

Senate Bill No. 63

CHAPTER 21

An act to amend Sections 11553 and 12805 of the Government Code, and to amend Sections 14510.5, 14510.6, 40110, 40431, 40501, 71300, 71301, 71302, 71303, 71304, and 71305 of, to amend the heading of Chapter 3 (commencing with Section 40400) of Part 1 of Division 30 of, to add Sections 40120.05, 40506.5, and 40506.7 to, to repeal Sections 40433, 40500, and 40504 of, to repeal and add Section 40430 of, and to repeal and add Article 1 (commencing with Section 40400) of Chapter 3 of Part 1 of Division 30 of, the Public Resources Code, relating to waste management, and making an appropriation therefor.

[Approved by Governor July 28, 2009. Filed with
Secretary of State July 28, 2009.]

LEGISLATIVE COUNSEL'S DIGEST

SB 63, Strickland. Waste management.

(1) Existing law creates the California Integrated Waste Management Board with specified powers and duties.

This bill would abolish the California Integrated Waste Management Board and transfer its duties and responsibilities to the Department of Resources Recycling and Recovery, which would be created by the bill in the Natural Resources Agency, under the direction of an executive officer known as the Director of Resources Recycling and Recovery.

The bill would authorize the director to accept on behalf of the department federal grants, and require the grants to be deposited in the Special Deposit Fund, which is continuously appropriated, thereby making an appropriation.

(2) Under existing law, the Department of Conservation administers the California Beverage Container Recycling and Litter Reduction Act.

This bill would transfer those duties to the Division of Recycling that the bill would establish within the newly created Department of Resources Recycling and Recovery.

(3) Existing law establishes the Office of Education and the Environment in the California Integrated Waste Management Board.

This bill would transfer the Office of Education and the Environment to the California Environmental Protection Agency.

Appropriation: yes.

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

SECTION 1. Section 11553 of the Government Code is amended to read:

11553. (a) Effective January 1, 1988, an annual salary of eighty-one thousand six hundred thirty-five dollars (\$81,635) shall be paid to each of the following:

- (1) Chairperson of the Unemployment Insurance Appeals Board.
- (2) Chairperson of the Agricultural Labor Relations Board.
- (3) President of the Public Utilities Commission.
- (4) Chairperson of the Fair Political Practices Commission.
- (5) Chairperson of the Energy Resources Conservation and Development Commission.

(6) Chairperson of the Public Employment Relations Board.
(7) Chairperson of the Workers' Compensation Appeals Board.
(8) Administrative Director of the Division of Industrial Accidents.
(9) Chairperson of the State Water Resources Control Board.
(b) The annual compensation provided by this section shall be increased in any fiscal year in which a general salary increase is provided for state employees. The amount of the increase provided by this section shall be comparable to, but shall not exceed, the percentage of the general salary increases provided for state employees during that fiscal year.

(c) Notwithstanding subdivision (b), any salary increase is subject to Section 11565.5.

SEC. 2. Section 12805 of the Government Code is amended to read:

12805. (a) The Resources Agency is hereby renamed the Natural Resources Agency. The Natural Resources Agency consists of the departments of Forestry and Fire Protection, Conservation, Fish and Game, Boating and Waterways, Parks and Recreation, Resources Recycling and Recovery, and Water Resources; the State Lands Commission; the Colorado River Board; the San Francisco Bay Conservation and Development Commission; the Central Valley Flood Protection Board; the Energy Resources Conservation and Development Commission; the Wildlife Conservation Board; the Delta Protection Commission; the Native American Heritage Commission; the California Conservation Corps; the California Coastal Commission; the State Coastal Conservancy; the California Tahoe Conservancy; the Santa Monica Mountains Conservancy; the Coachella Valley Mountains Conservancy; the San Joaquin River Conservancy; the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy; the Baldwin Hills Conservancy; the San Diego River Conservancy; and the Sierra Nevada Conservancy.

(b) No existing supplies, forms, insignias, signs, or logos shall be destroyed or changed as a result of changing the name of the Resources Agency to the Natural Resources Agency, and those materials shall continue to be used until exhausted or unserviceable.

SEC. 3. Section 14510.5 of the Public Resources Code is amended to read:

14510.5. "Department" means the Division of Recycling in the Department of Resources Recycling and Recovery.

SEC. 4. Section 14510.6 of the Public Resources Code is amended to read:

14510.6. "Director" means the Director of Resources Recycling and Recovery.

SEC. 5. Section 40110 of the Public Resources Code is amended to read:

40110. "Board" means the Department of Resources Recycling and Recovery, or the Director of Resources Recycling and Recovery, as appropriate.

