

AMENDED IN ASSEMBLY JULY 27, 2004

AMENDED IN ASSEMBLY JUNE 29, 2004

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 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. An act to amend Sections 40183, 49120, and 49300 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

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

~~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: *yes no*. 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:~~



1 ~~(a) All state agencies shall require all businesses to certify in~~
2 ~~writing the minimum percentage, if not the exact percentage, of~~
3 ~~both postconsumer and secondary material, as defined in Section~~
4 ~~12200, in the products, materials, goods, or supplies offered or~~
5 ~~sold to the state. The certification shall be executed under penalty~~
6 ~~of perjury. The certification shall be provided regardless of~~
7 ~~whether the product meets the required recycled product~~
8 ~~percentage, as defined in Section 12209, even if the product~~
9 ~~contains no recycled material.~~

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

19 ~~SEC. 2. Section 10233 of the Public Contract Code is~~
20 ~~repealed.~~

21 ~~SEC. 3. Section 10308.5 of the Public Contract Code is~~
22 ~~repealed.~~

23 ~~SEC. 4. Section 10354 of the Public Contract Code is~~
24 ~~repealed.~~

25 ~~SEC. 5. Section 10406 of the Public Contract Code is~~
26 ~~amended to read:~~

27 ~~10406. Each procuring agency shall continuously review and~~
28 ~~revise its procedures and specifications for the purchase of~~
29 ~~lubricating oil and industrial oil to eliminate any exclusion of~~
30 ~~recycled oils and any requirement that oils be manufactured from~~
31 ~~virgin materials. This section does not prohibit a local agency from~~
32 ~~purchasing virgin oil products for exclusive use in vehicles whose~~
33 ~~warranties expressly prohibit the use of products containing~~
34 ~~recycled oil.~~

35 ~~SEC. 6. Section 10507 of the Public Contract Code is~~
36 ~~repealed.~~

37 ~~SEC. 7. Section 10855 of the Public Contract Code is~~
38 ~~repealed.~~

39 ~~SEC. 8. Section 10860 of the Public Contract Code is~~
40 ~~repealed.~~



1 ~~SEC. 9. Section 12150 of the Public Contract Code is~~
2 ~~repealed.~~
3 ~~SEC. 10. Section 12153 of the Public Contract Code is~~
4 ~~repealed.~~
5 ~~SEC. 11. Section 12155 of the Public Contract Code is~~
6 ~~repealed.~~
7 ~~SEC. 12. Section 12157 of the Public Contract Code is~~
8 ~~repealed.~~
9 ~~SEC. 13. Section 12158 of the Public Contract Code is~~
10 ~~repealed.~~
11 ~~SEC. 14. Section 12159 of the Public Contract Code is~~
12 ~~repealed.~~
13 ~~SEC. 15. Section 12160 of the Public Contract Code is~~
14 ~~repealed.~~
15 ~~SEC. 16. Section 12161 of the Public Contract Code is~~
16 ~~repealed.~~
17 ~~SEC. 17. Section 12162 of the Public Contract Code is~~
18 ~~repealed.~~
19 ~~SEC. 18. Section 12162.5 of the Public Contract Code is~~
20 ~~repealed.~~
21 ~~SEC. 19. Section 12163 of the Public Contract Code is~~
22 ~~repealed.~~
23 ~~SEC. 20. Section 12164 of the Public Contract Code is~~
24 ~~repealed.~~
25 ~~SEC. 21. Section 12168 of the Public Contract Code is~~
26 ~~repealed.~~
27 ~~SEC. 22. Section 12169 of the Public Contract Code is~~
28 ~~repealed.~~
29 ~~SEC. 23. Article 2.1 (commencing with Section 12170) of~~
30 ~~Chapter 4 of Part 2 of Division 2 of the Public Contract Code is~~
31 ~~repealed.~~
32 ~~SEC. 24. Section 12181 of the Public Contract Code is~~
33 ~~repealed.~~
34 ~~SEC. 25. Section 12182 of the Public Contract Code is~~
35 ~~repealed.~~
36 ~~SEC. 26. Section 12185 of the Public Contract Code is~~
37 ~~repealed.~~
38 ~~SEC. 27. Article 3.5 (commencing with Section 12190) is~~
39 ~~added to Chapter 4 of Part 2 of Division 2 of the Public Contract~~
40 ~~Code, to read:~~



1 ~~Article 3.5.— Recycled Product Procurement Mandates~~
2 ~~Pertaining to Local Governments~~

