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AMENDMENTS TO ASSEMBLY BILL NO. 181

Amendment 1

Strike out line 1 of the title, and insert:

An act to amend Sections 11553 and 12805 of the Government Code, and to amend Sections 14510.5, 14510.6, 40110, 40431, and 40501 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.

Amendment 2

On page 1, before line 1, insert:

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.
- ~~(10) Chairperson and each member of the California Integrated Waste~~

~~Management 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



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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 ~~Department of Conservation~~ 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 ~~Conservation~~ Resources Recycling and Recovery.

SEC. 5. Section 40110 of the Public Resources Code is amended to read:
 40110. "Board" means the ~~California Integrated Waste Management Board~~ 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. INTEGRATED WASTE MANAGEMENT BOARD~~ 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.

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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.

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 Section 40430 of the Public Resources Code is repealed.

~~40430. The board shall appoint an executive director who may be exempt from civil service laws. The board may delegate any power, duty, purpose, function, and jurisdiction to the executive director which the board determines to be appropriate. The board shall prescribe the duties and fix the salary of the executive director. The executive director shall perform and discharge the powers, duties, purposes, functions, and jurisdiction vested in the board and delegated to the executive director by the board. The executive director may redelegate any of the powers, duties, purposes, functions, and jurisdiction which are delegated to him or her by the board to his or her subordinates.~~

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 board~~ Director of Resources Recycling and Recovery may appoint ~~legal counsel, clerical and secretarial employees, technical personnel, and other staff, and acquire facilities, those deputies, officers, and other employees that it he or she~~ finds necessary for the performance of its ~~the~~ functions of the Department of Resources Recycling and Recovery. The staff of the ~~board~~ 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.

~~40433. The Governor shall appoint one adviser for each member of the board upon the recommendation of the board member.~~

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

~~40500. The board may appoint a committee of not less than three members of the board to carry on investigations, inquiries, or hearings which the board may undertake or hold. Every order made by a committee pursuant to an inquiry, investigation, or hearing, when approved or confirmed by the board and ordered filed in its office, shall be the order of the board.~~

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

~~40501. The board~~ 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. ~~The board shall have the same powers as are conferred upon heads of departments of the state by Article 2 (commencing with Section 11180) of Chapter 2 of Part 1 of Division 3 of Title 2 of the Government Code.~~

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

~~40504. The board shall hold meetings at least monthly at the times and places determined by the board.~~

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

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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.

Amendment 3

On page 1, strike out lines 1 and 2