

AMENDED IN ASSEMBLY JUNE 15, 2004

SENATE BILL

No. 1886

Introduced by Committee on Environmental Quality (Senators Sher (Chair), Chesbro, Figueroa, Kuehl, McPherson, and Romero)

March 1, 2004

~~An act to amend Sections 40183, 49120, and 49300 of the Public Resources Code, relating to solid waste.~~ *An act to amend Sections 10406 and 12200 of, to add Sections 6615, 12201, 12203, 12207, 12209, 12211, 12215, and 12217 to, to add Article 3.5 (commencing with Section 12190) to Chapter 4 of Part 2 of Division 2 of, to repeal Sections 10233, 10308.5, 10354, 10507, 10855, 10860, 12150, 12153, 12155, 12157, 12158, 12159, 12160, 12161, 12162, 12162.5, 12163, 12164, 12168, 12169, 12181, 12182, 12185, 12210, 12213, 12225, and 12226 of, to repeal Article 2.1 (commencing with Section 12170) of Chapter 4 of Part 2 of Division 2 of, and to repeal and add Section 12205 of, the Public Contract Code, and to amend Sections 40183, 49120, and 49300 of, and to repeal Article 3 (commencing with Section 42220) of Chapter 4 of, Article 1 (commencing with Section 42360) of Chapter 6 of, and Article 2 (commencing with Section 42370) of Chapter 6 of, Part 3 of Division 30 of, the Public Resources Code, relating to recycling.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1886, as amended, Committee on Environmental Quality. ~~Solid~~ *Public contracts: purchase: recycled goods: solid waste: incorporated cities.*

Existing law provides various procedures for the acquisition of goods and services by the state. Existing law also provides various procedures

and requirements pertaining to the purchase of recycled items by the state.

This bill would consolidate, update, and clarify existing recycle laws, eliminate duplicative provisions, and establish or restate recycling goals and reporting requirements of state agencies in accordance with specified timeframes, as provided. The bill would also require local public entities to purchase recycled products instead of nonrecycled products, as specified.

Existing law defines a “rural city” for purposes of certain provisions relating to waste management as an incorporated city that meets certain conditions.

Existing law authorizes the formation of garbage and refuse disposal districts under certain conditions, including that the governing board of a district that includes only one incorporated city have 2 members selected by the board of supervisors and one member selected by the city council.

Existing law authorizes the legislative body of an incorporated city to contract for garbage collection and disposal, as specified.

This bill would remove the requirement that the city in the provisions described above be incorporated.

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 6615 is added to the Public Contract*
- 2 *Code, to read:*
- 3 *6615. For all state contracts, and, to the extent feasible, all*
- 4 *federally funded contracts awarded pursuant to Chapters 1*
- 5 *(commencing with Section 10100), 2 (commencing with Section*
- 6 *10290), 2.5 (commencing with Section 10700), 3 (commencing*
- 7 *with Section 12100), 3.5 (commencing with Section 12120), and*
- 8 *3.6 (commencing with Section 12125) of Part 2 of Division 2, the*
- 9 *following shall apply:*
- 10 *(a) All state agencies shall require all businesses to certify in*
- 11 *writing the minimum percentage, if not the exact percentage, of*
- 12 *both postconsumer and secondary material, as defined in Section*
- 13 *12200, in the products, materials, goods, or supplies offered or*
- 14 *sold to the state. The certification shall be executed under penalty*
- 15 *of perjury. The certification shall be provided regardless of*



1 *whether the product meets the required recycled product*
2 *percentage, as defined in Section 12209, even if the product*
3 *contains no recycled material.*

4 *(b) Each business shall certify in writing to the contracting*
5 *officer or his or her representative the minimum, if not exact*
6 *percentage of secondary and postconsumer material in the*
7 *products, materials, goods, or supplies being offered or sold to the*
8 *state. The certification shall be executed under penalty of perjury.*
9 *The certification shall be provided regardless of whether the*
10 *product meets the required recycled product percentage, as defined*
11 *in Section 12209, even if product contains no recycled material.*

12 *SEC. 2. Section 10233 of the Public Contract Code is*
13 *repealed.*

14 ~~10233.—Contractors shall certify in writing, under penalty of~~
15 ~~perjury, to the department awarding a contract under this part, the~~
16 ~~minimum, if not exact, percentage of recycled content, both~~
17 ~~postconsumer material and secondary material as defined in~~
18 ~~Sections 12161 and 12200, in materials, goods, or supplies offered~~
19 ~~or products used in the performance of the contract, regardless of~~
20 ~~whether the product meets the required recycled product~~
21 ~~percentage as defined in Sections 12161 and 12200. The~~
22 ~~contractor may certify that the product contains zero recycled~~
23 ~~content. This section shall apply to all state contracts and, to the~~
24 ~~extent feasible, all federally funded contracts.~~

25 *SEC. 3. Section 10308.5 of the Public Contract Code is*
26 *repealed.*

27 ~~10308.5.—Contractors shall certify in writing, under penalty of~~
28 ~~perjury, to the state agency awarding a contract, the minimum, if~~
29 ~~not exact, percentage of recycled content, both postconsumer~~
30 ~~material and secondary material as defined in Sections 12161 and~~
31 ~~12200, in goods offered or products used in the performance of the~~
32 ~~contract, regardless of whether the product meets the required~~
33 ~~recycled product percentage as defined in Sections 12161 and~~
34 ~~12200. The contractor may certify that the product contains zero~~
35 ~~recycled content. This section shall apply to all state contracts and,~~
36 ~~to the extent feasible, all federally funded contracts.~~

37 *SEC. 4. Section 10354 of the Public Contract Code is*
38 *repealed.*

39 ~~10354.—Contractors shall certify in writing, under penalty of~~
40 ~~perjury, to the state agency awarding a contract, the minimum, if~~



~~1 not exact, percentage of recycled content, both postconsumer
 2 material and secondary material as defined in Sections 12161 and
 3 12200, in materials, goods, or supplies offered or products used in
 4 the performance of the contract, regardless of whether the product
 5 meets the required recycled product percentage as defined in
 6 Sections 12161 and 12200. The contractor may certify that the
 7 product contains zero recycled content. This section shall apply to
 8 all state contracts and, to the extent feasible, all federally funded
 9 contracts.~~

10 *SEC. 5. Section 10406 of the Public Contract Code is*
 11 *amended to read:*

12 10406. ~~Every~~ *Each* procuring agency shall continuously
 13 review and revise its procedures and specifications for the
 14 purchase of lubricating oil and industrial oil to eliminate any
 15 exclusion of recycled oils and any requirement that oils be
 16 manufactured from virgin materials. This section does not prohibit
 17 a local agency from purchasing virgin oil products for exclusive
 18 use in vehicles whose warranties expressly prohibit the use of
 19 products containing recycled oil.

20 *SEC. 6. Section 10507 of the Public Contract Code is*
 21 *repealed.*

22 ~~10507. For the purpose of this article, “recycled paper”~~
 23 ~~means all paper and woodpulp products containing postconsumer~~
 24 ~~and secondary materials as defined in this section. “Postconsumer~~
 25 ~~material” means a finished material which would normally be~~
 26 ~~disposed of as a solid waste, having completed its life cycle as a~~
 27 ~~consumer item. “Secondary material” means fragments of~~
 28 ~~products or finished products of a manufacturing process, which~~
 29 ~~has converted a virgin resource into a commodity of real economic~~
 30 ~~value, and includes postconsumer material, but does not include~~
 31 ~~fibrous waste generated during the manufacturing process such as~~
 32 ~~fibers recovered from wastewater or trimmings of paper machine~~
 33 ~~rolls (mill broke), wood slabs, chips, sawdust or other wood~~
 34 ~~residue from a manufacturing process.~~

35 ~~“Recycled paper” means a paper product with not less than 50~~
 36 ~~percent, by fiber weight, consisting of secondary and~~
 37 ~~postconsumer material, with not less than 10 percent of the fiber~~
 38 ~~weight consisting of postconsumer material.~~

39 ~~For high speed copier paper, offset paper, forms bond, computer~~
 40 ~~printout paper, carbonless paper, file folders, white wove~~



1 envelopes, and for other uncoated printing and writing papers,
2 such as writing and office paper, book paper, cotton fiber paper
3 containing 25 to 75 percent cotton fiber, and cover stock, the
4 minimum content standard shall be no less than 20 percent of fiber
5 weight of postconsumer materials beginning December 31, 1994.
6 The minimum content standard shall be increased to 30 percent of
7 fiber weight of postconsumer materials beginning on December
8 31, 1998.

