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AB-2048 Solid waste: franchise agreements: database. (2021-2022)

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Assembly Bill No. 2048

CHAPTER 457

An act to add Section 40058.5 to the Public Resources Code, relating to solid waste.

[Approved by Governor September 22, 2022. Filed with Secretary of State September 22, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2048, Santiago. Solid waste: franchise agreements: database.

Existing law establishes in the California Environmental Protection Agency the Department of Resources Recycling and Recovery. The California Integrated Waste Management Act of 1989, administered by the department, generally regulates the disposal, management, and recycling of solid waste. Existing law authorizes each county, city, district, or other local governmental agency to determine aspects of solid waste handling that are of local concern and whether the services are to be provided by means of nonexclusive franchise, contract, license, permit, or otherwise.

Existing law requires the department to implement various state programs designed to encourage the reduction of solid waste, including, among others, a source reduction and recycling program for school districts, recycling programs designed to divert commercial solid waste and organic waste from businesses, defined to include public agencies, and requirements for state agencies and large state facilities to arrange for recycling services, as provided.

This bill would require a jurisdiction or a public agency, as defined, to post on its internet website all current franchise agreements between contract solid waste and recycling haulers and the jurisdiction or the public agency. The bill would require the jurisdiction and the public agency to provide to the department the direct electronic link to those posted franchise agreements. The bill would require the department to create and maintain a publicly accessible database that provides direct electronic links to the posted franchise agreements. By imposing additional requirements on local agencies, the bill would create a state-mandated local program.

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.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 40058.5 is added to the Public Resources Code, to read:

40058.5. (a) For the purposes of this section, the following terms have the following meanings:

(1) "Jurisdiction" has the same meaning as defined in Section 40145.

(2) "Public agency" means a state agency as defined in Section 40196.3, a large state facility as defined in Section 40148, or a special district, including a school district, that has the authority to provide solid waste handling services and that is within the territory of a jurisdiction.

(b) The department shall create and maintain a publicly accessible database of franchise agreements between contract solid waste and recycling haulers and jurisdictions or public agencies. The database shall provide direct electronic links to the franchise agreements posted by the jurisdictions or public agencies pursuant to subdivision (c).

(c) A jurisdiction or a public agency shall post on its internet website all current franchise agreements between contract solid waste and recycling haulers and the jurisdiction or the public agency, as applicable, and shall provide to the department the direct electronic link to those franchise agreements for purposes of subdivision (b).

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.