3
4 ~~12190.— (a) If fitness and quality are equal, each local~~
5 ~~government entity and each state entity shall purchase recycled~~
6 ~~products instead of nonrecycled products whenever recycled~~
7 ~~products are available at the same or a lesser total cost than~~
8 ~~nonrecycled products.~~

9 ~~(b) A local public entity may give preference to suppliers of~~
10 ~~recycled products.~~

11 ~~(c) A local public entity may define the amount of this~~
12 ~~preference.~~

13 ~~12191.— In bids in which the state has reserved the right to make~~
14 ~~multiple awards, the recycled product preference cost shall be~~
15 ~~applied, to the extent possible, so as to maximize the dollar~~
16 ~~participation of firms offering recycled product in the contract~~
17 ~~award.~~

18 ~~12192.— All local public entities shall require the bidder to~~
19 ~~specify the minimum, if not exact, percentage of recycled content~~
20 ~~of both the postconsumer and secondary material regardless of~~
21 ~~whether the product meets the minimum content requirements~~
22 ~~required pursuant to Section 12209. All contract provisions~~
23 ~~impeding the consideration of recycled products shall be deleted~~
24 ~~in favor of performance standards.~~

25 ~~12193.— All printing contracts make by any local public entity~~
26 ~~shall provide that the paper used shall meet the recycled content~~
27 ~~requirements of Section 12209.~~

28 ~~SEC. 28.— Section 12200 of the Public Contract Code is~~
29 ~~amended to read:~~

30 ~~12200.— For the purpose of this article, the following~~
31 ~~definitions shall apply:~~

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

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

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

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



1 (c) ~~“Product categories” include paper products, printing, and~~
2 ~~writing papers, compost, cocompost, or mulch, glass, oil, plastic,~~
3 ~~solvents, paint, tires, tire-derived products, antifreeze, and metal.~~

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

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

10 (h) ~~“Reportable purchase” means the purchase of any goods or~~
11 ~~materials, with recycled content or not, that may be reported or~~
12 ~~categorized or classified within one of the product categories~~
13 ~~identified in Section 12207.~~

14 (i) ~~“Reportable recycled product purchase” means the~~
15 ~~purchase of any goods or materials that contain or exceed the~~
16 ~~minimum recycled content requirements identified in Section~~
17 ~~12209, that may be reported or categorized or classified within one~~
18 ~~of the product categories identified in Section 12207, including~~
19 ~~any good or material that has been reused or refurbished without~~
20 ~~substantial alteration of its form.~~

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

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

32 (l) ~~“State agency” means each entity identified in Section~~
33 ~~11000 of the Government Code, and includes the California State~~
34 ~~University.~~

35 ~~SEC. 29. Section 12201 is added to the Public Contract Code,~~
36 ~~to read:~~

37 ~~12201. (a) The Legislature finds and declares that it is the~~
38 ~~policy of the state to conserve and protect its resources. The~~
39 ~~Legislature further finds and declares that the use of recycled~~
40 ~~products produced as the result of the superior waste management~~



1 ~~efforts by the state and local governmental entities will help~~
2 ~~conserve resources.~~

3 ~~(b) It is the intent of the Legislature that the state pursue all~~
4 ~~feasible measures to improve markets for recycled products~~
5 ~~including, but not limited to, bid evaluation preferences for~~
6 ~~purchases made by the state.~~

7 ~~(c) If fitness and quality are equal, each state agency shall~~
8 ~~purchase recycled products instead of nonrecycled products~~
9 ~~whenever recycled products are available at the same or a lesser~~
10 ~~total cost than nonrecycled products.~~

11 ~~SEC. 30. Section 12203 is added to the Public Contract Code,~~
12 ~~to read:~~

13 ~~12203. Each state agency shall ensure each of the following:~~

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

16 ~~(b) The requirements specified in this article apply to all~~
17 ~~reportable purchases of state agencies for product categories listed~~
18 ~~in this article.~~

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

25 ~~(d) Each state agency shall encourage the businesses with~~
26 ~~whom it contracts to use, to the maximum extent economically~~
27 ~~feasible in the performance of the contract work, recycled~~
28 ~~products.~~

29 ~~SEC. 31. Section 12205 of the Public Contract Code is~~
30 ~~repealed.~~

31 ~~SEC. 32. Section 12205 is added to the Public Contract Code,~~
32 ~~to read:~~

33 ~~12205. (a) All state agencies shall require all contractors to~~
34 ~~certify in writing the minimum percentage, if not the exact~~
35 ~~percentage, of postconsumer and secondary material in the~~
36 ~~products, materials, goods, or supplies offered or sold to the state~~
37 ~~regardless of whether the product meets the percentage of recycled~~
38 ~~product required pursuant to Section 12209. The certification shall~~
39 ~~be furnished under penalty of perjury. The certification shall be~~



1 provided regardless of content, even if the product contains no
2 recycled material.