9 *SEC. 7. Section 10855 of the Public Contract Code is*
10 *repealed.*

11 ~~10855. For the purpose of this article, “recycled paper~~
12 ~~product” means all paper and woodpulp products containing~~
13 ~~postconsumer and secondary materials as defined in this section.~~
14 ~~“Postconsumer material” means a finished material which would~~
15 ~~normally be disposed of as a solid waste, having completed its life~~
16 ~~cycle as a consumer item. “Secondary material” means fragments~~
17 ~~of products or finished products of a manufacturing process, which~~
18 ~~has converted a virgin resource into a commodity of real economic~~
19 ~~value, and includes postconsumer material, but does not include~~
20 ~~fibrous waste generated during the manufacturing process such as~~
21 ~~fibers recovered from wastewater or trimmings of paper machine~~
22 ~~rolls (mill broke), wood slabs, chips, sawdust, or other wood~~
23 ~~residue from a manufacturing process.~~

24 ~~“Recycled paper product” means a paper product with not less~~
25 ~~than 50 percent, by fiber weight, consisting of secondary and~~
26 ~~postconsumer material with not less than 10 percent of fiber~~
27 ~~weight consisting of postconsumer material.~~

28 ~~For high speed copier paper, offset paper, forms bond, computer~~
29 ~~printout paper, carbonless paper, file folders, white wove~~
30 ~~envelopes, and for other uncoated printing and writing papers,~~
31 ~~such as writing and office paper, book paper, cotton fiber paper~~
32 ~~containing 25 to 75 percent cotton fiber, and cover stock, the~~
33 ~~minimum content standard shall be no less than 20 percent of fiber~~
34 ~~weight of postconsumer materials beginning December 31, 1994.~~
35 ~~The minimum content standard shall be increased to 30 percent of~~
36 ~~fiber weight of postconsumer materials beginning on December~~
37 ~~31, 1998.~~

38 *SEC. 8. Section 10860 of the Public Contract Code is*
39 *repealed.*



1 ~~10860. (a) The trustees shall revise the procedures and~~
2 ~~specifications for purchases of paper products to give preference,~~
3 ~~wherever feasible, to the purchase of paper products containing~~
4 ~~recycled paper products pursuant to Section 10855.~~

5 ~~(b) The trustees shall give purchase preference to recycled~~
6 ~~paper products when both of the following apply:~~

7 ~~(1) The products can be substituted for, and cost no more than,~~
8 ~~nonrecycled paper products.~~

9 ~~(2) The products meet all applicable standards and regulations.~~

10 ~~(c) To encourage the use of postconsumer material, the~~
11 ~~trustees' specifications shall require recycled paper product~~
12 ~~contracts to be awarded to the bidder whose paper product contains~~
13 ~~the greater percentage of postconsumer material if the fitness and~~
14 ~~quality and price meet the requirements in this section and Section~~
15 ~~10855.~~

16 ~~(d) The trustees shall set the following goals for the purchasing~~
17 ~~of recycled paper products:~~

18 ~~(1) By January 1, 1992, at least 35 percent of the total dollar~~
19 ~~amount of paper products purchased or procured by the trustees~~
20 ~~shall be purchased as a recycled paper product.~~

21 ~~(2) By January 1, 1994, at least 40 percent of the total dollar~~
22 ~~amount of paper products purchased or procured by the trustees~~
23 ~~shall be purchased as a recycled paper product.~~

24 ~~(3) By January 1, 1996, at least 50 percent of the total dollar~~
25 ~~amount of paper products purchased or procured by the trustees~~
26 ~~shall be purchased as a recycled paper product.~~

27 ~~If at any time a goal has not been met, the trustees and the~~
28 ~~Department of General Services, in consultation with the~~
29 ~~California Integrated Waste Management Board, shall review~~
30 ~~procurement policies and shall make recommendations for~~
31 ~~immediate revisions to ensure that each goal is met. Revisions~~
32 ~~include, but are not limited to, providing a purchasing preference~~
33 ~~and altering the goals. The trustees and the Department of General~~
34 ~~Services, in consultation with the board, shall present its~~
35 ~~conclusions and recommendations on these revisions of~~
36 ~~procurement policies to the Legislature and the Governor in the~~
37 ~~department's annual report pursuant to Section 12225.~~

38 ~~SEC. 9. Section 12150 of the Public Contract Code is~~
39 ~~repealed.~~



1 ~~12150. This chapter shall be known and may be cited as the~~
2 ~~State Assistance for Recycling (STAR) Markets Act of 1989.~~

3 ~~SEC. 10. Section 12153 of the Public Contract Code is~~
4 ~~repealed.~~

5 ~~12153. The Legislature finds and declares all of the~~
6 ~~following:~~

7 ~~(a) It is the policy of the state to conserve and protect resources~~
8 ~~for future citizens as well as the current population of the state.~~

9 ~~(b) It is in the best interest of the people of the state that the state~~
10 ~~alter its perception of solid waste to instead look upon this waste~~
11 ~~as resources that can be recovered and reused.~~

12 ~~(c) It is in the best interest of reducing the increasing burden on~~
13 ~~communities disposing of the state's solid waste for the state to~~
14 ~~take a role in developing an integrated state solid waste~~
15 ~~management policy, which includes source reduction, recycling,~~
16 ~~composting, market development, incineration, and landfills.~~
17 ~~Since recycling is a necessary component of this policy, the state~~
18 ~~shall encourage the use of recycled products to ensure that the~~
19 ~~state's industries have sufficient and adequate markets for~~
20 ~~products regeneratively utilizing the state's solid waste as recycled~~
21 ~~resources.~~

22 ~~(d) It is the policy of the state to encourage the expansion of~~
23 ~~businesses located in California and, to whatever extent possible,~~
24 ~~to look favorably on California businesses in the recycling~~
25 ~~industry, which include, but are not limited to, those California~~
26 ~~businesses that manufacture, distribute, or act as brokers for,~~
27 ~~recycled products.~~

28 ~~(e) Market development is the key to moving beyond the~~
29 ~~uneven collection of recyclable materials to stable resource~~
30 ~~recovery and reuse. Because of existing local collection programs,~~
31 ~~significant quantities of recycled resources such as the following~~
32 ~~are today available for purchase: fine grades of paper, high-quality~~
33 ~~paper products, plastics, retreaded automobile tires, re-refined~~
34 ~~lubricating oil, reused automotive parts, reclaimed solvents,~~
35 ~~recycled asphalt, recycled concrete, carpet or geotextiles~~
36 ~~composed of recycled plastics, compost and co-compost products,~~
37 ~~and steel products.~~

38 ~~(f) In making these findings, the Legislature declares that the~~
39 ~~policy and intent of this chapter is to set an example for the state~~



1 ~~and nation to encourage the purchase of products utilizing recycled~~
2 ~~resources.~~

3 ~~(g) It is the intent of the Legislature, whenever economically~~
4 ~~feasible and as markets allow, to continually expand the policies~~
5 ~~of the state to utilize recycled resources in the daily operations of~~
6 ~~the state. This includes, but is not limited to, the procurement and~~
7 ~~purchase of recycled materials, the use of recycled resources in the~~
8 ~~performance of a service or project for the state, and the purchase~~
9 ~~of equipment used for the collection and sale of waste materials~~
10 ~~generated by the state.~~