SEC. 6. Section 40120.05 is added to the Public Resources Code, to read:

40120.05. "Director" means the Director of Resources Recycling and Recovery.

SEC. 7. The heading of Chapter 3 (commencing with Section 40400) of Part 1 of Division 30 of the Public Resources Code is amended to read:

CHAPTER 3. DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

SEC. 8. Article 1 (commencing with Section 40400) of Chapter 3 of Part 1 of Division 30 of the Public Resources Code is repealed.

SEC. 9. Article 1 (commencing with Section 40400) is added to Chapter 3 of Part 1 of Division 30 of the Public Resources Code, to read:

Article 1. General Provisions

40400. There is in the Natural Resources Agency the Department of Resources Recycling and Recovery. The Department of Resources Recycling and Recovery shall be administered under the control of an executive officer known as the Director of Resources Recycling and Recovery. Any reference in any law or regulation to the State Solid Waste Management Board, the California Waste Management Board, or the California Integrated Waste Management Board shall hereafter apply to the Department of Resources Recycling and Recovery. The Director of Resources Recycling and Recovery shall hear and decide appeals of decisions of the Department of Resources Recycling and Recovery made pursuant to this division.

40401. (a) (1) Except as otherwise specified by statute, the Department of Resources Recycling and Recovery succeeds to and is vested with all of the authority, duties, powers, purposes, responsibilities, and jurisdiction of the former California Integrated Waste Management Board.

(2) There shall be a Division of Recycling in the Department of Resources Recycling and Recovery. Except as otherwise specified by statute, the Division of Recycling in the Department of Resources Recycling and Recovery succeeds to and is vested with all of the authority, duties, powers, purposes, responsibilities, and jurisdiction of the Department of Conservation in the performance of a function carrying out Division 12.1 (commencing with Section 14500).

(b) (1) All employees of the former California Integrated Waste Management Board who, on January 1, 2010, are serving in the state civil

service, other than as temporary employees, are transferred to the Department of Resources Recycling and Recovery.

(2) The status, position, and rights of those persons transferred pursuant to this subdivision shall not be affected and shall be retained by them as employees of the department to which they are transferred pursuant to the State Civil Service Act (Part 2 (commencing with Section 18500) of Division 5 of Title 2 of the Government Code), except as to positions exempt from civil service.

(c) (1) All officers and employees of the Department of Conservation who, on January 1, 2010, are serving in the state civil service, other than as temporary employees, and are engaged in the performance of a function carrying out Division 12.1 (commencing with Section 14500), shall be transferred to the Division of Recycling in the Department of Resources Recycling and Recovery.

(2) The status, position, and rights of those persons transferred pursuant to this subdivision shall not be affected and shall be retained by them as officers and employees of the department to which they are transferred pursuant to the State Civil Service Act (Part 2 (commencing with Section 18500) of Division 5 of Title 2 of the Government Code), except as to positions exempt from civil service.

(d) Any regulations adopted before January 1, 2010, by the former California Integrated Waste Management Board and the Department of Conservation relating to carrying out the duties and responsibilities transferred pursuant to subdivision (a), that are in effect on January 1, 2010, shall remain in effect on and after January 1, 2010, and are enforceable until readopted, amended, or repealed.

(e) The Department of Resources Recycling and Recovery shall have possession and control of all records, papers, offices, equipment, supplies, moneys, funds, appropriations, land and other real or personal property, held for the benefit or use of all bodies, offices, and officers whose duties, powers, and functions have been transferred pursuant to subdivision (a).

40402. The Department of Resources Recycling and Recovery may expend the money in any appropriation or in any special fund in the State Treasury made available by law for the administration of the statutes the administration of which is committed to the department, or for the use, support, or maintenance of any board, bureau, commission, department, office, or officer whose duties, powers, and functions have been transferred to and conferred upon the department. The department shall make those expenditures in accordance with law in carrying out the purposes for which the appropriations were made or the special funds created.

SEC. 10. Section 40430 of the Public Resources Code is repealed.

SEC. 11. Section 40430 is added to the Public Resources Code, to read:

40430. The Director of Resources Recycling and Recovery shall be appointed by, and hold office at the pleasure of, the Governor. The director's appointment shall be subject to confirmation by the Senate. The director shall receive the annual salary provided for by Chapter 6 (commencing at Section 11550) of Part 1 of Division 3 of Title 2 of the Government Code.

Chapter 2 (commencing with Section 11150) of Part 1 of Division 3 of Title 2 of the Government Code applies to the director.