3 (b) All local public agencies shall require all contractors to
4 certify in writing the minimum percentage, if not the exact
5 percentage, of postconsumer and secondary material in the
6 products, materials, goods, or supplies offered or sold. All contract
7 provisions impeding the consideration of products with recycled
8 product shall be deleted in favor of performance standards.

9 (c) All contractors shall certify in writing to the contracting
10 officer or his or her representative the minimum percentage, if not
11 the exact percentage, of postconsumer and secondary material in
12 the products, materials, goods, or supplies being offered or sold to
13 the state regardless of whether the product meets the percentage of
14 recycled product required pursuant to Section 12209. The
15 certification shall be furnished under penalty of perjury. The
16 certification shall be provided regardless of content, even if the
17 product contains no recycled material.

18 (d) All contractors shall certify in writing to the contracting
19 officer or his or her representative the minimum, if not exact,
20 percentage of secondary and postconsumer material in the
21 products, materials, goods, or supplies being offered or sold to any
22 local public agency.

23 SEC. 33. Section 12207 is added to the Public Contract Code,
24 to read:

25 12207. This article applies to the purchase of goods and
26 materials from the following product categories:

27 (a) Paper products, including, but not limited to, paper
28 janitorial supplies, cartons, wrapping, packaging, file folders, and
29 hanging files, building insulation and panels, corrugated boxes,
30 tissue, and toweling.

31 (b) Printing and writing papers including, but not limited to,
32 copy, xerographic, watermark, cotton fiber, offset, forms,
33 computer printout paper, white wove envelopes, manila
34 envelopes, book paper, note pads, writing tablets, newsprint, and
35 other uncoated writing papers, posters, index cards, calendars,
36 brochures, reports, magazines, and publications.

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



1 ~~(1) “Compost” means a product that meets the following~~
2 ~~requirements:~~

3 ~~(A) It results from the controlled biological decomposition of~~
4 ~~organic materials, including, but not limited to, yard trimmings~~
5 ~~and wood byproducts that are separated from the municipal solid~~
6 ~~waste stream at the source of generation or at a centralized facility,~~
7 ~~or other source of organic materials.~~

8 ~~(B) It is produced by a public or private supplier that is in~~
9 ~~compliance with the board’s composting operations regulatory~~
10 ~~requirements:~~

11 ~~(2) “Cocompost” means a product that meets the following~~
12 ~~requirements:~~

13 ~~(A) It results from the controlled biological decomposition of~~
14 ~~a blend of organic materials, including, but not limited to, yard~~
15 ~~trimmings and wood byproducts that are separated from the~~
16 ~~municipal solid waste stream at the source of generation or at a~~
17 ~~centralized facility, and also including, but not limited to, biosolids~~
18 ~~or other comparable substitutes such as livestock, horse, or other~~
19 ~~animal manure, food residues, or fish processing byproducts.~~

20 ~~(B) It is produced by a public or private supplier that is in~~
21 ~~compliance with the board’s composting operations regulatory~~
22 ~~requirements:~~

23 ~~(d) “Mulch” means a product that meets the following~~
24 ~~requirements:~~

25 ~~(1) It results from the mechanical breakdown (chipping and~~
26 ~~grinding) of materials, including, but not limited to, yard~~
27 ~~trimmings and wood byproducts that are separated from the~~
28 ~~municipal solid waste stream at the source of generation or at a~~
29 ~~centralized facility.~~

30 ~~(2) It is produced by a public or private supplier that is in~~
31 ~~compliance with the board’s composting operations regulatory~~
32 ~~requirements:~~

33 ~~(e) Glass products including, but not limited to, windows, test~~
34 ~~tubes, beakers, laboratory or hospital supplies, fiberglass~~
35 ~~(insulation), reflective beads, tiles, construction blocks, desktop~~
36 ~~accessories, flat glass sheets, loose-grain abrasives, deburring~~
37 ~~media, liquid filter media, and containers.~~