11 ~~(h) It is the intent of the Legislature that the Department of~~
12 ~~General Services work with all state departments, agencies, the~~
13 ~~Legislature, the California Integrated Waste Management Board,~~
14 ~~and the Department of Conservation to draft, establish, and~~
15 ~~implement policies that ensure the procurement and use of~~
16 ~~recycled resources.~~

17 ~~(i) It is also the intent of the Legislature to encourage local~~
18 ~~public agencies and private companies to adopt policies to~~
19 ~~maximize the use of recycled resources.~~

20 *SEC. 11. Section 12155 of the Public Contract Code is*
21 *repealed.*

22 ~~12155.—As used in this chapter, the following definitions shall~~
23 ~~apply:~~

24 ~~(a) “Department” means the Department of General Services.~~

25 ~~(b) “Director” means the Director of General Services.~~

26 ~~(c) “Procuring agency” means the Department of General~~
27 ~~Services and any other state department or agency having~~
28 ~~delegated procurement authority granted pursuant to Section~~
29 ~~10333 with an annual total dollar limit above one million dollars~~
30 ~~(\$1,000,000) as prescribed by the Office of Procurement within~~
31 ~~the Department of General Services.~~

32 ~~(d) “Board” means the California Integrated Waste~~
33 ~~Management Board, as defined pursuant to Section 40110 of the~~
34 ~~Public Resources Code.~~

35 *SEC. 12. Section 12157 of the Public Contract Code is*
36 *repealed.*

37 ~~12157.—This chapter applies to the procurement and purchase~~
38 ~~of the following materials, goods, and supplies, or products~~
39 ~~containing the following recycled resources and meeting the~~



1 ~~specified recycled content requirements pursuant to Section~~
2 ~~12161, 12181, 12182, or 12200, whichever is applicable:~~

3 ~~(a) Recycled paper products, which include, but are not limited~~
4 ~~to, fine grades of paper, corrugated boxes, newsprint, tissue, and~~
5 ~~toweling.~~

6 ~~(b) Compost and co-compost products.~~

7 ~~(c) Glass.~~

8 ~~(d) Oil.~~

9 ~~(e) Plastic.~~

10 ~~(f) Solvents and paint, including water-based paint.~~

11 ~~(g) Tires.~~

12 ~~(h) Steel.~~

13 *SEC. 13. Section 12158 of the Public Contract Code is*
14 *repealed.*

15 ~~12158.—This chapter does not apply to the procurement and~~
16 ~~purchase of asphalt concrete and portland cement concrete~~
17 ~~pavement.~~

18 *SEC. 14. Section 12159 of the Public Contract Code is*
19 *repealed.*

20 ~~12159.—(a) If a recycled product, as defined in subdivision (a)~~
21 ~~of Section 12200, costs more than the same product made with~~
22 ~~virgin material, the state agency shall, if feasible, purchase fewer~~
23 ~~of those more costly products or apply the cost savings, if any,~~
24 ~~gained from buying other recycled products towards the purchase~~
25 ~~of those more costly products to meet the solid waste diversion~~
26 ~~goals of Section 41780.~~

27 ~~(b) All state agencies shall, if feasible, establish purchasing~~
28 ~~practices which ensure the purchase of materials, goods, and~~
29 ~~supplies that may be recycled or reused. Each state agency shall~~
30 ~~initiate activities for the collection, separation, and recycling of~~
31 ~~recyclable materials and may appoint a recycling coordinator to~~
32 ~~assist in implementing this section.~~

33 *SEC. 15. Section 12160 of the Public Contract Code is*
34 *repealed.*

35 ~~12160.—The Legislature finds and declares that it is the policy~~
36 ~~of the state to conserve and protect its resources. The maintenance~~
37 ~~of a quality environment for the people of this state now and in the~~
38 ~~future is a matter of statewide concern.~~

39 ~~The Legislature further finds and declares that the volume of~~
40 ~~solid waste generated within the state coupled with an increased~~



1 ~~rate in the consumption of paper products and the absence of~~
2 ~~adequate programs and procedures for the reuse of these materials~~
3 ~~threaten the quality of the environment and well-being of the~~
4 ~~people of California.~~

5 ~~In making these findings, the Legislature declares that the~~
6 ~~policy and intent of this article is to improve environmental quality~~
7 ~~by the recycling of paper products.~~

8 *SEC. 16. Section 12161 of the Public Contract Code is*
9 *repealed.*

10 ~~12161. For the purpose of this article, “recycled paper~~
11 ~~product” means all paper and woodpulp products containing~~
12 ~~postconsumer and secondary materials, as defined in this section.~~
13 ~~“Postconsumer material” means a finished material which would~~
14 ~~normally be disposed of as a solid waste, having completed its life~~
15 ~~cycle as a consumer item. “Secondary material” means fragments~~
16 ~~of finished products or finished products of a manufacturing~~
17 ~~process, which has converted a virgin resource into a commodity~~
18 ~~of real economic value, and includes postconsumer material, but~~
19 ~~does not include fibrous waste generated during the manufacturing~~
20 ~~process such as fibers recovered from wastewater or trimmings of~~
21 ~~paper machine rolls (mill broke), wood slabs, chips, sawdust, or~~
22 ~~other wood residue from a manufacturing process.~~

23 ~~“Recycled paper product” means a paper product with not less~~
24 ~~than 50 percent, by fiber weight, consisting of secondary and~~
25 ~~postconsumer material with not less than 10 percent of fiber~~
26 ~~weight consisting of postconsumer material.~~

27 ~~For high-speed copier paper, offset paper, forms bond, computer~~
28 ~~printout paper, carbonless paper, file folders, white wove~~
29 ~~envelopes, and for other uncoated printing and writing papers,~~
30 ~~such as writing and office paper, book paper, cotton fiber paper~~
31 ~~containing 25 to 75 percent cotton fiber, and cover stock, the~~
32 ~~minimum content standard shall be no less than 20 percent of fiber~~
33 ~~weight of postconsumer materials beginning December 31, 1994.~~
34 ~~The minimum content standard shall be increased to 30 percent of~~
35 ~~fiber weight of postconsumer materials beginning on December~~
36 ~~31, 1998.~~

37 *SEC. 17. Section 12162 of the Public Contract Code is*
38 *repealed.*

39 ~~12162. (a) At least 50 percent of the total dollar amount of~~
40 ~~paper products purchased or procured shall be a recycled paper~~



1 ~~product, as defined in Section 12161. In addition, at least 25~~
2 ~~percent of the total fine writing and printing paper purchased or~~
3 ~~procured shall be a recycled paper product, as defined in Section~~
4 ~~12161.~~

5 ~~(b) All state agencies shall report to the department and to the~~
6 ~~board on their progress in meeting the requirements of subdivision~~
7 ~~(a) and Section 12205. The department shall develop a uniform~~
8 ~~reporting procedure which state agencies shall follow. If at any~~
9 ~~time a requirement has not been met, the department, in~~
10 ~~consultation with the board, shall review procurement policies and~~
11 ~~shall make recommendations for immediate revisions to ensure~~
12 ~~that the requirement is met. The department, in consultation with~~
13 ~~the board, shall present its recommendations on these procurement~~
14 ~~policies to the Legislature in the department's annual report~~
15 ~~pursuant to Section 12225.~~

16 ~~(c) (1) All state agencies shall give a price preference, not to~~
17 ~~exceed 10 percent, to recycled paper products, if the product's~~
18 ~~fitness, quality, and availability are comparable to nonrecycled~~
19 ~~products. The board, in consultation with the department, shall~~
20 ~~establish, on or before May 1, 1994, and every two years~~
21 ~~thereafter, price preferences for the purposes of meeting the goals~~
22 ~~set forth in this section and Section 12205 for recycled products.~~
23 ~~For those priority commodities, as defined by the board, the price~~
24 ~~preference established by the board shall not be less than 5 percent.~~
25 ~~The board shall publish the established price preferences annually~~
26 ~~in the board's report to the Legislature pursuant to Section 40507~~
27 ~~of the Public Resources Code.~~

