposed of over 38 million  
30 tons of solid waste, an amount which is expected to grow  
31 if existing solid waste policies are continued. This  
32 amounts to more than 1,500 pounds of waste per person  
33 living in the state, more than any other state in the  
34 country and over twice the per-capita rate of most other  
35 industrialized counties.

36 (b) Over 90 percent of California's solid waste  
37 currently is disposed of in landfills, some of which pose a  
38 threat to groundwater, air quality, and public health.

39 (c) While California will exhaust most of its remaining  
40 landfill space by the mid-1990's, there presently is no



1 coherent state policy to ensure that the state's solid waste  
2 is managed in an effective and environmentally sound  
3 manner for the remainder of the 20th century and  
4 beyond.

5 (d) The amount of solid waste generated in the state  
6 coupled with diminishing landfill space and potential  
7 adverse environmental impacts from landfilling  
8 constitutes an urgent need for state and local agencies to  
9 enact and implement an aggressive new integrated waste  
10 management program.

11 (e) The reduction, recycling, or reuse of solid waste  
12 generated in the state will, in addition to preserving  
13 landfill capacity in California, serve to conserve water,  
14 energy, and other natural resources within this state, and  
15 to protect the state's environment.

16 *SEC. 5. Section 40507 of the Public Resources Code is*  
17 *repealed.*

18 ~~40507. The board shall file an annual report with the~~  
19 ~~Legislature on or before March 31, 1992, and on or before~~  
20 ~~March 31 of each year thereafter. The report shall~~  
21 ~~summarize progress achieved by the board in~~  
22 ~~implementing, or assisting in the implementation of,~~  
23 ~~highlight those significant programs or actions~~  
24 ~~undertaken by the board to implement programs~~  
25 ~~established pursuant to this division and shall include all~~  
26 ~~of the following:~~

27 ~~(a) A review of the board's administrative policies and~~  
28 ~~management structure to determine whether or not~~  
29 ~~administrative, budgetary, or statutory changes are~~  
30 ~~needed to ensure the most effective and efficient~~  
31 ~~implementation of this division.~~

32 ~~(b) A description of actions taken and progress made~~  
33 ~~by the board to implement this division and to further the~~  
34 ~~goals and objectives of this division as set forth in Article~~  
35 ~~1 (commencing with Section 40000) and Article 2~~  
36 ~~(commencing with Section 40050) of Chapter 1.~~

37 ~~(c) A review of all statutory deadlines established for~~  
38 ~~the board under this division and a status report on board~~  
39 ~~actions taken to comply with these deadlines.~~



1 ~~(d) A review of market development strategies~~  
2 ~~undertaken by the board pursuant to this division to~~  
3 ~~ensure that markets exist for materials diverted from solid~~  
4 ~~waste facilities, and recommendations for administrative~~  
5 ~~and legislative actions which will promote expansion of~~  
6 ~~those markets. For the report due to be submitted to the~~  
7 ~~Legislature on or before March 31, 1993,~~  
8 ~~recommendations developed pursuant to this subdivision~~  
9 ~~shall include, but not be limited to, all of the following:~~

10 ~~(1) Recommendations for actions to develop more~~  
11 ~~direct liaisons with private manufacturing industries in~~  
12 ~~the state to promote increased utilization of recycled~~  
13 ~~feedstock in manufacturing processes.~~

14 ~~(2) Recommendations for actions which can be taken~~  
15 ~~to assist local governments in the inclusion of recycling~~  
16 ~~activities in county overall economic development plans.~~

17 ~~(3) Recommendations for actions to utilize available~~  
18 ~~financial resources for expansion of recycling industry~~  
19 ~~capacity.~~

20 ~~(4) Recommendations to improve state, local, and~~  
21 ~~private industry product and material procurement~~  
22 ~~practices.~~

23 ~~(e) A review of actions taken by the board to better~~  
24 ~~educate and inform individuals and public and private~~  
25 ~~sector entities who generate solid waste on the~~  
26 ~~importance of source reduction, recycling, and~~  
27 ~~composting of solid waste, and recommendations for~~  
28 ~~administrative or legislative actions which will better~~  
29 ~~inform and educate these parties.~~

30 ~~(f) (1) For the report due to be submitted to the~~  
31 ~~Legislature on or before March 31, 1993, a review of~~  
32 ~~actions which have been taken, or will be taken, by the~~  
33 ~~board to promote source reduction as defined in Section~~  
34 ~~40196, and recommendations for legislation which will~~  
35 ~~promote source reduction on a statewide basis.~~  
36 ~~Recommendations for source reduction developed~~  
37 ~~pursuant to this subdivision shall include, but not be~~  
38 ~~limited to, all of the following:~~



1 ~~(A) Recommendations for actions to improve~~  
2 ~~packaging and product design to reduce use of excess~~  
3 ~~packaging or materials.~~

4 ~~(B) Recommendations for the development and~~  
5 ~~implementation of product durability standards.~~

6 ~~(C) Recommendations for increasing recycled~~  
7 ~~feedstock use.~~

8 ~~(D) Recommendations for reducing toxicity of~~  
9 ~~packaging and products.~~

10 ~~(2) The board may enter into a contract with a~~  
11 ~~consulting firm to prepare the recommendations~~  
12 ~~required by this subdivision.~~

13 ~~(g) A review of the effectiveness of those provisions of~~  
14 ~~the Revenue and Taxation Code which provide tax~~  
15 ~~credits and deductions to individuals and businesses to~~  
16 ~~promote more effective implementation of this division~~  
17 ~~and recommendations for improvements to those~~  
18 ~~provisions which will further the implementation of this~~  
19 ~~division.~~

20 ~~(h) Beginning with the report due to be submitted to~~  
21 ~~the Legislature on or before March 31, 1994, and annually~~  
22 ~~thereafter, the board shall report on the effectiveness of~~  
23 ~~the programs developed pursuant to Sections 40912,~~  
24 ~~40913, and 40914.~~

25 ~~(i) Recommendations, with proposed implementing~~  
26 ~~regulations, for providing technical assistance to counties~~  
27 ~~and cities that meet the criteria specified in Section 41782,~~  
28 ~~so that those counties and cities will be able to meet the~~  
29 ~~objectives of this division. The recommendations shall,~~  
30 ~~among other things, address the following matters:~~

31 ~~(1) Assistance in developing methods of raising~~  
32 ~~revenue at the local level to fund rural integrated waste~~  
33 ~~management programs.~~

34 ~~(2) Assistance in developing alternative methods of~~  
35 ~~source reduction, recycling, and composting of solid~~  
36 ~~waste suitable for rural local governments.~~

37 *SEC. 6. Section 40507 is added to the Public Resources*  
38 *Code, to read:*

39 *40507. (a) On or before March 1 of each year, the*  
40 *board shall file an annual progress report with the*



1 Legislature highlighting significant programs or actions  
2 undertaken by the board to implement programs  
3 pursuant to this division during the prior calendar year.  
4 The report shall include, but is not limited to, the  
5 information described in subdivision (b).