38 ~~(f) Lubricating oils including, but not limited to, any oil~~
39 ~~intended for use in a crankcase, transmission, engine, power~~
40 ~~steering, gearbox, differential chainsaw, transformer dielectric~~



1 ~~fluid, cutting, hydraulic, industrial, or automobile, bus, truck,~~
2 ~~vessel, plane, train, heavy equipment, or machinery powered by an~~
3 ~~internal combustion engine.~~

4 ~~(g) Plastic products including, but not limited to, toner~~
5 ~~cartridges, diskette, carpet, office products, plastic lumber,~~
6 ~~buckets, wastebaskets, containers, benches, tables, fencing,~~
7 ~~clothing, mats, packaging, signs, posts, binders, sheet, buckets,~~
8 ~~building products, garden hose, and trays.~~

9 ~~(h) Solvents including, but not limited to, printer cleaner,~~
10 ~~copier cleaner, engine degreaser, and parts cleaner.~~

11 ~~(i) Paint, including, but not limited to, water-based paint,~~
12 ~~graffiti abatement, interior and exterior, and maintenance.~~

13 ~~(j) Antifreeze, including recycled antifreeze, and antifreeze~~
14 ~~containing a bittering agent or made from polypropylene or other~~
15 ~~similar nontoxic substance.~~

16 ~~(k) Tires including, but not limited to, truck and bus tires, and~~
17 ~~those used on fleet vehicles and passenger cars.~~

18 ~~(l) Tire-derived products including, but not limited to, flooring,~~
19 ~~mats, wheelchair ramps, playground cover, parking bumpers,~~
20 ~~bullet traps, hoses, bumpers, truck bedliners, pads, walkways, tree~~
21 ~~ties, road surfacing, wheel chocks, rollers, traffic control products,~~
22 ~~mudflaps, and posts.~~

23 ~~(m) Metal including, but not limited to, staplers, paper clips,~~
24 ~~steel furniture, desks, pedestals, scissors, jacks, rebar, pipe,~~
25 ~~plumbing fixtures, chairs, ladders, file cabinets, shelving,~~
26 ~~containers, lockers, sheet metal, girders, building and construction~~
27 ~~products, bridges, braces, nails, and screws.~~

28 ~~SEC. 34.—Section 12209 is added to the Public Contract Code,~~
29 ~~to read:~~

30 ~~12209.—For purposes of this article, the following minimum~~
31 ~~content requirements apply:~~

32 ~~(a) For recycled paper products, the total weight shall consist~~
33 ~~of at least 30 percent postconsumer fiber. For the purposes of this~~
34 ~~article, the postconsumer content requirement for recycled paper~~
35 ~~products shall be 40 percent by July 1, 2006, and 50 percent by July~~
36 ~~1, 2008.~~

37 ~~(b) Recycled printing and writing paper shall consist of at least~~
38 ~~30 percent, by fiber weight, postconsumer fiber. For the purposes~~
39 ~~of this article, the postconsumer content requirement for recycled~~



1 ~~printing and writing paper shall be 40 percent by July 1, 2006, and~~
2 ~~50 percent by July 1, 2008.~~

3 ~~(e) For recycled compost, cocompost, and mulch at least 80~~
4 ~~percent of the product shall consist of materials, including, but not~~
5 ~~limited to, the materials listed in subdivision (e) of Section 12207,~~
6 ~~that would otherwise be normally disposed of in landfills.~~

7 ~~(d) For recycled glass, the total weight shall consist of at least~~
8 ~~10 percent postconsumer material.~~

9 ~~(e) Rerefined lubricating oil shall have a base oil content~~
10 ~~consisting of at least 70 percent rerefined oil.~~

11 ~~(f) For recycled plastic products, the total weight shall consist~~
12 ~~of at least 10 percent postconsumer material.~~

13 ~~(g) Recycled antifreeze fluid shall have a recycled content of~~
14 ~~at least 70 percent postconsumer materials.~~

15 ~~(h) Recycled paint shall have a recycled content consisting of~~
16 ~~a least 50 percent postconsumer paint. Preconsumer or secondary~~
17 ~~paint does not qualify as “recycled paint” pursuant to this~~
18 ~~subparagraph. If paint containing 50 percent postconsumer~~
19 ~~content is unavailable, or is restricted by a local air quality~~
20 ~~management district, a state agency may substitute paint with at~~
21 ~~least 10 percent postconsumer content.~~