28 ~~(2) In establishing the price preferences, the board shall take~~
29 ~~into consideration all of the following factors:~~

30 ~~(A) Materials that comprise the largest percentage of the state's~~
31 ~~solid waste stream.~~

32 ~~(B) Materials that have the highest percentage of postconsumer~~
33 ~~material.~~

34 ~~(C) Materials that require expanded markets.~~

35 ~~(D) Any other market factors as determined by the board.~~

36 ~~(3) The combined dollar amount of preference granted~~
37 ~~pursuant to this section and any other provision of law shall not~~
38 ~~exceed one hundred thousand dollars (\$100,000).~~

39 ~~(d) Notwithstanding paragraph (1) of subdivision (c), the~~
40 ~~recycled paper bidder preference shall not exceed fifty thousand~~



1 dollars (\$50,000) if a preference exceeding that amount would
2 preclude an award to a small business that offers nonrecycled
3 paper products and is qualified in accordance with Section 14838
4 of the Government Code.

5 *SEC. 18. Section 12162.5 of the Public Contract Code is*
6 *repealed.*

7 ~~12162.5.~~ All state agencies may, at the discretion of the
8 individual agency director, print a symbol on paper products
9 selected by the agency director. This symbol shall be determined
10 by the department, in consultation with the board, and shall be
11 similar to the following: “Printed on Recycled Paper.” This
12 symbol shall be printed only on paper products meeting the
13 definition of recycled paper products in Section 12161.

14 *SEC. 19. Section 12163 of the Public Contract Code is*
15 *repealed.*

16 ~~12163.~~ (a) The director, in consultation with the board, shall
17 review the procurement specifications currently used by the
18 department in order to eliminate, wherever economically feasible,
19 discrimination against the procurement of recycled paper
20 products.

21 (b) The director, in consultation with the board, shall review
22 the recycled paper product specifications at least annually to
23 consider increasing the percentage of recycled paper product in
24 paper and woodpulp product purchases. The director shall include
25 his or her conclusions and recommendations in the department’s
26 annual report pursuant to Section 12225.

27 (c) When contracting with the department for the sale of
28 material subject to this article, the contractor shall certify in
29 writing to the contracting officer or his or her representative that
30 the material offered contains the minimum percentage of recycled
31 paper required by Section 12161 and shall specify the minimum,
32 if not exact, percentage of secondary and postconsumer material
33 in the paper products. The certification shall be furnished under
34 penalty of perjury.

35 (d) The department, in consultation with the board, shall
36 establish purchasing practices which, to the maximum extent
37 economically feasible, assure purchase of materials which may be
38 recycled or reused when discarded.



1 ~~(c) The department shall make every effort to eliminate~~
2 ~~purchases of paper products deemed potential contaminants to the~~
3 ~~state's recycling program pursuant to Section 12165.~~

4 *SEC. 20. Section 12164 of the Public Contract Code is*
5 *repealed.*

6 ~~12164. The department shall require the persons with whom~~
7 ~~it contracts to use, to the maximum extent economically feasible~~
8 ~~in the performance of the contract work, recycled paper products.~~

9 *SEC. 21. Section 12168 of the Public Contract Code is*
10 *repealed.*

11 ~~12168. (a) Fitness and quality being equal, all local and state~~
12 ~~public agencies shall purchase recycled paper products instead of~~
13 ~~nonrecycled paper products whenever available at no more than~~
14 ~~the total cost of nonrecycled paper products. All local public~~
15 ~~agencies may give preference to the suppliers of recycled paper~~
16 ~~products. All local public agencies may define the amount of this~~
17 ~~preference.~~

18 ~~In bids in which the state has reserved the right to make multiple~~
19 ~~awards, the recycled paper preference cost shall be applied, to the~~
20 ~~extent possible, so as to maximize the dollar participation of firms~~
21 ~~offering recycled paper in the contract award.~~

22 ~~(b) The combined dollar amount of preferences granted~~
23 ~~pursuant to this section and any other provisions of law shall not~~
24 ~~exceed one hundred thousand dollars (\$100,000).~~

25 ~~(c) Notwithstanding subdivision (a), and subdivision (b) of~~
26 ~~Section 12162, the recycled paper bidder preference shall not~~
27 ~~exceed fifty thousand dollars (\$50,000) if a preference exceeding~~
28 ~~that amount would preclude an award to a small business that~~
29 ~~offers nonrecycled paper products and is qualified in accordance~~
30 ~~with Section 14838 of the Government Code. This provision shall~~
31 ~~apply only when the small business is the lowest responsible~~
32 ~~bidder or is eligible for contract award on the basis of application~~
33 ~~of the 5-percent business preference.~~

34 *SEC. 22. Section 12169 of the Public Contract Code is*
35 *repealed.*

36 ~~12169. All local public agencies shall require the bidder to~~
37 ~~specify the minimum, if not exact, percentage of recycled paper~~
38 ~~product in the paper products, and both the postconsumer and~~
39 ~~secondary waste content regardless of whether the paper product~~
40 ~~meets the percentage of recycled paper product required pursuant~~



1 to ~~Section 12161~~. The contractor may certify zero recycled
2 product. All contract provisions impeding the consideration of
3 products with reclaimed paper content shall be deleted in favor of
4 performance standards.

5 All printing contracts made by any local agency shall provide
6 that the paper used shall meet the requirements of these provisions.

7 Except as otherwise provided in this article, state agencies shall
8 also be subject to this section.

9 *SEC. 23. Article 2.1 (commencing with Section 12170) of*
10 *Chapter 4 of Part 2 of Division 2 of the Public Contract Code is*
11 *repealed.*

12 *SEC. 24. Section 12181 of the Public Contract Code is*
13 *repealed.*

14 ~~12181.~~ For purposes of this article, “co-compost product”
15 means an end product which meets all of the following
16 requirements:

17 (a) It is derived from a blending of materials, of which at least
18 80 percent, whenever possible, is household refuse and the
19 remainder is sewage sludge or other comparable substitutes,
20 including, but not limited to, nontoxic dairy wastes, livestock and
21 horse manure, or fish wastes.

22 (b) It is usable.

23 (c) It is produced by the waste management facilities of
24 counties, cities, or local agencies, or of private entities.

25 *SEC. 25. Section 12182 of the Public Contract Code is*
26 *repealed.*

27 ~~12182.~~ For purposes of this article, “compost product”
28 means an end product which meets all of the following
29 requirements:

30 (a) It is derived from the controlled biological decomposition
31 of a blend of organic wastes, including, but not limited to, wood
32 byproducts, plant waste, including, but not limited to, rice straw,
33 yard refuse, and sewage sludge.

34 (b) It is usable.

35 (c) It is produced by the waste management facilities of
36 counties, cities, or local agencies, or of private entities.