6 (b) The board shall prepare the progress report  
7 throughout the calendar year, as determined by the  
8 board, on the following programs:

9 (1) The local enforcement agency program.

10 (2) The research and development program.

11 (3) The public education program.

12 (4) The market development program.

13 (5) The used oil program.

14 (6) The planning and local assistance program.

15 (7) The site cleanup program.

16 (c) The progress report shall specifically include, but  
17 is not limited to, all of the following information:

18 (1) Pursuant to paragraph (1) of subdivision (b), the  
19 status of the certification and evaluation of local  
20 enforcement agencies pursuant to Chapter 2  
21 (commencing with Section 43200) of Part 4.

22 (2) Pursuant to paragraph (2) of subdivision (b), all of  
23 the following information:

24 (A) The results of the research and development  
25 programs established pursuant to Chapter 13  
26 (commencing with Section 42650) of Part 3.

27 (B) A report on information and activities associated  
28 with the establishment of the Plastics Recycling  
29 Information Clearinghouse, pursuant to Section 42520.

30 (C) A report on the progress in implementing the  
31 monitoring and control program for the subsurface  
32 migration of landfill gas established pursuant to Section  
33 43030, including recommendations, as needed, to  
34 improve the program.

35 (D) A report on the comparative costs and benefits of  
36 the recycling or conversion processes for waste tires  
37 funded pursuant to Chapter 17 (commencing with  
38 Section 42860) of Part 3.

39 (3) Pursuant to paragraph (3) of subdivision (b), all of  
40 the following information:



1 (A) A review of actions taken by the board to educate  
2 and inform individuals and public and private sector  
3 entities who generate solid waste on the importance of  
4 source reduction, recycling, and composting of solid  
5 waste, and recommendations for administrative or  
6 legislative actions which will inform and educate these  
7 parties.

8 (B) A report on the effectiveness of the public  
9 information program required to be implemented  
10 pursuant to Chapter 12 (commencing with Section  
11 42600) of Part 3, including recommendations on  
12 administrative and legislative changes to improve the  
13 program.

14 (C) A report on the status and effectiveness of school  
15 district source reduction and recycling programs  
16 implemented pursuant to Chapter 12.5 (commencing  
17 with Section 42620) of Part 3, including  
18 recommendations on administrative and legislative  
19 changes to improve the program's effectiveness.

20 (D) A report on the effectiveness of the integrated  
21 waste management educational program and teacher  
22 training plan implemented pursuant to Section 42603,  
23 including recommendations on administrative and  
24 legislative changes which will improve the program.

25 (E) A summary of available and wanted materials, a  
26 profile of the participants, and the amount of waste  
27 diverted from disposal sites as a result of the California  
28 Materials Exchange Program established pursuant to  
29 subdivision (a) of Section 42600.

30 (4) Pursuant to paragraph (4) of subdivision (b), all of  
31 the following information:

32 (A) A review of market development strategies  
33 undertaken by the board pursuant to this division to  
34 ensure that markets exist for materials diverted from solid  
35 waste facilities, including recommendations for  
36 administrative and legislative actions which will promote  
37 expansion of those markets. The recommendations shall  
38 include, but not be limited to, all of the following:

39 (i) Recommendations for actions to develop more  
40 direct liaisons with private manufacturing industries in



1 *the state to promote increased utilization of recycled*  
2 *feedstock in manufacturing processes.*

3 *(ii) Recommendations for actions which can be taken*  
4 *to assist local governments in the inclusion of recycling*  
5 *activities in county overall economic development plans.*

6 *(iii) Recommendations for actions to utilize available*  
7 *financial resources for expansion of recycling industry*  
8 *capacity.*

9 *(iv) Recommendations to improve state, local, and*  
10 *private industry product and material procurement*  
11 *practices.*

12 *(B) Development and implementation of a program*  
13 *to assist local agencies in the identification of markets for*  
14 *materials that are diverted from disposal facilities*  
15 *through source reduction, recycling, and composting*  
16 *pursuant to Section 40913.*

17 *(C) A report on the Recycling Market Development*  
18 *Zone Loan Program provided for in subdivision (c) of*  
19 *Section 42010), pursuant to subdivision (f) of Section*  
20 *42010.*

21 *(D) A report on implementation of the Compost*  
22 *Market Program pursuant to Chapter 5 (commencing*  
23 *with Section 42230) of Part 3.*

24 *(E) A report on the progress in developing and*  
25 *implementing the comprehensive Market Development*  
26 *Plan, pursuant to Article 2 of Chapter 1 (commencing*  
27 *with Section 42005) of Part 3.*

28 *(F) The number of retreaded tires purchased by the*  
29 *Department of General Services during the prior fiscal*  
30 *year pursuant to Section 42414.*

31 *(G) The results of the study performed in consultation*  
32 *with the Department of General Services pursuant to*  
33 *Section 42416 to determine if tire retreads, procured by*  
34 *the department, have met all quality and performance*  
35 *criteria of a new tire, including any recommendations to*  
36 *expand, revise, or curtail the program.*

37 *(H) The number of recycled lead-acid batteries*  
38 *purchased during the prior fiscal year by the Department*  
39 *of General Services pursuant to Section 42443.*



1 (I) A list of established price preferences for recycled  
2 paper products for the prior fiscal year pursuant to  
3 paragraph (1) of subdivision (c) of the Public Contract  
4 Code.

5 (J) A report on the implementation of the white office  
6 paper recovery program pursuant to Chapter 10  
7 (commencing with Section 42560) of Part 3.

8 (5) Pursuant to paragraph (5) of subdivision (b), both  
9 of the following information:

10 (A) A report on the annual audit of the used oil  
11 recycling program established pursuant to Chapter 4  
12 (commencing with Section 48600) of Part 7.