SEC. 12. Section 40431 of the Public Resources Code is amended to read:

40431. The Director of Resources Recycling and Recovery may appoint those deputies, officers, and other employees that he or she finds necessary for the performance of the functions of the Department of Resources Recycling and Recovery. The staff of the department shall be subject to the relevant system and procedures of the state civil service. The State Civil Service Act (Part 2 (commencing with Section 18500) of Division 5 of Title 2 of the Government Code) applies to those personnel.

SEC. 13. Section 40433 of the Public Resources Code is repealed.

SEC. 14. Section 40500 of the Public Resources Code is repealed.

SEC. 15. Section 40501 of the Public Resources Code is amended to read:

40501. The Department of Resources Recycling and Recovery may hold any hearings and conduct any investigations in any part of the state necessary to carry out its powers and duties.

SEC. 16. Section 40504 of the Public Resources Code is repealed.

SEC. 17. Section 40506.5 is added to the Public Resources Code, to read:

40506.5. (a) The Director of Resources Recycling and Recovery, with approval of the Director of Finance, may accept, on behalf of the Department of Resources Recycling and Recovery and its various divisions, federal grants for the purposes for which the Department of Resources Recycling and Recovery is established. The grants shall be deposited in the Special Deposit Fund in the State Treasury provided for by Section 16370 of the Government Code, and may be expended under those terms and conditions as may be required by the federal government.

(b) Whenever the Department of Resources Recycling and Recovery has received and deposited any money in the State Treasury to the credit of the General Fund in an excessive amount or in error, or whenever a refund of all or a portion of that money is due a person, firm, or corporation because of the termination of an agreement or other lawful reasons, payment of the refund shall be made upon the filing of a claim by the Director of Resources Recycling and Recovery with the Controller. The Controller shall draw a warrant for payment of the refund from any appropriation made for that purpose.

SEC. 18. Section 40506.7 is added to the Public Resources Code, to read:

40506.7. For the purposes of disseminating information relating to its activities, powers, duties, or functions, the Department of Resources Recycling and Recovery may issue publications, construct and maintain exhibits, and perform acts and carry out functions that in the opinion of the Director of Resources Recycling and Recovery will best disseminate the information. The publications may be distributed free of charge to public libraries and to other state departments and state officers. The Department

of Resources Recycling and Recovery may exchange copies with contemporary publications. All money received by the Department of Resources Recycling and Recovery from the sale of publications, exclusive of money received by any separate division of the department from the sale of publications, shall be paid into the State Treasury to the credit of the General Fund.

SEC. 19. Section 71300 of the Public Resources Code is amended to read:

71300. (a) For purposes of this part “office” means the Office of Education and the Environment of the California Environmental Protection Agency, as established pursuant to this section.

(b) The Office of Education and the Environment is hereby established in the California Environmental Protection Agency. The office shall report to the Secretary for Environmental Protection. The office shall dedicate its effort to implementing the statewide environmental educational program prescribed pursuant to this part. The office, through staffing and resources, shall give a high priority to implementing the statewide environmental education program.

(c) The office, under the direction of the Secretary for Environmental Protection, in cooperation with the State Department of Education, the State Board of Education, and the Secretary for Education, shall develop and implement a unified education strategy on the environment for elementary and secondary schools in the state. The office shall develop a unified education strategy to do all of the following:

(1) Coordinate instructional resources and strategies for providing active pupil participation with onsite conservation efforts.

(2) Promote service-learning opportunities between schools and local communities.

(3) Assess the impact to participating pupils of the unified education strategy on pupil achievement and resource conservation.

(4) On or before June 30, 2006, the office shall report to the Legislature and the Governor on its progress in developing, implementing, and assessing the unified education strategy.

(d) The State Department of Education, State Board of Education, and Secretary for Education shall develop and implement to the extent feasible, a teacher training and implementation plan, to guide the implementation of the unified education strategy, for the education of pupils, faculty, and administrators on the importance of integrating environmental concepts and programs in schools throughout the state. The strategy shall project the phased implementation of elementary, middle, and high school programs.

(e) In implementing this part, the office may hold public meetings to receive and respond to comments from affected state agencies, stakeholders, and the public regarding the development of resources and materials pursuant to this part.

(f) In implementing this part, the office shall coordinate with other agencies and groups with expertise in education and the environment,

including, but not limited to, the California Environmental Education Interagency Network.

(g) Any instructional materials developed pursuant to this part shall be subject to the requirements of Chapter 1 (commencing with Section 60000) of Part 33 of the Education Code, including, but not limited to, reviews for legal and social compliance before the materials may be used in elementary or secondary public schools.