37 *SEC. 26. Section 12185 of the Public Contract Code is*
38 *repealed.*

39 ~~12185.~~ All state departments and agencies procuring compost
40 and co-compost products in procurement, service, or construction



1 ~~contracts shall report to the department their purchasing activities,~~
2 ~~including, but not limited to, total contracting dollars, volume, and~~
3 ~~number of contracts. The department shall design an appropriate~~
4 ~~and uniform reporting mechanism which shall be made available~~
5 ~~to all state agencies.~~

6 *SEC. 27. Article 3.5 (commencing with Section 12190) is*
7 *added to Chapter 4 of Part 2 of Division 2 of the Public Contract*
8 *Code, to read:*

9
10 *Article 3.5. Recycled Product Procurement Mandates*
11 *Pertaining to Local Governments*

12
13 *12190. (a) If fitness and quality are equal, each local*
14 *government entity and each state entity shall purchase recycled*
15 *products instead of nonrecycled products whenever recycled*
16 *products are available at the same or a lesser total cost than*
17 *nonrecycled products.*

18 *(b) A local public entity may give preference to suppliers of*
19 *recycled products.*

20 *(c) A local public entity may define the amount of this*
21 *preference.*

22 *12191. In bids in which the state has reserved the right to*
23 *make multiple awards, the recycled product preference cost shall*
24 *be applied, to the extent possible, so as to maximize the dollar*
25 *participation of firms offering recycled product in the contract*
26 *award.*

27 *12192. All local public entities shall require the bidder to*
28 *specify the minimum, if not exact, percentage of recycled content*
29 *of both the postconsumer and secondary material regardless of*
30 *whether the product meets the minimum content requirements*
31 *required pursuant to Section 12209. All contract provisions*
32 *impeding the consideration of recycled products shall be deleted*
33 *in favor of performance standards.*

34 *12193. All printing contracts make by any local public entity*
35 *shall provide that the paper used shall meet the recycled content*
36 *requirements of Section 12209.*

37 *SEC. 28. Section 12200 of the Public Contract Code is*
38 *amended to read:*

39 *12200. For the purpose of this article, the following*
40 *definitions shall apply:*



1 ~~(a) (1) Except as provided in paragraph (2), “recycled~~
2 ~~product” means all materials, goods, and supplies, no less than 50~~
3 ~~percent of the total weight of which consists of secondary and~~
4 ~~postconsumer material with not less than 10 percent of its total~~
5 ~~weight consisting of postconsumer material. A recycled product~~
6 ~~shall include any product that could have been disposed of as solid~~
7 ~~waste having completed its life cycle as a consumer item, but~~
8 ~~otherwise is refurbished for reuse without substantial alteration of~~
9 ~~its form.~~

10 ~~(2) “Recycled product” also means other flat rolled steel~~
11 ~~products no less than 25 percent of the total weight of which~~
12 ~~consists of secondary and postconsumer material, with not less~~
13 ~~than 10 percent of total weight consisting of postconsumer~~
14 ~~material. Products made with flat rolled steel meeting these~~
15 ~~content percentages include, but are not limited to, automobiles,~~
16 ~~cans, appliances, and office furniture and supplies.~~

17 ~~(b) “Postconsumer material” means a finished material that~~
18 ~~would have been disposed of as a solid waste, having completed~~
19 ~~its life cycle as a consumer item, and does not include~~
20 ~~manufacturing wastes.~~

21 ~~(c) “Secondary material” means fragments of finished~~
22 ~~products or finished products of a manufacturing process that has~~
23 ~~converted a resource into a commodity of real economic value, and~~
24 ~~includes postconsumer material, but does not include excess virgin~~
25 ~~resources of the manufacturing process.~~

26 ~~(a) “Board” means the California Integrated Waste~~
27 ~~Management Board, as defined pursuant to Section 40110 of the~~
28 ~~Public Resources Code.~~

29 ~~(b) “Department” means the Department of General Services.~~

30 ~~(c) “Director” means the Director of General Services.~~

31 ~~(d) “Postconsumer material” means a finished material that~~
32 ~~would have been disposed of as a solid waste, having completed~~
33 ~~its life cycle as a consumer item, and does not include~~
34 ~~manufacturing wastes.~~

35 ~~(e) “Product categories” include paper products, printing, and~~
36 ~~writing papers, compost, cocompost, or mulch, glass, oil, plastic,~~
37 ~~solvents, paint, tires, tire-derived products, antifreeze, and metal.~~

38 ~~(f) “Purchase” means any contractual agreement that state~~
39 ~~agencies use to obtain goods or materials.~~



1 (g) “Recycled product” means goods or materials that contain
2 or exceed the minimum recycled content requirements identified in
3 Section 12209, including any good or material that has been
4 reused or refurbished without substantial alteration of its form.

5 (h) “Reportable purchase” means the purchase of any goods or
6 materials, with recycled content or not, that may be reported or
7 categorized or classified within one of the product categories
8 identified in Section 12207.

9 (i) “Reportable recycled product purchase” means the
10 purchase of any goods or materials that contain or exceed the
11 minimum recycled content requirements identified in Section
12 12209, that may be reported or categorized or classified within one
13 of the product categories identified in Section 12207, including
14 any good or material that has been reused or refurbished without
15 substantial alteration of its form.

16 (j) “SABRC” means State Agency Buy Recycled Campaign.

17 (k) “Secondary material” means fragments of finished
18 products or finished products of a manufacturing process, that has
19 converted a resource into a commodity of real economic value, but
20 does not include excess virgin resources of the manufacturing
21 process, such as fibers recovered from wastewater; trimmings of
22 paper machine rolls, mill broke, plastic, or metal trimmings, or
23 shavings, or other residue from a manufacturing process.
24 Secondary material does not include postconsumer material, so
25 that the secondary material plus the postconsumer material plus
26 the virgin material adds up to 100 percent of the product.

27 (l) “State agency” means each entity identified in Section
28 11000 of the Government Code, and includes the California State
29 University.

30 SEC. 29. Section 12201 is added to the Public Contract Code,
31 to read:

32 12201. (a) The Legislature finds and declares that it is the
33 policy of the state to conserve and protect its resources. The
34 Legislature further finds and declares that the use of recycled
35 products produced as the result of the superior waste management
36 efforts by the state and local governmental entities will help
37 conserve resources.

38 (b) It is the intent of the Legislature that the state pursue all
39 feasible measures to improve markets for recycled products



1 including, but not limited to, bid evaluation preferences for
2 purchases made by the state.

3 (c) If fitness and quality are equal, each state agency shall
4 purchase recycled products instead of nonrecycled products
5 whenever recycled products are available at the same or a lesser
6 total cost than nonrecycled products.

7 SEC. 30. Section 12203 is added to the Public Contract Code,
8 to read:

9 12203. Each state agency shall ensure each of the following:

10 (a) By July 1, 2005, and annually thereafter, at least 50 percent
11 of reportable purchases are recycled products.

12 (b) The requirements specified in this article apply to all
13 reportable purchases of state agencies for product categories
14 listed in this article.

15 (c) The reportable purchases of state agencies shall meet each
16 goal for, and be applied to the total dollar amount of, each
17 specified product category as defined in this section. The purchase
18 of a recycled-product from one category may not be applied toward
19 the goals for, or the total dollar amount of, any other category
20 listed in this section.

21 (d) Each state agency shall encourage the businesses with
22 whom it contracts to use, to the maximum extent economically
23 feasible in the performance of the contract work, recycled
24 products.

25 SEC. 31. Section 12205 of the Public Contract Code is
26 repealed.

27 ~~12205. (a) All state agencies shall require all contractors to~~
28 ~~certify in writing the minimum percentage, if not the exact~~
29 ~~percentage, of postconsumer and secondary material in the~~
30 ~~materials, goods, or services provided or used. This certification~~
31 ~~shall be furnished under penalty of perjury.~~

32 ~~(b) The department, in consultation with the board, shall~~
33 ~~review and revise the procurement specifications used by state~~
34 ~~agencies in order to eliminate restrictive specifications and~~
35 ~~discrimination against the procurement or purchase of recycled~~
36 ~~products. Fitness and quality being equal, all state agencies shall~~
37 ~~purchase recycled products instead of nonrecycled products~~
38 ~~whenever recycled products are available at the same total cost as~~
39 ~~nonrecycled products. All state agencies shall allow a price~~
40 ~~preference, as determined by the board pursuant to Section 12162.~~



1 ~~In determining procurement specifications, with the exception of~~
2 ~~any specifications that have been established to preserve the public~~
3 ~~health and safety, all state procurement and purchasing~~
4 ~~specifications shall be established in a manner that results in the~~
5 ~~maximum state procurement and purchase of recycled products.~~