13 (B) A summary of industrial and lubricating oil sales  
14 and recycling rates, the results of programs funded  
15 pursuant to Chapter 4 (commencing with Section 48600)  
16 of Part 7, recommendations, if any, for statutory changes  
17 to the program, including changes in the amounts of the  
18 payment required by Section 48650 and the recycling  
19 incentive, and plans for present and future programs to  
20 be conducted over the next two years.

21 (6) Pursuant to paragraph (6) of subdivision (b), all of  
22 the following information:

23 (A) The development by the board of the model  
24 countywide or regional siting element and model  
25 countywide or regional agency integrated waste  
26 management plan pursuant to Section 40912, including its  
27 effectiveness in assisting local agencies.

28 (B) The adoption by the board of a program to provide  
29 assistance to cities, counties, or regional agencies in the  
30 development and implementation of source reduction  
31 programs pursuant to subdivision (b) of Section 40912.

32 (C) The development by the board of model programs  
33 and materials to assist rural counties and cities in  
34 preparing city and county source reduction and recycling  
35 elements pursuant to Section 40914.

36 (D) A report on the number of tires that are recycled  
37 or otherwise diverted from disposal in landfills or  
38 stockpiles.

39 (E) A report on the development and implementation  
40 of recommendations, with proposed implementing



1 regulations, for providing technical assistance to counties  
2 and cities that meet criteria specified in Section 41782, so  
3 that those counties and cities will be able to meet the  
4 objectives of this division. The recommendations shall,  
5 among other things, address both of the following  
6 matters:

7 (i) Assistance in developing methods of raising  
8 revenue at the local level to fund rural integrated waste  
9 management programs.

10 (ii) Assistance in developing alternative methods of  
11 source reduction, recycling, and composting of solid  
12 waste suitable for rural local governments.

13 (F) A report on the status and implementation of the  
14 “Buy Recycled” program established pursuant to  
15 subdivision (d) of Section 42600, including the waste  
16 collection and recycling programs established pursuant  
17 to Sections 12164.5 and 12165 of the Public Contract Code.

18 (7) Pursuant to paragraph (7) of subdivision (b), a  
19 description of sites cleaned up under the Solid Waste  
20 Disposal and Codisposal Site Cleanup Program  
21 established pursuant to Article 2.5 (commencing with  
22 Section 48020) of Chapter 2 of Part 7, a description of  
23 remaining sites where there is no responsible party or the  
24 responsible party is unable or unwilling to pay for  
25 cleanup, and recommendations for any needed  
26 legislative changes.

27 SEC. 7. Section 41770.5 of the Public Resources Code  
28 is repealed.

29 ~~41770.5. A city, county, or regional agency may revise  
30 or amend its source reduction and recycling element and  
31 household hazardous waste element at any time to  
32 incorporate new or revised data, to give descriptions of  
33 new or revised source reduction, recycling, or  
34 composting programs, or to make other changes that are  
35 necessary to comply with the diversion requirements of  
36 Section 41780.~~

37 SEC. 8. Section 41802 of the Public Resources Code is  
38 amended to read:

39 41802. (a) Within 120 days ~~of receiving from the date~~  
40 ~~of receipt of a city or county~~ household hazardous waste



1 element, the board shall approve or disapprove the  
2 element.

3 (b) The board shall not disapprove a household  
4 hazardous waste element if the local agency preparing  
5 the element demonstrates to the board that, in  
6 implementing the household hazardous waste element,  
7 the local agency will comply with all of the following  
8 requirements:

9 (1) The local agency will use feasible methods to  
10 properly reduce, collect, recycle, treat, and dispose of  
11 household hazardous waste generated within its  
12 jurisdiction.

13 (2) The local agency will devote reasonable  
14 expenditures to the safe reduction, collection, recycling,  
15 treatment, and disposal of household hazardous waste,  
16 relative to the other expenditures required by this  
17 division, and relative to the expenditures for household  
18 hazardous waste programs which were awarded grants of  
19 funds pursuant to Section 46401 as it read on January 1,  
20 1993.

21 (3) The local agency will make all reasonable efforts to  
22 inform the public of, and to encourage public  
23 participation in, the household hazardous waste program.

24 (4) Regardless of the number of household hazardous  
25 waste collection events held each year by a local agency,  
26 or the actual number of households served, the collection  
27 program is available for use by all households within the  
28 jurisdiction of the local agency, and provides a safe  
29 alternative for all residents within the jurisdiction of the  
30 local agency to properly and safely dispose of household  
31 hazardous waste.

32 (c) (1) In determining whether a local agency meets  
33 the conditions for approval of a household hazardous  
34 waste element set forth in subdivision (b), the board shall  
35 consider the geographic size and population of the city or  
36 county and the quantity of household hazardous waste  
37 generated within the jurisdiction of the city or county.

38 (2) The board may provide an exemption from the  
39 requirements of subdivision (b) if a city ~~or a~~ county, *or*  
40 *a regional agency* demonstrates, and the board concurs,



1 that compliance with those requirements is not feasible  
2 due to the small geographic size of the city ☹; county, *or*  
3 *regional agency* and the small quantity of *solid* waste  
4 generated within the city ☹; county, *or regional agency*.  
5 The board may establish alternative, but less  
6 comprehensive, requirements for those cities ☹;  
7 counties, *or regional agencies* to ensure compliance with  
8 this division.

9 *SEC. 9. Section 41820 of the Public Resources Code is*  
10 *amended to read:*

11 41820. The board may grant a one-year time  
12 extension from the requirements of Section 41780 to any  
13 city ☹; county, *or regional agency* if the following  
14 conditions are met:

15 (a) The board adopts written findings, based upon  
16 substantial evidence in the record, that adverse market  
17 conditions beyond the control of city or county prevent  
18 the city ☹; county, *or regional agency* from meeting the  
19 requirements of Section 41780.

20 (b) The city ☹; county, *or regional agency* submits a  
21 plan of correction which demonstrates how the city ☹;  
22 county, *or regional agency* will meet the requirements of  
23 Section 41780 before the time extension expires, which  
24 includes the source reduction, recycling, or composting  
25 steps the city ☹; county, *or regional agency* will  
26 implement, and which states how these programs will be  
27 funded.

28 (c) The city ☹; county, *or regional agency*  
29 demonstrates that it is achieving the maximum feasible  
30 amount of source reduction, recycling, and composting of  
31 solid waste within its jurisdiction.

