

AMENDED IN ASSEMBLY APRIL 8, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 429

**Introduced by Assembly Member Dahle
(Principal coauthor: Assembly Member Wood)**

February 19, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

AB 429, as amended, Dahle. Public contracts: preferences: forest products.

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

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

The Z'berg-Nejedly Forest Practice Act of 1973 prohibits a person from conducting timber operations on timberland unless a timber harvesting plan has been prepared by a registered professional forester and has been submitted to the Department of Forestry and Fire Protection and approved by the Director of Forestry and Fire Protection or the State Board of Forestry and Fire Protection.

This bill would require any state agency that contracts for, or acquires, lumber or other solid wood products, excluding paper and other types of secondary manufactured goods, to give preference, if price, fitness, and quality are equal, to lumber and other solid wood products that are harvested from forests within this state. *pursuant to the Z'berg-Nejedly Forest Practice Act of 1973.*

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

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) It is a priority in California to protect the wildlife, rivers,
- 4 streams, and soil that make up the state’s rich forest ecosystems
- 5 covering 40 percent of the state’s entire land area.
- 6 (b) Forested lands in California do all of the following:
- 7 (1) Provide significant environmental benefits, including serving
- 8 as the source of more than half the state’s supply of drinking water
- 9 and habitat for numerous wildlife and plant species, some of which
- 10 are rare, threatened, or endangered.
- 11 (2) Serve as the source of extensive recreational opportunities
- 12 for millions of Californians.
- 13 (3) Provide a signature landscape that identifies California to
- 14 people worldwide.
- 15 (4) Reduce the amount of carbon dioxide in the atmosphere,
- 16 replacing it with clean, fresh air. According to the California
- 17 Environmental Protection Agency, forestry is the only sector in
- 18 California that reduces atmospheric carbon. Sequestered carbon
- 19 is stored in the forest in trees, soil, wood debris on the forest floor,
- 20 and in long-lasting products made from harvested wood.
- 21 (c) Forested lands in California also provide the source of raw
- 22 materials for the timber products industry, and a source of jobs for
- 23 those who are employed in that industry. Forested lands in
- 24 California are an essential economic resource in rural communities
- 25 across the state.
- 26 (d) The economic pressures faced by the timber industry, caused
- 27 in part by globalization and imported timber products, have resulted
- 28 in financial losses to the California timber industry and private
- 29 landowners.

1 (e) It is appropriate for the State of California to officially
2 support the continued economic vitality of the California timber
3 products industry by directing its agencies to purchase timber
4 products harvested from California, when appropriate.

5 (f) A purchasing preference will contribute to stabilizing the
6 California timber industry.

7 (g) Laws and regulations governing forestry in California
8 represent the commitment of the state to strive for the highest
9 environmental standards for industrial forestry anywhere in the
10 world. The state may express its preference for timber products
11 reflecting that commitment.

12 (h) Currently, approximately 70 percent of California’s timber
13 products must be imported to meet the demand of the state’s
14 population of 38 million people. California’s population is
15 projected to increase to 49 million people by 2025, further
16 intensifying our consumption of, and demand for, timber products
17 from other states and abroad.

18 (i) The import and export of goods, including timber products,
19 are and will remain part of the state’s economy. The import and
20 export of all goods have contributed to the diverse economic base
21 of California.

22 (j) When price, quality, and fitness are equal and when the
23 marketplace provides timber products that are acceptable for use
24 by state agencies, the State of California has a responsibility to
25 purchase California grown forest products.

26 SEC. 2. Section 12405 is added to the Public Contract Code,
27 to read:

28 12405. Consistent with all applicable provisions of this code,
29 when price, fitness, and quality are equal, any state agency that
30 contracts for, or acquires, lumber or other solid wood products,
31 excluding paper and other types of secondary manufactured goods,
32 shall, if price, fitness, and quality are equal, give preference to
33 lumber and other solid wood products that are harvested ~~from~~
34 ~~forests within this state.~~ *pursuant to the Z’berg-Nejedly Forest*
35 *Practice Act of 1973 (Chapter 8 (commencing with Section 4511)*
36 *of Part 2 of Division 4 of the Public Resources Code).*