

AMENDED IN SENATE APRIL 13, 2009

SENATE BILL

No. 619

Introduced by Senator Strickland
(Principal coauthor: Assembly Member Nava)

February 27, 2009

~~An act to amend Section 14501 of the Public Resources Code, relating to recycling.~~ *An act to add Section 12749.98 to the Water Code, relating to water projects.*

LEGISLATIVE COUNSEL'S DIGEST

SB 619, as amended, Strickland. ~~Recycling.~~ *Flood control: County of Santa Barbara: Lower Mission Creek.*

Existing law provides for state cooperation with the federal government in the construction of specified flood control projects, and prescribes requirements to be met prior to state authorization of flood management projects that receive state financial aid.

This bill would authorize the state to provide subvention funds, as prescribed, to the County of Santa Barbara, or to local agencies in that county, for a flood control project on the Lower Mission Creek, as described, at an estimated cost to the state of the sum that may be appropriated for state cooperation by the Legislature upon the recommendation and advice of the department and upon a determination by the department that the project meets those financial aid requirements. The bill would provide that the state assumes no liability for damages that may result from the project by authorizing the provision of subvention funds, or by the appropriation of those subvention funds, as specified.

Existing law establishes the California Beverage Container Recycling and Litter Reduction Act and makes certain findings and declarations with regard to that act.

This bill would make a technical, nonsubstantive change to that provision.

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

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

1 SECTION 1. Section 12749.98 is added to the Water Code, to
2 read:

3 12749.98. (a) The state may provide subvention funds in
4 accordance with Section 12585.7 to the County of Santa Barbara,
5 or to local agencies in the county, for the project for flood damage
6 reduction, Santa Barbara streams, Lower Mission Creek,
7 California, authorized by Section 3034 of the Water Resources
8 Development Act of 2007 (Public Law 110-114), that is
9 substantially in accordance with the recommendations of the Chief
10 of Engineers of the United States Army Corps of Engineers, as
11 follows:

12 (1) At an estimated cost to the state of the sum that may be
13 appropriated for state cooperation by the Legislature upon the
14 recommendations and advice of the department.

15 (2) Upon a specific written determination by the department
16 that the project meets the requirements of Section 12582.7.

17 (b) The state assumes no liability for damages that may result
18 from the project by either of the following:

19 (1) Authorizing the provision of subvention funds in accordance
20 with this section.

21 (2) The appropriation by the Legislature of these subvention
22 funds upon the recommendations and advice of the department.

23 (c) A county or local agency may receive the subvention funds
24 only if it enters into an agreement with the department pursuant
25 to which the county or local agency agrees to indemnify and hold
26 and save harmless the state, its officers, agents, and employees
27 for any and all liability for damages that may result from the
28 project.

29 (d) For the purposes of this section, “liability for damages”
30 includes, but is not limited to, liability for damages relating to the

1 *construction or operation of the project or the failure of the project*
2 *to operate as intended.*

3 SECTION 1. Section 14501 of the Public Resources Code is
4 amended to read:

5 14501. The Legislature finds and declares as follows:

6 ~~(a) Experience in this state and other states demonstrates that~~
7 ~~financial incentives and convenient return systems ensure the~~
8 ~~efficient and large-scale recycling of beverage containers.~~
9 ~~Accordingly, it is the intent of the Legislature to encourage~~
10 ~~increased, and more convenient, beverage container redemption~~
11 ~~opportunities for all consumers. These redemption opportunities~~
12 ~~shall consist of dealer and other shopping center locations,~~
13 ~~independent and industry operated recycling centers, curbside~~
14 ~~programs, and other recycling systems that assure all consumers,~~
15 ~~in every region of the state, the opportunity to return beverage~~
16 ~~containers conveniently, efficiently, and economically.~~

17 ~~(b) California grocery, beer, soft drink, container manufacturing,~~
18 ~~labor, agricultural, consumer, environmental, government, citizen,~~
19 ~~recreational, taxpayer, and recycling groups have joined together~~
20 ~~in calling for an innovative program to generate large-scale~~
21 ~~redemption and recycling of beverage containers.~~

22 ~~(c) This division establishes a beverage container recycling goal~~
23 ~~of 80 percent.~~

24 ~~(d) It is the intent of the Legislature to ensure that every~~
25 ~~container type proves its own recyclability.~~

26 ~~(e) It is the intent of the Legislature to make redemption and~~
27 ~~recycling convenient to consumers, and the Legislature hereby~~
28 ~~urges cities and counties, when exercising their zoning authority,~~
29 ~~to act favorably on the siting of multimaterial recycling centers,~~
30 ~~reverse vending machines, mobile recycling units, or other types~~
31 ~~of recycling opportunities, as necessary for consumer convenience,~~
32 ~~and the overall success of litter abatement and beverage container~~
33 ~~recycling in the state.~~

34 ~~(f) The purpose of this division is to create and maintain a~~
35 ~~marketplace where it is profitable to establish sufficient recycling~~
36 ~~centers and locations to provide consumers with convenient~~
37 ~~recycling opportunities through the establishment of minimum~~
38 ~~refund values and processing fees and, through the proper~~
39 ~~application of these elements, to enhance the profitability of~~

1 recycling centers, recycling locations, and other beverage container
2 recycling programs.

3 ~~(g) The responsibility to provide convenient, efficient, and~~
4 ~~economical redemption opportunities rests jointly with~~
5 ~~manufacturers, distributors, dealers, recyclers, processors, and the~~
6 ~~Department of Conservation.~~

7 ~~(h) It is the intent of the Legislature, in enacting this division,~~
8 ~~that all empty beverage containers redeemed shall be recycled,~~
9 ~~and that the responsibilities and regulations of the department shall~~
10 ~~be determined and implemented in a manner that favors the~~
11 ~~recycling of redeemed containers, as opposed to their disposal.~~

12 ~~(i) Nothing in this division shall be interpreted as affecting the~~
13 ~~current business practices of scrap dealers or recycling centers,~~
14 ~~except that, to the extent they function as a recycling center or~~
15 ~~processor, they shall do so in accordance with this division.~~

16 ~~(j) The program established by this division will contribute~~
17 ~~significantly to the reduction of the beverage container component~~
18 ~~of litter in this state.~~