32 *SEC. 10. Section 41821 of the Public Resources Code*  
33 *is amended to read:*

34 41821. (a) Each city, county, and regional agency  
35 shall submit a report to the board summarizing its  
36 progress in achieving the diversion requirements of  
37 Section 41780 *on or before March 1 of each year, based on*  
38 *the preceding calendar year.* ~~The report shall be~~  
39 ~~submitted with the source reduction and recycling~~  
40 ~~element required pursuant to Section 41791.5, or by~~



1 ~~October 1, 1994, except that jurisdictions which are~~  
2 ~~required to submit a source reduction and recycling~~  
3 ~~element by December 31, 1994, pursuant to paragraph~~  
4 ~~(3) of subdivision (a) of Section 41791.5, shall submit the~~  
5 ~~report not later than October 1, 1994.~~ The report shall not  
6 be used for purposes of enforcing the requirements of this  
7 division. *The report shall describe any new or revised*  
8 *source reduction, recycling, or composting programs, or*  
9 *any other changes which have been implemented for*  
10 *purposes of complying with Section 41780. The report*  
11 *shall include information on increases in solid waste*  
12 *generated or disposed of due to increases or decreases in*  
13 *the quantity of solid waste caused only by changes in*  
14 *population or changes in the number or the size of*  
15 *governmental, industrial, or commercial operations in*  
16 *the city, county, or regional agency so that the board may*  
17 *determine if the diversion requirements of Section 41780*  
18 *need to be revised. In preparing annual reports pursuant*  
19 *to this section, cities, counties, and regional agencies shall*  
20 *use disposal information, and information on the*  
21 *diversion programs which the city, county, or regional*  
22 *agency operates, to track the success of diversion*  
23 *programs.*

24 (b) The board shall, ~~by December 30, 1993,~~ prepare a  
25 brief reporting form and shall provide the form to each  
26 jurisdiction for use in submitting the following  
27 information:

28 (1) Any change in the tonnage of solid waste disposed  
29 of by the jurisdiction when compared to the information  
30 reported for the base year, as defined in Section 41781.

31 (2) Any change in the tonnage of solid waste diverted  
32 through facilities or programs operated by the  
33 jurisdiction.

34 (3) A status report on programs described in the  
35 source reduction and recycling element.

36 (c) The board may request additional information as  
37 necessary, but shall not require any jurisdiction to  
38 prepare a solid waste generation study or other  
39 significant analysis.



1 (d) It is the intent of the Legislature that the board, in  
2 preparing the reporting form pursuant to subdivision  
3 (b), only require information which is necessary to  
4 determine the progress that a jurisdiction is making  
5 toward meeting the diversion requirements of Section  
6 41780 and to provide assistance to local governments in  
7 the preparation of the forms so as to minimize to the  
8 greatest extent practicable any additional time and  
9 expense to local governments.

10 ~~(e) On or before January 1, 1995, the board shall~~  
11 ~~submit to the Governor and the Legislature a report~~  
12 ~~summarizing information from the reports submitted~~  
13 ~~pursuant to subdivision (a) describing city, county,~~  
14 ~~regional agency, and statewide progress in achieving the~~  
15 ~~diversion requirements of Section 41780.~~

16 ~~(f) Each year following the board's approval of a city,~~  
17 ~~county, or regional agency source reduction and~~  
18 ~~recycling element or a countywide or regional agency~~  
19 ~~integrated waste management plan, the city, county, or~~  
20 ~~regional agency shall submit a report to the board~~  
21 ~~summarizing its progress in reducing solid waste as~~  
22 ~~required by Section 41780. The report shall describe any~~  
23 ~~new or revised source reduction, recycling, or~~  
24 ~~composting programs, or any other changes which have~~  
25 ~~been implemented for purposes of complying with~~  
26 ~~Section 41780. The report shall include information on~~  
27 ~~increases in waste generated or disposed of due to~~  
28 ~~increases or decreases in the quantity of waste caused~~  
29 ~~only by changes in population or changes in the number~~  
30 ~~or the size of governmental, industrial, or commercial~~  
31 ~~operations in the city, county, or regional agency so that~~  
32 ~~the board may determine if the source reduction and~~  
33 ~~recycling requirements of Section 41780 need to be~~  
34 ~~revised. In preparing annual reports pursuant to this~~  
35 ~~section, cities, counties, and regional agencies shall use~~  
36 ~~disposal information, and information on the diversion~~  
37 ~~programs which the city, county, or regional agency~~  
38 ~~operates, to track the success of diversion programs.~~

39 *SEC. 11. Section 41822 of the Public Resources Code*  
40 *is amended to read:*



1 41822. Each city ~~or~~ county, *or regional agency* shall  
2 review its ~~city~~ source reduction and recycling element or  
3 the countywide integrated waste management plan at  
4 least once every five years to correct any deficiencies in  
5 the element or plan, to comply with the source reduction  
6 and recycling requirements established under Section  
7 41780, and to revise the documents, as necessary, ~~in order~~  
8 to comply with this part. Any revision made to an element  
9 or plan pursuant to this section shall be submitted to the  
10 board for review and approval or disapproval pursuant to  
11 the schedule established under this chapter.

12 *SEC. 12. Section 42000 of the Public Resources Code*  
13 *is amended to read:*

14 42000. The Legislature hereby finds and declares as  
15 follows:

16 (a) This division requires cities and counties to divert  
17 25 percent of all solid waste from landfills and  
18 transformation facilities by 1995 and 50 percent by 2000.  
19 As of 1990, the overall diversion rate in the state was 12  
20 percent.

21 (b) California's recycling and composting efforts need  
22 to increase greatly if local jurisdictions are to meet the 25  
23 percent and the 50 percent diversion requirements.

24 (c) Market development is the key to increased,  
25 cost-effective recycling. Market development includes  
26 activities that strengthen demand by manufacturers and  
27 end-use consumers for recyclable materials collected by  
28 municipalities, nonprofit organizations, and private  
29 entities.

30 (d) Developing markets for recyclable materials  
31 creates opportunities that will reindustrialize California.  
32 The board estimates that the development of markets for  
33 recyclable materials may create over 20,000 jobs in  
34 California's manufacturing sector, an additional 25,000  
35 jobs in the sorting and processing fields, and an  
36 unestimated number of jobs in other fields that may  
37 develop through full implementation of this division.

