

AMENDED IN ASSEMBLY MAY 12, 2004
AMENDED IN ASSEMBLY MARCH 31, 2004
CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 2994

Introduced by Assembly Member Frommer

February 20, 2004

An act to amend Section 12405 of the Public Contract Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2994, as amended, Frommer. Public contracts: preferences: forest products.

Existing law generally requires state agencies to comply with competitive bidding procedures in soliciting and evaluating bids for public works projects. Existing law authorizes bidding preferences for certain categories of business owners, including businesses owned by ~~minorities, women, or~~ military veterans.

Existing law also requires the Department of General Services, in consultation with the California Environmental Protection Agency, members of the public, industry, and public health and environmental organizations, to provide state agencies with information and assistance regarding environmentally preferable purchasing.

This bill would require any state agency that contracts for, or acquires, lumber or other solid wood products to give preference, if ~~financially feasible~~ *price, fitness, and quality are equal*, to lumber and other solid wood products that are harvested either from forests within

this state or from a forest that is certified as being in compliance with environmentally responsible forest practices.

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

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

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) It is a priority in California to protect the wildlife, rivers,
4 streams and soil that make up its rich forest ecosystems covering
5 approximately 40 percent of the state’s entire land area where less
6 than one-half of that area is available for timber harvesting.

7 (b) Laws and regulations governing forestry in California have
8 been adopted to achieve the highest environmental standards
9 nationally and internationally for sustainable forestry.

10 (c) California’s significant forest resources and environmental
11 laws and regulations have provided high quality jobs in rural
12 communities.

13 (d) Currently, approximately 70 percent of California’s timber
14 products must be imported to meet the demand of the state’s
15 population of 35 million people. California’s population is
16 projected to increase to 49 million people by 2025, further
17 intensifying our consumption of, and demand for, timber products
18 from abroad.

19 (e) Importing and exporting goods ~~is~~ *are* part of a healthy
20 economy and ~~has~~ *have* contributed to the diverse economic base
21 of California. However, to meet California’s increasing demand
22 for forest products massive destruction of native forests in other
23 countries, such as New Zealand, Chile, and Canada, has devastated
24 some of the world’s most unique and biologically diverse forests,
25 resulting in a negative impact to the global environment.

26 (f) Most of the imported lumber California uses comes from
27 Canada, which is the home to one-third of the earth’s ecologically
28 diverse boreal forest that plays a critical role in regulating the
29 earth’s climate, thereby protecting it from global warming. Of the
30 2.5 million acres of Canadian forests harvested each year,
31 two-thirds are old-growth forests where harvesting methods rarely
32 meet California’s forestry standards. In addition, British Columbia
33 recently ~~deregulated~~ *curtailed* its forest practice regulations by



1 ~~more than 50 percent, removing an unprecedented amount of~~
2 ~~community control over public resources. 50 percent, reducing an~~
3 ~~unprecedented amount of public control over resources.~~

4 (g) When fiscally feasible and when the marketplace allows,
5 the State of California has a responsibility to purchase either
6 California grown forest products or forest products that are
7 certified as being in compliance with environmentally responsible
8 forest practices.

9 SEC. 2. Section 12405 is added to the Public Contract Code,
10 to read:

11 12405. ~~(a)~~ Notwithstanding Section 4331 of the Government
12 Code, any state agency, as used in Section 10115.1, that contracts
13 for, or acquires, lumber or other solid wood products, shall, if
14 ~~fiscally feasible price, quality, and fitness are equal~~, give
15 preference to lumber and other solid wood products that are
16 harvested either from forests within this state or from forests that
17 are certified by an independent environmental forest certification
18 program as being in compliance with environmentally responsible
19 forest practices.

20 ~~(b) In determining the fiscal feasibility of a contract for, or the~~
21 ~~acquisition of, lumber or other solid wood products, the~~
22 ~~purchasing state agency shall consider the total cost, quantity, and~~
23 ~~quality of the lumber or solid wood product proposed to be~~
24 ~~acquired and the existing policies and budgetary constraints, if~~
25 ~~any, of that state agency.~~