6 ~~(e) (1) To assist the state in meeting the requirements of~~
7 ~~subdivision (a) of Section 12162 and subdivision (e) of this~~
8 ~~section, the department, in consultation with the board, may also~~
9 ~~establish recycled content disclosure, recycled product only bids,~~
10 ~~cooperative purchasing arrangements, or conduct an analysis of~~
11 ~~solid waste diversion from disposal facilities, to meet the~~
12 ~~requirements for recycled products and to encourage the~~
13 ~~maximum state procurement and purchase of recycled products.~~
14 ~~All state agencies shall, if feasible, implement recycled~~
15 ~~product-only bids for recycled products as defined in subdivision~~
16 ~~(a) of Section 12200, in order to meet the requirements for~~
17 ~~recycled products set forth in this section and Section 12162.~~

18 ~~(2) This subdivision applies to the procurement or purchase of~~
19 ~~the following materials, goods, and supplies, or products~~
20 ~~containing the following recycled resources:~~

21 ~~(A) Paper products, that include, but are not limited to, fine~~
22 ~~papers, such as xerographic and envelope papers and form bond;~~
23 ~~corrugated boxes, newsprint, tissue, and toweling.~~

24 ~~(B) Compost and coecompost products.~~

25 ~~(C) Glass.~~

26 ~~(D) Oil.~~

27 ~~(E) Plastic.~~

28 ~~(F) Solvents and paint, including water-based paint.~~

29 ~~(G) Tires.~~

30 ~~(H) Steel.~~

31 ~~(I) Antifreeze.~~

32 ~~(d) All state agencies shall, if feasible, establish purchasing~~
33 ~~practices that ensure the purchase of materials, goods, and supplies~~
34 ~~that may be recycled or reused when discarded.~~

35 ~~(e) The department shall set the following requirements for~~
36 ~~purchases made by state agencies:~~

37 ~~(1) By January 1, 1996, at least 20 percent of state purchases are~~
38 ~~of recycled products.~~

39 ~~(2) By January 1, 1998, at least 30 percent of state purchases are~~
40 ~~of recycled products.~~



1 ~~(3) On and after January 1, 2000, at least 50 percent of state~~
2 ~~purchases are of recycled products.~~

3 ~~(4) The requirements specified in this subdivision shall be~~
4 ~~applied to the purchases of state agencies for products listed in this~~
5 ~~section, except in subparagraph (A) of paragraph (2) of~~
6 ~~subdivision (c) for which requirements are specified in Section~~
7 ~~12162.~~

8 ~~(f) The purchases of the state agencies shall meet each~~
9 ~~requirement for, and be applied to the total dollar amount of, each~~
10 ~~specified product category as defined in this section. The purchase~~
11 ~~of a recycled-content product from one category may not be~~
12 ~~applied toward the requirements for, or the total dollar amount of,~~
13 ~~any other category listed in this section or Section 12157, 12162,~~
14 ~~12301, or 12305.~~

15 *SEC. 32. Section 12205 is added to the Public Contract Code,*
16 *to read:*

17 *12205. (a) All state agencies shall require all businesses to*
18 *certify in writing the minimum percentage, if not the exact*
19 *percentage, of postconsumer and secondary material in the*
20 *products, materials, goods, or supplies offered or sold to the state*
21 *regardless of whether the product meets the percentage of recycled*
22 *product required pursuant to Section 12209. The certification*
23 *shall be furnished under penalty of perjury. The certification shall*
24 *be provided regardless of content, even if the product contains no*
25 *recycled material.*

26 *(b) All local public agencies shall require all businesses to*
27 *certify in writing the minimum percentage, if not the exact*
28 *percentage, of postconsumer and secondary material in the*
29 *products, materials, goods, or supplies offered or sold. All contract*
30 *provisions impeding the consideration of products with recycled*
31 *product shall be deleted in favor of performance standards.*

32 *(c) All businesses shall certify in writing to the contracting*
33 *officer or his or her representative the minimum percentage, if not*
34 *the exact percentage, of postconsumer and secondary material in*
35 *the products, materials, goods, or supplies being offered or sold to*
36 *the state regardless of whether the product meets the percentage*
37 *of recycled product required pursuant to Section 12209. The*
38 *certification shall be furnished under penalty of perjury. The*
39 *certification shall be provided regardless of content, even if the*
40 *product contains no recycled material.*



1 (d) All businesses shall certify in writing to the contracting
2 officer or his or her representative the minimum, if not exact,
3 percentage of secondary and postconsumer material in the
4 products, materials, goods, or supplies being offered or sold to any
5 local public agency.

6 SEC. 33. Section 12207 is added to the Public Contract Code,
7 to read:

8 12207. This article applies to the purchase of goods and
9 materials from the following product categories:

10 (a) Paper products, including, but not limited to, paper
11 janitorial supplies, cartons, wrapping, packaging, file folders, and
12 hanging files, building insulation and panels, corrugated boxes,
13 tissue, and toweling.

14 (b) Printing and writing papers including, but not limited to,
15 copy, xerographic, watermark, cotton fiber, offset, forms,
16 computer printout paper, white wove envelopes, manila envelopes,
17 book paper, note pads, writing tablets, newsprint, and other
18 uncoated writing papers, posters, index cards, calendars,
19 brochures, reports, magazines, and publications.

20 (c) Mulch, compost, and cocompost products including soil
21 amendments, erosion controls, soil toppings, ground covers, weed
22 suppressant, and organic materials used for water conservation.

23 (1) "Compost" means a product that meets the following
24 requirements:

25 (A) It results from the controlled biological decomposition of
26 organic materials, including, but not limited to, yard trimmings
27 and wood byproducts that are separated from the municipal solid
28 waste stream at the source of generation or at a centralized facility,
29 or other source of organic materials.

30 (B) It is produced by a public or private supplier that is in
31 compliance with the board's composting operations regulatory
32 requirements.

33 (2) "Cocompost" means a product that meets the following
34 requirements:

35 (A) It results from the controlled biological decomposition of a
36 blend of organic materials, including, but not limited to, yard
37 trimmings and wood byproducts that are separated from the
38 municipal solid waste stream at the source of generation or at a
39 centralized facility, and also including, but not limited to, biosolids



1 *or other comparable substitutes such as livestock, horse, or other*
2 *animal manure, food residues, or fish processing byproducts.*

3 *(B) It is produced by a public or private supplier that is in*
4 *compliance with the board's composting operations regulatory*
5 *requirements.*

6 *(d) "Mulch" means a product that meets the following*
7 *requirements:*

8 *(1) It results from the mechanical breakdown (chipping and*
9 *grinding) of materials, including, but not limited to, yard*
10 *trimmings and wood byproducts that are separated from the*
11 *municipal solid waste stream at the source of generation or at a*
12 *centralized facility.*

13 *(2) It is produced by a public or private supplier that is in*
14 *compliance with the board's composting operations regulatory*
15 *requirements.*

16 *(e) Glass products including, but not limited to, windows, test*
17 *tubes, beakers, laboratory or hospital supplies, fiberglass*
18 *(insulation), reflective beads, tiles, construction blocks, desktop*
19 *accessories, flat glass sheets, loose-grain abrasives, deburring*
20 *media, liquid filter media, and containers.*

21 *(f) Lubricating oils including, but not limited to, any oil*
22 *intended for use in a crankcase, transmission, engine, power*
23 *steering, gearbox, differential chainsaw, transformer dielectric*
24 *fluid, cutting, hydraulic, industrial, or automobile, bus, truck,*
25 *vessel, plane, train, heavy equipment, or machinery powered by an*
26 *internal combustion engine.*

27 *(g) Plastic products including, but not limited to, toner*
28 *cartridges, diskette, carpet, office products, plastic lumber,*
29 *buckets, waste baskets, containers, benches, tables, fencing,*
30 *clothing, mats, packaging, signs, posts, binders, sheet, buckets,*
31 *building products, garden hose, and trays.*