38 ~~(e) This division requires the board, in preparing its~~  
39 ~~annual report pursuant to Section 40507, to review its~~  
40 ~~market development strategies and to make~~



1 ~~recommendations for administrative and legislative~~  
2 ~~actions that will promote expansion of those markets.~~

3 ~~(f) The board is authorized to conduct individual~~  
4 ~~market development activities, but is not presently~~  
5 ~~required to implement a comprehensive plan that~~  
6 ~~addresses the full range of market development needs.~~

7 *SEC. 13. Section 42008 of the Public Resources Code*  
8 *is repealed.*

9 ~~42008. The board shall report on its progress in~~  
10 ~~developing and implementing the market development~~  
11 ~~plan to the Legislature pursuant to Section 40507.~~

12 *SEC. 14. Section 42010 of the Public Resources Code*  
13 *is amended to read:*

14 42010. (a) The local governing body may, either by  
15 ordinance or resolution, upon the recommendation of the  
16 appropriate land use planning agency, propose eligible  
17 parcels of property within its jurisdiction as a recycling  
18 market development zone.

19 (b) The proposal of a recycling market development  
20 zone shall be based upon the following findings by the  
21 local governing body:

22 (1) The current waste management practices and  
23 conditions are favorable to the development of  
24 postconsumer waste material markets.

25 (2) The designation as a recycling market  
26 development zone is necessary ~~in order~~ to assist in  
27 attracting private sector recycling investments to the  
28 area.

29 (c) (1) The Recycling Market Development  
30 Revolving Loan Subaccount is hereby created in the  
31 account for the purpose of providing loans for purposes  
32 of the Recycling Market Development Revolving Loan  
33 Program established pursuant to this article. The money  
34 from any loan repayments and fees, including, but not  
35 limited to, principal and interest repayments, fees and  
36 points, recovery of collection costs, income earned on any  
37 asset recovered pursuant to a loan default, and funds  
38 collected through foreclosure actions, shall be deposited  
39 in the subaccount.



1 (2) Upon appropriation by the Legislature in the  
2 annual Budget Act, the board may make low-interest  
3 loans to local governing bodies and private business  
4 entities within a recycling market development zone  
5 from money in the subaccount for the purpose of assisting  
6 the board and local agencies in complying with Section  
7 40051 and to assist cities and counties in complying with  
8 Section 41780.

9 (3) The board shall establish and collect fees for  
10 applications for loans authorized by this section. The  
11 application fee shall be set at a level that is sufficient to  
12 fund the board's cost of processing applications for loans.  
13 In addition, the board shall establish a schedule of fees, or  
14 points, for loans which are entered into by the board, to  
15 fund the board's administration of the revolving loan  
16 program.

17 (4) The board may, upon appropriation by the  
18 Legislature in the annual Budget Act, use the money in  
19 the subaccount for the administration of the revolving  
20 loan program. In addition, the board may fund  
21 administration of the revolving loan program from the  
22 account upon appropriation by the Legislature in the  
23 annual Budget Act. However, funding for the  
24 administration of the revolving loan program from the  
25 account shall be provided only if there are not sufficient  
26 funds in the subaccount to fully fund administration of the  
27 program.

28 (d) Loans made pursuant to subdivision (c) shall be  
29 subject to all of the following requirements:

30 (1) The terms of any approved loan shall be specified  
31 in a loan agreement between the borrower and the board.  
32 The loan agreement shall include a requirement that the  
33 failure to comply with the agreement shall result in any  
34 remaining unpaid amount of the loan, with accrued  
35 interest, being immediately due and payable.  
36 Notwithstanding any term of the agreement, any  
37 recipient of a loan that the board approves shall repay the  
38 principal amount, plus interest on the basis of the rate of  
39 return for money in the Pooled Money Investment  
40 Account. Except as provided in subdivision (g), all money



1 received as repayment and interest on loans made  
2 pursuant to this section shall be deposited in the  
3 subaccount.

4 (2) The term of any loan made pursuant to this section  
5 shall be not more than 10 years.

6 (3) The board shall approve only those loan  
7 applications which demonstrate the applicant's ability to  
8 repay the loan. The highest priority for funding shall be  
9 given to projects which demonstrate that the project will  
10 increase market demand for recycling the project's type  
11 of postconsumer waste material.

12 (4) The board shall finance not more than one-half of  
13 the cost of the project, or not more than one million  
14 dollars (\$1,000,000) for loans to the project, whichever is  
15 less.

16 (5) The Department of Finance may audit the  
17 expenditure of the proceeds of any loan made pursuant  
18 to this section.

19 (e) Upon authorization by the Legislature in the  
20 annual Budget Act, the Controller shall transfer the sum  
21 of five million dollars (\$5,000,000) from the account to the  
22 subaccount for the purpose of making loans pursuant to  
23 this section. That amount shall be a loan to the  
24 subaccount, repayable with interest to the account at the  
25 rate of return for money in the Pooled Money Investment  
26 Account, and shall be repaid on or before July 1, 1997.

27 ~~(f) As part of the annual report which the board is~~  
28 ~~required to submit on or before March 31, 1996, to the~~  
29 ~~Legislature pursuant to Section 40507, the board shall~~  
30 ~~submit a report on the revolving loan program.~~

31 ~~(g)~~(1) This section shall become inoperative on July  
32 1, 1997, and, as of January 1, 1998, is repealed, unless a later  
33 enacted statute, which becomes effective on or before  
34 January 1, 1998, deletes or extends the dates on which it  
35 becomes inoperative and is repealed.

36 (2) Notwithstanding paragraph (1), any loan that is  
37 outstanding on July 1, 1997, shall be repaid as provided in  
38 paragraph (2) of subdivision (d) until repaid in full. Any  
39 unexpended funds in the subaccount on July 1, 1997, shall  
40 be transferred to the account, and any proceeds from



1 loans outstanding on that date shall be deposited in the  
2 account.