SEC. 20. Section 71301 of the Public Resources Code is amended to read:

71301. (a) As part of the unified education strategy, the office, under the direction of the Secretary for Environmental Protection, in cooperation with the Natural Resources Agency, the State Department of Education, the State Board of Education, and the Secretary for Education, shall develop education principles for the environment for elementary and secondary school pupils. The principles may be updated every four years beginning July 1, 2008. The principles shall be aligned to the academic content standards adopted by the State Board of Education pursuant to Section 60605 of the Education Code. The principles shall be used to do all of the following:

(1) To direct state agencies that include environmental education components for elementary and secondary education in regulatory decisions or enforcement actions.

(2) To align state agency environmental education programs and materials that are developed for elementary and secondary education.

(b) The education principles for the environment shall include, but not be limited to, concepts relating to the following topics:

- (1) Environmental sustainability.
- (2) Water.
- (3) Air.
- (4) Energy.
- (5) Forestry.
- (6) Fish and wildlife resources.
- (7) Oceans.
- (8) Toxics and hazardous waste.
- (9) Integrated waste management.
- (10) Integrated pest management.
- (11) Public health and the environment.
- (12) Pollution prevention.
- (13) Resource conservation and recycling.
- (14) Environmental justice.

(c) The principles shall be aligned to the applicable academic content standards adopted by the State Board of Education and shall not duplicate or conflict with any academic content standards.

(d) (1) The education principles for the environment shall be incorporated, as the State Board of Education determines to be appropriate, in criteria developed for textbook adoption required pursuant to Section

60200 or 60400 of the Education Code in Science, Mathematics, English/Language Arts, and History/Social Sciences.

(2) If the State Board of Education determines that the education principles for the environment are not appropriate for inclusion in the textbook adoption criteria cited in paragraph (1), the State Board of Education shall collaborate with the office to make the changes necessary to ensure that the principles are included in the textbook adoption criteria in Science, Mathematics, English/Language Arts, and History/Social Sciences.

(e) If the content standards required pursuant to Section 60605 of the Education Code are revised, the education principles for the environment shall be appropriately considered for inclusion into part of the revised academic content standards.

SEC. 21. Section 71302 of the Public Resources Code is amended to read:

71302. (a) Using the education principles for the environment required in Section 71301, the office, under the direction of the Secretary for Environmental Protection, shall develop, in cooperation with the Natural Resources Agency, the State Department of Education, and the State Board of Education, a model environmental curriculum that incorporates these education principles for the environment. The model curriculum shall be aligned with applicable State Board of Education adopted academic content standards in Science, Mathematics, English/Language Arts, and History/Social Sciences, to the extent that any of those content areas are addressed in the model curriculum.

(b) The model curriculum shall be submitted to the Curriculum Development and Supplemental Materials Commission for review. The commission shall submit its recommendation to the Secretary for Environmental Protection and to the Secretary of the Natural Resources Agency by July 1, 2005.

(1) The Secretary for Environmental Protection and the Secretary of the Natural Resources Agency shall review and comment on the model curriculum by January 1, 2006.

(2) The model curriculum along with the comments by the Secretary for Environmental Protection and the Secretary of the Natural Resources Agency shall be submitted to the State Board of Education for its approval.

SEC. 22. Section 71303 of the Public Resources Code is amended to read:

71303. (a) As determined appropriate by the Superintendent of Public Instruction, the State Department of Education shall incorporate into publications that provide examples of curriculum resources for teacher use, those materials developed by the office that provide information on the education principles for the environment required in Section 71300.

(b) If the Superintendent of Public Instruction determines that materials developed by the office that provide information on the education principles for the environment are not appropriate for inclusion in publications that provide examples of curriculum resources for teacher use, the Superintendent

of Public Instruction shall collaborate with the office to make the changes necessary to ensure that the materials are included in that information.

(c) The model environmental curriculum approved by the State Board of Education, pursuant to Section 71302 shall be made available by the office to elementary and secondary schools to the extent that funds are available for this purpose. The State Department of Education shall make the model curriculum available electronically including posting the model curriculum on its Internet Web site.

(d) The State Department of Education, to the extent feasible and to the extent that funds are available for this purpose, shall encourage the development and use of instructional materials and active pupil participation in campus and community environmental education programs. To the extent feasible, the environmental education programs should be considered in the development and promotion of after school programs for elementary and secondary school pupils and state and local professional development activities to provide teachers with content background and resources to assist in teaching about the environment.