32 *(h) Solvents including, but not limited to, printer cleaner,*
33 *copier cleaner, engine degreaser, and parts cleaner.*

34 *(i) Paint, including, but not limited to, water-based paint,*
35 *graffiti abatement, interior and exterior, and maintenance.*

36 *(j) Antifreeze, including recycled antifreeze, and antifreeze*
37 *containing a bittering agent or made from polypropylene or other*
38 *similar nontoxic substance.*

39 *(k) Tires including, but not limited to, truck and bus tires, and*
40 *those used on fleet vehicles and passenger cars.*



1 (l) *Tire-derived products including, but not limited to, flooring,*
2 *mats, wheelchair ramps, playground cover, parking bumpers,*
3 *bullet traps, hoses, bumpers, truck bedliners, pads, walkways, tree*
4 *ties, road surfacing, wheel chocks, rollers, traffic control products,*
5 *mudflaps, and posts.*

6 (m) *Metal including, but not limited to, staplers, paper clips,*
7 *steel furniture, desks, pedestals, scissors, jacks, rebar, pipe,*
8 *plumbing fixtures, chairs, ladders, file cabinets, shelving,*
9 *containers, lockers, sheet metal, girders, building and*
10 *construction products, bridges, braces, nails, and screws.*

11 SEC. 34. *Section 12209 is added to the Public Contract Code,*
12 *to read:*

13 12209. *For purposes of this article, the following minimum*
14 *content requirements apply:*

15 (a) *For recycled paper products, the total weight shall consist*
16 *of at least 30 percent postconsumer fiber. For the purposes of this*
17 *article, the postconsumer content requirement for recycled paper*
18 *products shall be 40 percent by July 1, 2006, and 50 percent by July*
19 *1, 2008.*

20 (b) *Recycled printing and writing paper shall consist of at least*
21 *30 percent, by fiber weight, postconsumer fiber. For the purposes*
22 *of this article, the postconsumer content requirement for recycled*
23 *printing and writing paper shall be 40 percent by July 1, 2006, and*
24 *50 percent by July 1, 2008.*

25 (c) *For recycled compost, cocompost, and mulch at least 80*
26 *percent of the product shall consist of materials, including, but not*
27 *limited to, the materials listed in subdivision (c) of Section 12207,*
28 *that would otherwise be normally disposed of in landfills.*

29 (d) *For recycled glass, the total weight shall consist of at least*
30 *10 percent postconsumer material.*

31 (e) *Rerefined lubricating oil shall have a base oil content*
32 *consisting of at least 70 percent rerefined oil.*

33 (f) *For recycled plastic products, the total weight shall consist*
34 *of at least 10 percent postconsumer material.*

35 (g) *Recycled antifreeze fluid shall have a recycled content of at*
36 *least 70 percent postconsumer materials.*

37 (h) *Recycled paint shall have a recycled content consisting of*
38 *a least 50 percent postconsumer paint. Preconsumer or secondary*
39 *paint does not qualify as “recycled paint” pursuant to this*
40 *subparagraph. If paint containing 50 percent postconsumer*



1 content is unavailable, or is restricted by a local air quality
2 management district, a state agency may substitute paint with at
3 least 10 percent postconsumer content.

4 (i) Retreaded tires must use an existing casing that has
5 undergone an approved or accepted recapping or retreading
6 process, in accordance with Chapter 7 (commencing with Section
7 42400) of Part 3 of Division 30 of the Public Resources Code.

8 (j) For tire-derived products, the total content shall consist of
9 at least 50 percent recycled used tires.

10 (k) For recycled metal products, the total weight shall consist
11 of a least 10 percent postconsumer material.

12 (l) For reused or refurbished products, there is no minimum
13 content requirement.

14 SEC. 35. Section 12210 of the Public Contract Code is
15 repealed.

16 ~~12210. Fitness and quality being equal, all local and state
17 public agencies shall purchase recycled products instead of
18 nonrecycled products whenever available at no more than the total
19 cost of nonrecycled products. All local public agencies may give
20 preference to the suppliers of recycled products. All local public
21 agencies may determine the amount of this preference.~~

22 SEC. 36. Section 12211 is added to the Public Contract Code,
23 to read:

24 12211. (a) Each state agency shall report annually to the
25 board their progress in meeting the recycled product purchasing
26 requirements using the SABRC report form provided by the board.

27 (b) On or before October 31 of each year, the department shall
28 provide to the board the following information:

29 (1) A list, by category, of individual reportable recycled
30 products, materials, goods, and supplies that were available for
31 purchase by state agencies from a statewide-use contract,
32 agreement, or schedule during the previous fiscal year.

33 (2) A list, by category, of all reportable products, materials,
34 goods, and supplies that were available for purchase by state
35 agencies from a statewide-use contract, agreement, or schedule,
36 including contract, agreement, or schedule tracking numbers,
37 during the previous fiscal year.

38 (c) The board shall annually provide a department specific
39 report to the Legislature identifying agencies' SABRC reporting
40 figures.



1 (d) Every three years, the board shall provide as part of the
2 report in subdivision (c), recommendations to the Legislature for
3 changes necessary to increase the purchase of recycled content
4 products, materials, goods, and supplies and improve SABRC
5 program efficiency.

6 SEC. 37. Section 12213 of the Public Contract Code is
7 repealed.

8 ~~12213. All local public agencies shall require the bidder to~~
9 ~~specify the minimum, if not exact, percentage of recycled product~~
10 ~~in the products offered, both the postconsumer and secondary~~
11 ~~waste content regardless of whether the product meets the~~
12 ~~percentage of recycled product required pursuant to subdivision~~
13 ~~(a) of Section 12200. All contract provisions impeding the~~
14 ~~consideration of products with recycled product shall be deleted~~
15 ~~in favor of performance standards.~~

16 ~~Except as otherwise provided in this article, state agencies are~~
17 ~~also subject to this section.~~

18 SEC. 38. Section 12215 is added to the Public Contract Code,
19 to read:

20 12215. Each state agency may, at the discretion of the
21 individual agency director or his or her designee, print a statement
22 on recycled products selected by the agency director. This
23 statement shall be determined by the department, in consultation
24 with the board, and shall be similar to the following: "Contains at
25 least ____ percent postconsumer and ____ percent secondary
26 material."

27 SEC. 39. Section 12217 is added to the Public Contract Code,
28 to read:

29 12217. (a) If at any time a requirement has not been met, the
30 department, in consultation with the board, shall review
31 purchasing policies and shall make recommendations for
32 immediate revisions to ensure that the recycled product purchasing
33 requirements are met.

34 (b) In determining purchasing specifications, with the
35 exception of any specifications that have been established to
36 preserve the public health and safety, all state purchasing
37 specifications shall be established in a manner that results in the
38 maximum state purchase of recycled products.

39 (c) If a recycled product, as defined in subdivision (a) of Section
40 12200, costs more than the same product made with virgin



1 material, the state agency shall, if feasible, purchase fewer of those
2 more costly products or apply the cost savings, if any, gained from
3 buying other recycled products towards the purchase of those more
4 costly products to meet the solid waste diversion goals of Section
5 41780.

6 (d) Each state agency shall establish purchasing practices that
7 ensure the purchase of goods and materials that may be recycled
8 or reused. Each state agency shall initiate activities for the
9 collection, separation, and recycling of recyclable materials and
10 may appoint a recycling coordinator to assist in implementing this
11 section.

12 (e) To assist the state in meeting the requirements of this article,
13 each state agency, and the department, in consultation with the
14 board, may also establish, recycled product-only bids, cooperative
15 purchasing arrangements, or other mechanisms to meet the
16 requirements for recycled products and to encourage the maximum
17 state purchase of recycled products.