3 *SEC. 15. Section 42244 of the Public Resources Code*  
4 *is amended to read:*

5 ~~42244. On or after January 1, 1991, the~~ *The board shall*  
6 *evaluate compost, co-compost, and chemically fixed*  
7 *sewage sludge for use as solid waste landfill cover*  
8 *materials or for use as extenders for currently used cover*  
9 *material. Compost, co-compost, and chemically fixed*  
10 *sewage sludge products, when used as a substitute for or*  
11 *mixed with currently approved cover material, shall*  
12 *possess all the physical characteristics required in the*  
13 *definition of a cover material. The results of the*  
14 *evaluation shall be reported in accordance with the*  
15 *reporting requirements of Section 42247.*

16 *SEC. 16. Section 42247 of the Public Resources Code*  
17 *is repealed.*

18 ~~42247. The board shall report on the implementation~~  
19 ~~of this chapter in the report required pursuant to Section~~  
20 ~~40507.~~

21 *SEC. 17. Section 42373 of the Public Resources Code*  
22 *is repealed.*

23 ~~42373. On or before July 1, 1992, the board shall~~  
24 ~~perform a study to identify methods to increase the~~  
25 ~~utilization of recyclable plastics in the manufacturing of~~  
26 ~~new products. The report shall identify laws,~~  
27 ~~specifications, and institutional barriers to the~~  
28 ~~development of markets for recyclable plastics. The~~  
29 ~~results of the study shall be included in the report~~  
30 ~~required pursuant to Section 40507.~~

31 *SEC. 18. Article 3 (commencing with Section 42380)*  
32 *of Chapter 6 of Part 3 of Division 30 of the Public*  
33 *Resources Code is repealed.*

34 *SEC. 19. Section 42414 of the Public Resources Code*  
35 *is amended to read:*

36 42414. The number of retreaded tires purchased  
37 annually by the Department of General Services during  
38 each fiscal year shall be tabulated and forwarded to the  
39 board by August 31, 1992, and by August 31 of every



1 subsequent year. This information shall be included in the  
2 report required pursuant to Section 40507.

3 *SEC. 20. Section 42415 of the Public Resources Code*  
4 *is amended to read:*

5 42415. ~~On or before July 1, 1993, the~~ The board, in  
6 consultation with the Department of General Services,  
7 shall perform a study to determine if the retreads,  
8 procured by the Department of General Services, have  
9 met all quality and performance criteria of a new tire.  
10 ~~The results of this study and any recommendations to~~  
11 ~~expand, revise, or curtail the program shall be included~~  
12 ~~in the report required pursuant to Section 40507.~~

13 *SEC. 21. Section 42443 of the Public Resources Code*  
14 *is amended to read:*

15 42443. The number of recycled lead-acid batteries  
16 purchased each year by the Department of General  
17 Services shall be tabulated and forwarded ~~initially to the~~  
18 ~~board on or before August 31, 1992, and tabulated and~~  
19 ~~forwarded~~ to the board on or before March 31 of each year  
20 thereafter. This information shall be included in the  
21 report required pursuant to Section 40507.

22 *SEC. 22. Section 42512 of the Public Resources Code*  
23 *is repealed.*

24 42512. ~~On or before March 31, 1993, and annually~~  
25 ~~thereafter, as part of the report required to be submitted~~  
26 ~~pursuant to Section 40507, the board, in consultation with~~  
27 ~~the State Air Resources Board, shall report on nonyard~~  
28 ~~wood waste diversion which takes place pursuant to this~~  
29 ~~article. The report shall include a quantification of the~~  
30 ~~amount of nonyard wood waste being diverted from~~  
31 ~~permitted disposal facilities and shall assess the~~  
32 ~~environmental and economic implications of promoting~~  
33 ~~or discouraging nonyard wood waste diversion from those~~  
34 ~~facilities. The report may make recommendations for~~  
35 ~~further actions to be taken to affect nonyard wood waste~~  
36 ~~diversion to the extent those recommendations are~~  
37 ~~consistent with the hierarchy set forth in Section 40051.~~

38 *SEC. 23. Section 42520 of the Public Resources Code*  
39 *is amended to read:*



1 42520. ~~On or before July 1, 1992, the~~ *The* board shall  
2 establish a Plastics Recycling Information Clearinghouse.  
3 This clearinghouse shall provide information to  
4 postconsumer plastics collectors, reprocessors, and  
5 recyclers about programs collecting postconsumer  
6 plastics, availability of postconsumer plastics, and recent  
7 advances in postconsumer plastics recycling technology.  
8 ~~On or before March 31, 1993, and annually thereafter, as~~  
9 ~~part of the report required to be submitted pursuant to~~  
10 ~~Section 40507, the board shall report on information and~~  
11 ~~activities associated with the establishment of the Plastics~~  
12 ~~Recycling Information Clearinghouse pursuant to this~~  
13 ~~section.~~

14 *SEC. 24. Section 42563 of the Public Resources Code*  
15 *is repealed.*

16 ~~42563. On and after March 31, 1992, the board shall~~  
17 ~~report on the implementation of the white office paper~~  
18 ~~recovery program in the report specified in Section~~  
19 ~~40507.~~

20 *SEC. 25. Section 42601 of the Public Resources Code*  
21 *is amended to read:*

22 42601. The board shall measure public information  
23 program effectiveness through research which  
24 establishes program benchmarks and tracks results. The  
25 results of that measurement shall serve as the basis for  
26 program modification. ~~On and after March 31, 1993, as~~  
27 ~~part of the report required to be prepared pursuant to~~  
28 ~~Section 40507, the board shall report on the effectiveness~~  
29 ~~of the public information program required to be~~  
30 ~~implemented pursuant to Section 42600 and make~~  
31 ~~recommendations on administrative and legislative~~  
32 ~~changes which will improve the program.~~

33 *SEC. 26. Section 42603 of the Public Resources Code*  
34 *is amended to read:*

35 42603. (a) ~~On or before January 1, 1993, the~~ *The*  
36 board, in cooperation with the State Department of  
37 Education, shall develop and implement an integrated  
38 waste management educational program to teach the  
39 concepts of source reduction, recycling, composting, and  
40 integrated waste management in California schools.



1 (b) ~~On or before January 1, 1994, the~~ *The* State  
 2 Department of Education, in cooperation with the board,  
 3 shall develop and implement a teacher training and  
 4 implementation plan, to guide the implementation of the  
 5 integrated waste management educational program, for  
 6 the education of students, faculty, and administrators on  
 7 the importance of source reduction, recycling,  
 8 composting, and integrated waste management in the  
 9 schools. The plan shall project the phased  
 10 implementation of elementary, middle, and high school  
 11 programs. The board shall use the plan and consult with  
 12 the State Department of Education in developing its  
 13 annual public information and education budget, and  
 14 shall include sufficient funds for successful  
 15 implementation. ~~On and after March 31, 1994, the board~~  
 16 ~~shall, in the report required pursuant to Section 40507~~  
 17 ~~report on the effectiveness of programs required to be~~  
 18 ~~implemented pursuant to this section and make~~  
 19 ~~recommendations on administrative and legislative~~  
 20 ~~changes which will improve the program.~~