22 ~~(i) Retreaded tires must use an existing casing that has~~
23 ~~undergone an approved or accepted recapping or retreading~~
24 ~~process, in accordance with Chapter 7 (commencing with Section~~
25 ~~42400) of Part 3 of Division 30 of the Public Resources Code.~~

26 ~~(j) For tire derived products, the total content shall consist of~~
27 ~~at least 50 percent recycled used tires.~~

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

30 ~~(l) For reused or refurbished products, there is no minimum~~
31 ~~content requirement.~~

32 ~~SEC. 35.— Section 12210 of the Public Contract Code is~~
33 ~~repealed.~~

34 ~~SEC. 36.— Section 12211 is added to the Public Contract Code,~~
35 ~~to read:~~

36 ~~12211.— (a) Each state agency shall report annually to the~~
37 ~~board their progress in meeting the recycled product purchasing~~
38 ~~requirements using the SABRC report form provided by the board.~~

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



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

5 ~~(2) A list, by category, of all reportable products, materials,~~
6 ~~goods, and supplies that were available for purchase by state~~
7 ~~agencies from a statewide use contract, agreement, or schedule,~~
8 ~~including contract, agreement, or schedule tracking numbers,~~
9 ~~during the previous fiscal year.~~

10 ~~(c) The board shall annually provide a department specific~~
11 ~~report to the Legislature identifying agencies' SABRC reporting~~
12 ~~figures.~~

13 ~~(d) Every three years, the board shall provide as part of the~~
14 ~~report in subdivision (c), recommendations to the Legislature for~~
15 ~~changes necessary to increase the purchase of recycled content~~
16 ~~products, materials, goods, and supplies and improve SABRC~~
17 ~~program efficiency.~~

18 ~~SEC. 37. Section 12213 of the Public Contract Code is~~
19 ~~repealed.~~

20 ~~SEC. 38. Section 12215 is added to the Public Contract Code,~~
21 ~~to read:~~

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

29 ~~SEC. 39. Section 12217 is added to the Public Contract Code,~~
30 ~~to read:~~

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

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



1 ~~(c) If a recycled product, as defined in subdivision (a) of~~
2 ~~Section 12200, costs more than the same product made with virgin~~
3 ~~material, the state agency shall, if feasible, purchase fewer of those~~
4 ~~more costly products or apply the cost savings, if any, gained from~~
5 ~~buying other recycled products towards the purchase of those more~~
6 ~~costly products to meet the solid waste diversion goals of Section~~
7 ~~41780.~~

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

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

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

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

31 ~~SEC. 40. Section 12225 of the Public Contract Code is~~
32 ~~repealed.~~

33 ~~SEC. 41. Section 12226 of the Public Contract Code is~~
34 ~~repealed.~~

35 ~~SEC. 42.—~~

36 *SECTION 1.* Section 40183 of the Public Resources Code is
37 amended to read:

38 40183. (a) “Rural city” means either of the following:



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

4 (2) A city that has a population density of less than 1,500
5 people per square mile, has a current waste disposal rate of less
6 than 100 cubic yards per day, or 60 tons per day, and is located in
7 a rural area.

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

11 ~~SEC. 43. Article 3 (commencing with Section 42220) of~~
12 ~~Chapter 4 of Part 3 of Division 30 of the Public Resources Code~~
13 ~~is repealed.~~

14 ~~SEC. 44. Article 1 (commencing with Section 42360) of~~
15 ~~Chapter 6 of Part 3 of Division 30 of the Public Resources Code~~
16 ~~is repealed.~~

17 ~~SEC. 45. Article 2 (commencing with Section 42370) of~~
18 ~~Chapter 6 of Part 3 of Division 30 of the Public Resources Code~~
19 ~~is repealed.~~

20 ~~SEC. 46.—~~

21 *SEC. 2.* Section 49120 of the Public Resources Code is
22 amended to read:

23 49120. (a) Within 30 days after the filing with the Secretary
24 of State of the certified copy of the order of formation, a governing
25 board of trustees for the district shall be appointed.

26 (b) The governing board of a district is a board of directors of
27 not less than three members. The district board shall be appointed
28 as follows:

29 (1) If the district includes only one city, two members of the
30 governing body shall be selected by the board of supervisors and
31 one member of the governing body shall be selected by the city
32 council.

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



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

4 ~~SEC. 47.~~

5 *SEC. 3.* Section 49300 of the Public Resources Code is
6 amended to read:

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