(e) (1) The California Environmental Protection Agency shall assume costs associated with the printing of the approved model curriculum as set forth in subdivision (c). The California Environmental Protection Agency shall use, for these purposes, funds that are available for its administrative costs.

(2) From funds available for its administrative costs, the State Department of Education shall post and maintain the model curriculum on its Internet Web site and pay any costs associated with any related online questionnaire on its Internet Web site as set forth in subdivision (c).

(3) The State Department of Education shall explore implementation of this section from its baseline resources dedicated to this purpose and if funding is not available from that source, then funding may be provided to the department, pursuant to appropriation by the Legislature, under Section 71305.

SEC. 23. Section 71304 of the Public Resources Code is amended to read:

71304. (a) The office, under the direction of the Secretary for Environmental Protection, shall be responsible for the statewide coordination of regulatory administrative decisions that require the development or encourage the promotion of environmental education for elementary and secondary school pupils.

(b) All California Environmental Protection Agency or Natural Resources Agency boards, departments, or offices that take regulatory actions or take enforcement actions requiring the development of, or encouraging the promotion of, environmental education for elementary and secondary school pupils shall, prior to adoption or approval of the action, seek comments on the action from the office in order to promote consistency with this part and cross-media coordination.

(c) The office shall coordinate with all state agencies to develop and distribute environmental education materials.

SEC. 24. Section 71305 of the Public Resources Code is amended to read:

71305. (a) The Environmental Education Account is hereby established within the State Treasury. Moneys in the account may, upon appropriation by the Legislature, be expended by the California Environmental Protection Agency for the purposes of this part. The Secretary for Environmental Protection shall administer this part, including, but not limited to, the account.

(b) Notwithstanding any other provision of law to the contrary, the agency may accept and receive federal, state, and local funds and contributions of funds from a public or private organization or individual. The account may also receive proceeds from a judgment in state or federal court, when the funds are contributed or the judgment specifies that the proceeds are to be used for the purposes of this part. The account may receive those funds, contributions, or proceeds from judgments, that are specifically designated for use for environmental education purposes. Private contributors shall not have the authority to further influence or direct the use of their contributions.

(c) Notwithstanding any other provision of law, a state agency that requires the development of, or encourages the promotion of, environmental education for elementary and secondary school pupils, may contribute to the account.

(d) The agency shall immediately deposit any funds contributed pursuant to subdivision (b) into the account.

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Funding blow for recyclers BY AMY GITTELSON THE TRINITY JOURNAL



BY PHIL NELSON John and Emili Johansing with 1½-year-old Sadie at their recycling business in Hayfork.

When Johansing Recycling opened in Hayfork four years ago, it filled a need in the community while making a living for a young couple, John and Emili Johansing, and their children.

But a drastic reduction in state funding for recyclers has hit the business hard.

Emili Johansing said the business has gone down to two days of operations a week so her husband can look for work elsewhere. The couple has three young children and another on the way, and she runs a daycare out of the home.

"He's not going to be able to accommodate the public the way he used to," she said. "If it gets any lower, we will not be able to operate."

"It was a good business," she said.

The business paid out \$87,000 to residents bringing in recyclables in 2007 and \$112,000 in 2008.

The reduction from the state Department of Conservation is to the handling and processing payment made per container,

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and it also affects the Trinity Recycling Center in Weaverville and recyclers statewide.

The payments are funded with California redemption fees charged to the customer when certain drinks are purchased but never redeemed through recycling. In a letter to recycling businesses, the conservation department stated that the reduction in payments is needed because the recycling rate has increased dramatically, causing higher payouts, coupled with a flattening of container sales due to the economic downturn.

Emili Johansing said this funding to recycling centers was reduced in increments starting in October 2008 and ending with an 85 percent reduction at the beginning of the fiscal year, July 1. The money had helped make up for the low market value of non-CRV glass and plastic, she said.

Grants have also been eliminated.

Johansing's hours have been reduced to Fridays and Saturdays from 9 a.m. to 5 p.m. Items must be pre-sorted, and only CRV containers are accepted at this time.

From the Trinity Recycling Center, owner Leslie Wilson says the state reduction will be a big hit for her business as well.

Like Johansing, she believes the cutback to be a result of the state shifting money to fill the budget gap.

"We're going to have to do cutbacks," Wilson said. "There will be places closing down all over the state."

Trinity Recycling is still open six days a week. However, there too, the items that will be accepted have been reduced. As of Aug. 1, for plastics the center is only accepting CRV and No. 1 and 2 containers. Non-CRV as well as CRV glass is still accepted.

She suggested that the public make their feelings known to Trinity County's representatives in the state Legislature.

Reader Comments

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