21 *SEC. 27. Section 42623 of the Public Resources Code*  
 22 *is repealed.*

23 ~~42623. On and after March 31, 1994, the board shall, in~~  
 24 ~~the report required to be prepared pursuant to Section~~  
 25 ~~40507, report on the status and effectiveness of school~~  
 26 ~~district source reduction and recycling programs~~  
 27 ~~implemented pursuant to this chapter and shall make~~  
 28 ~~recommendations on administrative and legislative~~  
 29 ~~changes to improve the program's effectiveness.~~

30 *SEC. 28. Section 42650 of the Public Resources Code*  
 31 *is amended to read:*

32 42650. ~~(a)~~The board may establish a comprehensive  
 33 research and development program designed to identify,  
 34 develop, and refine processes and technologies that will  
 35 assist state and local governments and private industries  
 36 to implement innovative resource management and  
 37 waste reduction programs. The board may conduct  
 38 research and development programs, upon  
 39 appropriation therefor by the Legislature, that include,  
 40 but are not limited to, all of the following:



1 ~~(1)~~

2 (a) Establishment of a recycling extension service  
3 within the board to serve as a central clearinghouse for  
4 recycling research information.

5 ~~(2)~~

6 (b) Establishment of cooperative research and  
7 development facilities at universities and colleges in the  
8 state.

9 ~~(3)~~

10 (c) Development of a research program to study the  
11 feasibility of using disposal site mining technology to  
12 extend the life of existing disposal sites, recover valuable  
13 resources, and to reuse the reclaimed disposal site in an  
14 environmentally sound manner.

15 ~~(4)~~

16 (d) Establishment of a research program to identify  
17 educational and promotional methods that can effect  
18 environmentally positive changes in human behavior.

19 ~~(5)~~

20 (e) Conduct of studies into hazards posed by special  
21 wastes and by ash and air emissions from the incineration  
22 of waste.

23 ~~(6)~~

24 (f) Conduct of research to develop statistical tools to  
25 establish computer-based data bases on waste  
26 characteristics, special waste volumes, and county and  
27 regional waste capacities.

28 ~~(7)~~

29 (g) Analysis of disposal site encroachment problems  
30 and the development of effective public policy tools to  
31 discourage disposal site encroachment.

32 ~~(b) The board shall submit the results of the research  
33 and development programs specified in subdivision (a)  
34 in the report required pursuant to Section 40507.~~

35 *SEC. 29. Article 7 (commencing with Section 42859)*  
36 *of Chapter 16 of Part 3 of Division 30 of the Public*  
37 *Resources Code is repealed.*

38 *SEC. 30. Section 42884 of the Public Resources Code*  
39 *is repealed.*



1 ~~42884. On or before May 1, 1992, and each May 1~~  
 2 ~~thereafter, the board shall report to the Legislature on~~  
 3 ~~the number of tires recycled or otherwise diverted from~~  
 4 ~~disposal in landfills or stockpiles and the comparative~~  
 5 ~~costs and benefits of the recycling or conversion processes~~  
 6 ~~funded under this chapter.~~

7 *SEC. 31. Section 43030 of the Public Resources Code*  
 8 *is amended to read:*

9 43030. (a) The board shall adopt regulations that are  
 10 consistent with Section 40055 governing the monitoring  
 11 and control of the subsurface migration of landfill gas.

12 (b) The board shall consult with the state water board,  
 13 the State Air Resources Board, and the California Air  
 14 Pollution Control Officers Association to ensure that the  
 15 regulations do not conflict with any regulations adopted  
 16 by the state water board and the State Air Resources  
 17 Board or air pollution control districts and air quality  
 18 management districts.

19 (c) The regulations adopted by the board pursuant to  
 20 subdivision (a) shall establish monitoring and control  
 21 standards, based on the potential of the waste to generate  
 22 landfill gas, as determined by the board, and shall require  
 23 owners and operators of disposal sites or disposal facilities  
 24 to report monitoring data and to perform, or cause to be  
 25 performed, site inventories and evaluations of disposal  
 26 sites or disposal facilities for the subsurface migration of  
 27 landfill gas.

28 ~~(d) As part of the biennial report required to be~~  
 29 ~~submitted pursuant to Section 40507, the board shall~~  
 30 ~~report to the Legislature on the progress in~~  
 31 ~~implementing the monitoring and control program for~~  
 32 ~~the subsurface migration of landfill gas established~~  
 33 ~~pursuant to this section, and make recommendations, as~~  
 34 ~~needed, to improve the program.~~

35 ~~(e) If an owner or operator of a disposal site or disposal~~  
 36 ~~facility is in compliance with requirements of the air~~  
 37 ~~pollution control district or the air quality management~~  
 38 ~~district within whose jurisdiction the disposal site or~~  
 39 ~~disposal facility is located, the owner or operator shall be~~  
 40 ~~deemed to be in compliance with this section and with~~



1 any regulations adopted by the board pursuant to this  
2 section. However, owners or operators of disposal sites  
3 and disposal facilities shall be required to comply with  
4 regulations adopted by the board pursuant to this section,  
5 which impose requirements not addressed by the  
6 requirements of the air pollution control district or the air  
7 quality management district within whose jurisdiction  
8 the disposal site or disposal facility is located.

9 *SEC. 32. Section 43221 of the Public Resources Code*  
10 *is repealed.*

11 ~~43221. In conjunction with the annual report required~~  
12 ~~by Section 40507, the board shall report to the Legislature~~  
13 ~~annually on the status of the certification and evaluation~~  
14 ~~of local enforcement agencies pursuant to this chapter.~~

15 *SEC. 33. Section 48022 of the Public Resources Code*  
16 *is repealed.*

17 ~~48022. On or before March 31, 1995, and annually~~  
18 ~~thereafter, in conjunction with the annual report~~  
19 ~~required by Section 40507, the board shall report to the~~  
20 ~~Governor and the Legislature on the program for solid~~  
21 ~~waste disposal and codisposal site cleanup. The report~~  
22 ~~shall include, but need not be limited to, a description of~~  
23 ~~sites cleaned up under the program, a description of~~  
24 ~~remaining sites where there is no responsible party or the~~  
25 ~~responsible party is unable or unwilling to pay for~~  
26 ~~cleanup, and recommendations for any needed~~  
27 ~~legislative changes.~~

28 *SEC. 34. Section 48027 of the Public Resources Code*  
29 *is amended to read:*

30 48027. (a) (1) *The Legislature hereby finds and*  
31 *declares that effective response to cleanup at solid waste*  
32 *disposal and codisposal sites requires that the state have*  
33 *sufficient funds available in the trust fund created*  
34 *pursuant to subdivision (b).*

35 (2) *The Legislature further finds and declares that the*  
36 *maintenance of the trust fund is of the utmost importance*  
37 *to the state and that it is essential that any money in the*  
38 *trust fund be used solely for the purposes authorized in*  
39 *this article and not be used, loaned, or transferred for any*  
40 *other purpose.*



1 (b) The Solid Waste Disposal Site Cleanup Trust Fund  
2 is hereby created in the State Treasury. Notwithstanding  
3 Section 13340 of the Government Code, the money in the  
4 trust fund is hereby continuously appropriated to the  
5 board for expenditure, without regard to fiscal years, for  
6 the purposes of this article.