18 (f) The department, in consultation with the board, shall review
19 and revise the purchasing specifications used by state agencies in
20 order to eliminate restrictive specifications and discrimination
21 against the purchase of recycled products and to ensure that they
22 are drafted in a manner that results in the maximum state purchase
23 of recycled products. All contract provisions impeding the
24 consideration of recycled products shall be deleted in favor of
25 performance standard.

26 (g) Any state agency that is required to submit an SABRC report
27 to the board, pursuant to Section 12211, is subject to a review
28 conducted by the board or their designee.

29 SEC. 40. Section 12225 of the Public Contract Code is
30 repealed.

31 ~~12225. On or before August 31, 1991, and every year~~
32 ~~thereafter, the department, in consultation with the board, shall~~
33 ~~prepare a report to the Legislature describing the purchase and~~
34 ~~procurement of products purchased by the state before and after~~
35 ~~January 1, 1990. The report shall estimate the amount of recycled~~
36 ~~products utilized by state contractors before and after the~~
37 ~~enactment of this chapter. The report shall include, but not be~~
38 ~~limited to, the following:~~

39 ~~(a) Listed by department, the total dollar amounts, volume, and~~
40 ~~number of contracts of individual products purchased by the~~



1 ~~department and any other agency having delegated procurement~~
2 ~~authority pursuant to Section 10333.~~

3 ~~(b) Total dollar amounts, volume, and number of contracts of~~
4 ~~each product purchased by the state, which includes the~~
5 ~~Legislature, the California State University, and the University of~~
6 ~~California systems.~~

7 ~~(c) A list of individual recycled products purchased pursuant to~~
8 ~~Sections 10507.5 and 10860, inclusive, this chapter and Chapter~~
9 ~~5 (commencing with Section 12300).~~

10 ~~(d) The total dollar amounts, volume, and number of contracts~~
11 ~~of individual products, whether recycled or nonrecycled,~~
12 ~~purchased by the state.~~

13 ~~(e) The total dollar amounts, volume, and number of contracts~~
14 ~~of recycled products including recycled paper and compost~~
15 ~~products purchased pursuant to Sections 10507.5 and 10860,~~
16 ~~inclusive, this chapter, and Chapter 5 (commencing with Section~~
17 ~~12300).~~

18 ~~(f) The total dollar amount and volume of compost and~~
19 ~~co-compost products utilized by the state pursuant to Section~~
20 ~~12183 or any other state or local program.~~

21 ~~(g) For recycled paper products purchased by procuring~~
22 ~~agencies, the total number of contracts, dollar amounts, and~~
23 ~~volume of those contracts that were eligible for the preference~~
24 ~~pursuant to Section 12162.~~

25 ~~(h) For each recycled product, including recycled paper and~~
26 ~~compost products, the total dollar amounts, volume, and number~~
27 ~~of contracts that were eligible for a preference or a combination~~
28 ~~thereof pursuant to Sections 4533, 7084, and 14838 of the~~
29 ~~Government Code.~~

30 ~~(i) Total number of bids for each product listed in Section~~
31 ~~12157, whether or not a contract was awarded the bid.~~

32 ~~(j) The range of dollar amounts for bids on procurement~~
33 ~~contracts which include, but is not limited to, contracts for the~~
34 ~~procurement of individual recycled products listed in Section~~
35 ~~12157.~~

36 ~~(k) For each waste material, total revenue dollars and volume~~
37 ~~generated from the state waste materials collection program~~
38 ~~pursuant to Section 12165.~~

39 ~~(l) Recommendations to the Legislature as to revisions of the~~
40 ~~percentage amounts contained in the secondary material and~~



1 ~~postconsumer material definitions for individual products that will~~
2 ~~result in greater procurement of recycled products composed of~~
3 ~~recycled resources that would otherwise be disposed of as solid~~
4 ~~waste in the state's disposal facilities.~~

5 ~~(m) Recommendations on specific products available~~
6 ~~containing secondary and postconsumer material that are procured~~
7 ~~by the state, used in the performance of a service or project for the~~
8 ~~state, and used in state construction contracts.~~

9 ~~These products shall be recommended as candidates for the~~
10 ~~application of the recycled paper product preference described in~~
11 ~~Section 12162.~~

12 ~~(n) A list of products purchased in either large volumes or high~~
13 ~~dollar amounts by the state that are available as a recycled product,~~
14 ~~as identified by the board in consultation with the department. The~~
15 ~~board shall revise this list as products purchased by the state~~
16 ~~become feasibly available in recycled form. Any revised list shall~~
17 ~~be included in the annual report required by this section.~~

18 *SEC. 41. Section 12226 of the Public Contract Code is*
19 *repealed.*

20 ~~12226. (a) It is the intent of the Legislature that the state~~
21 ~~pursue all feasible measures to improve markets for recycled~~
22 ~~products including, but not limited to, procurement preferences~~
23 ~~for purchases made by the state.~~

24 ~~(b) Not later than March 1, 1990, the board shall submit to the~~
25 ~~Legislature a report concerning the state's role in market~~
26 ~~development for recycling. The report shall address the need for~~
27 ~~and effectiveness of procurement preferences for the state~~
28 ~~purchase of recycled goods and materials. The report shall include,~~
29 ~~but not be limited to, an analysis of the role procurement~~
30 ~~preferences can play in encouraging recycling and expanding the~~
31 ~~markets for recycled goods and materials.~~

32 *SEC. 42. Section 40183 of the Public Resources Code is*
33 *amended to read:*

34 40183. (a) "Rural city" means either of the following:

35 (1) A city that has a geographic area of less than three square
36 miles, has a current waste disposal rate of less than 100 cubic yards
37 per day, or 60 tons per day, and is located in a rural area.

38 (2) A city that has a population density of less than 1,500
39 people per square mile, has a current waste disposal rate of less



1 than 100 cubic yards per day, or 60 tons per day, and is located in
2 a rural area.

3 (b) Nothing in this section shall affect any reduction granted to
4 a rural city or rural county by the board pursuant to Section 41787
5 prior to September 1, 1994.

6 ~~SEC. 2.—~~

7 *SEC. 43. Article 3 (commencing with Section 42220) of*
8 *Chapter 4 of Part 3 of Division 30 of the Public Resources Code*
9 *is repealed.*

10 *SEC. 44. Article 1 (commencing with Section 42360) of*
11 *Chapter 6 of Part 3 of Division 30 of the Public Resources Code*
12 *is repealed.*

13 *SEC. 45. Article 2 (commencing with Section 42370) of*
14 *Chapter 6 of Part 3 of Division 30 of the Public Resources Code*
15 *is repealed.*

16 *SEC. 46.* Section 49120 of the Public Resources Code is
17 amended to read:

18 49120. (a) Within 30 days after the filing with the Secretary
19 of State of the certified copy of the order of formation, a governing
20 board of trustees for the district shall be appointed.

21 (b) The governing board of a district is a board of directors of
22 not less than three members. The district board shall be appointed
23 as follows:

24 (1) If the district includes only one city, two members of the
25 governing body shall be selected by the board of supervisors and
26 one member of the governing body shall be selected by the city
27 council.

28 (2) If the district includes two or more cities, only one member
29 of the governing body of the district shall be selected by the board
30 of supervisors to represent the unincorporated area. The legislative
31 body of each city within the district shall appoint one member to
32 represent each incorporated city within the district. If the selection
33 of members pursuant to this subdivision results in the governing
34 body having an even number of members, those members may
35 appoint an additional member from the district at large.

36 (c) A vacancy shall be filled in the same manner as an original
37 appointment. The person appointed shall reside within the area he
38 or she represents.

39 ~~SEC. 3.—~~



1 *SEC. 47.* Section 49300 of the Public Resources Code is
2 amended to read:

3 49300. The legislative body of a city may contract for the
4 collection or disposal, or both, of garbage, waste, refuse, rubbish,
5 offal, trimmings, or other refuse matter under the terms and
6 conditions that are prescribed by the legislative body of the city by
7 resolution or ordinance.

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