7 ~~(b)~~

8 (c) The following money shall be deposited into the  
9 trust fund:

10 (1) Funds appropriated by the Legislature from the  
11 Integrated Waste Management Account to the board for  
12 solid waste disposal or codisposal site cleanup.

13 (2) Any interest earned on the money in the trust  
14 fund.

15 (3) Any cost recoveries from responsible parties for  
16 solid waste disposal or codisposal site cleanup and loan  
17 repayments pursuant to this article.

18 ~~(e)~~

19 (d) If this article is repealed, the trust fund shall be  
20 dissolved and all money in the fund shall be distributed  
21 to solid waste landfill operators who have paid into the  
22 trust fund during effective life of the trust fund.

23 ~~(d)~~

24 (e) Any trust fund distributions received by solid  
25 waste landfill operators pursuant to subdivision (c) may  
26 be used for only any of the following activities, as related  
27 to solid waste landfills:

28 (1) Solid waste landfill closure and postclosure  
29 maintenance operations.

30 (2) Implementation of Part 258 (commencing with  
31 Section 258.1) of Title 40 of the Code of Federal  
32 Regulations.

33 (3) Corrective actions at the solid waste landfill.

34 ~~(e)~~

35 (f) The balance in the trust fund each July 1 shall not  
36 exceed thirty million dollars (\$30,000,000).

37 *SEC. 35. Section 48657 of the Public Resources Code*  
38 *is amended to read:*

39 48657. The board shall keep accurate books, records,  
40 and accounts of all of its dealings, and these books,



1 records, and accounts are subject to an annual audit by an  
2 auditing firm selected by the board. The auditing firm or  
3 the board shall also conduct a selective audit of entities  
4 making payments to, or receiving payments from, the  
5 board to determine whether payments required by  
6 Section 48650 are being paid to the board on all  
7 lubricating oil sold in California, and that grants and  
8 recycling incentives are being paid out properly by the  
9 board. ~~The audit shall be made a part of the report  
10 required pursuant to Section 40507.~~

11 *SEC. 36. Section 48676 of the Public Resources Code*  
12 *is amended to read:*

13 48676. ~~(a)~~ The board shall establish reporting  
14 periods for the reporting of accumulated industrial and  
15 lubricating oil sales and used oil recycling rates, and each  
16 reporting period shall be six months. The board shall issue  
17 a report based on the information received within 120  
18 days of the end of each reporting period.

19 ~~(b) As part of the report required pursuant to Section~~  
20 ~~40507, the board shall summarize industrial and~~  
21 ~~lubricating oil sales and recycling rates, the results of~~  
22 ~~programs funded pursuant to this chapter,~~  
23 ~~recommendations, if any, for statutory changes to the~~  
24 ~~program, including changes in the amounts of the~~  
25 ~~payment required by Section 48650 and the recycling~~  
26 ~~incentive, and plans for present and future programs to~~  
27 ~~be conducted over the next two years.~~

28 *SEC. 37. Section 50001 of the Public Resources Code*  
29 *is amended to read:*

30 50001. (a) Except as provided by subdivision (b),  
31 after a countywide *or regional agency* integrated waste  
32 management plan has been approved by the California  
33 Integrated Waste Management Board pursuant to  
34 Division 30 (commencing with Section 40000), no person  
35 shall establish or expand a solid waste facility, as defined  
36 in Section 40194, in the county unless the solid waste  
37 facility meets one of the following criteria:

38 (1) The solid waste facility is a disposal facility or a  
39 transformation facility, the location of which is identified



1 in the countywide siting element or amendment thereto,  
2 which has been approved pursuant to Section 41721.

3 (2) The solid waste facility is a facility which is  
4 designed to, and which as a condition of its permit, will  
5 recover for reuse or recycling at least 5 percent of the  
6 total volume of material received by the facility, and  
7 which is identified in the nondisposal facility element or  
8 amendment thereto, which has been approved pursuant  
9 to Section 41800 or 41801.5.

10 (b) Solid waste facilities other than those specified in  
11 paragraphs (1) and (2) of subdivision (a) shall not be  
12 required to comply with the requirements of this section.

13 (c) The person or agency proposing to establish a solid  
14 waste facility shall prepare and submit a site  
15 identification and description of the proposed facility to  
16 the task force established pursuant to Section 40950.  
17 Within 90 days after the site identification and description  
18 is submitted to the task force, the task force shall meet and  
19 comment on the proposed solid waste facility in writing.  
20 These comments shall include, but are not limited to, the  
21 relationship between the proposed solid waste facility  
22 and the implementation schedule requirements of  
23 Section 41780 and the regional impact of the facility. The  
24 task force shall transmit these comments to the person or  
25 public agency proposing establishment of the solid waste  
26 facility, to the county, and to all cities within the county.  
27 The comments shall become part of the official record of  
28 the proposed solid waste facility.

29 (d) The review and comment by the local task force  
30 required by subdivision (c) for amendment to an  
31 element may be satisfied by the review required by  
32 subdivision (a) of Section 41734 for an amendment to an  
33 element.

34 *SEC. 38. No reimbursement is required by this act*  
35 *pursuant to Section 6 of Article XIII B of the California*  
36 *Constitution because a local agency or school district has*  
37 *the authority to levy service charges, fees, or assessments*  
38 *sufficient to pay for the program or level of service*  
39 *mandated by this act, within the meaning of Section 17556*  
40 *of the Government Code.*



1 *Notwithstanding Section 17580 of the Government*  
2 *Code, unless otherwise specified, the provisions of this act*  
3 *shall become operative on the same date that the act*  
4 *takes effect pursuant to the California Constitution.*

O

