

## LEGISLATIVE COUNSEL'S DIGEST

Bill No.

as introduced, \_\_\_\_\_.

General Subject: Recycling contracts.

Existing law states that any reference in law or regulation to the California Integrated Waste Management Board shall apply to the Department of Resources Recycling and Recovery (department). Existing law requires the department to implement a recycling plan to collect and sell waste materials generated by state and legislative employees. Existing law prohibits any individual, group of individuals, state office, agency, or its employees from establishing a similar collection program or entering into an agreement for a similar program unless approved by the department.

This bill would make technical changes to update the references from the California Integrated Waste Management Board to the Department of Resources Recycling and Recovery. The bill would eliminate the provision that prohibits a individual, group of individuals, state office, agency, or its employees from establishing



a similar collection program or entering into an agreement for a similar program unless approved by the department.

Existing law authorizes revenues received from this plan or any activity involving the collection or sale of recyclable materials in state and legislative offices to be expended by the department, upon appropriation by the Legislature, for the purposes of offsetting recycling program costs. Existing law continuously appropriates, upon approval of the department, revenues derived from the sale of recyclable materials by a state agency or institution that do not exceed \$2,000 for expenditure by the state agencies and institutions for the purposes of offsetting recycling program costs, and requires that revenues over \$2,000 be available for expenditure by those agencies and institutions when appropriated by the Legislature.

This bill would repeal the provisions related to the revenue appropriations and would, instead, require the proceeds received from this plan or any other activity involving the collection and sale of recyclable materials in state and legislative offices located in state-owned and state-leased buildings to be utilized to offset program recycling costs.

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



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An act to amend Sections 12164.5, 12165, and 12166 of, to repeal Section 12167 of, and to repeal and add Section 12167.1 of, the Public Contract Code, relating to recycling contracts.



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

SECTION 1. Section 12164.5 of the Public Contract Code is amended to read:

12164.5. (a) It is the intent of the Legislature that for the current state waste paper collection program, the ~~California Integrated Waste Management Board~~ Department of Resources Recycling and Recovery shall provide participating locations with public information awareness and training to state and legislative employees. Additionally, the ~~California Integrated Waste Management Board~~ Department of Resources Recycling and Recovery shall provide training for personnel, including but not limited to, state and buildings and grounds personnel, responsible for the collection of waste materials. This training shall include, but is not limited to, educating and training the personnel concerning the separation and collection of recyclable materials.

(b) It is also the intent of the Legislature that the ~~California Integrated Waste Management Board~~ Department of Resources Recycling and Recovery continue the current state waste paper collection program and use this program as a model to develop a plan for other waste materials generated by state and legislative employees.

(c) It is also the intent of the Legislature that the department, in consultation with the ~~California Integrated Waste Management Board~~, Department of Resources Recycling and Recovery shall submit a new recycling plan, which includes but is not limited to, the collection and sale of waste materials generated by state and legislative employees. This plan shall be submitted to the appropriate legislative policy committees on or before August 31, 1990. The plan may be phased in utilizing those office facilities and collecting those waste materials most conducive to operation of a source separation program, but shall be fully implemented by June 1, 1991.



SEC. 2. Section 12165 of the Public Contract Code is amended to read:

12165. (a) After implementing a recycling plan pursuant to subdivision (c) of Section 12164.5, the ~~California Integrated Waste Management Board~~ Department of Resources Recycling and Recovery shall establish, implement, and maintain a recycling plan for the Legislature, which may include all legislative offices and individual members' district offices; all state offices whether in state-owned buildings or leased facilities in Sacramento, Los Angeles, and San Francisco Counties; and in any other areas that the board determines to be feasible. The plan shall include the provisions for the recycling of office paper, corrugated cardboard, newsprint, beverage containers (as defined in Section 14503 of the Public Resources Code), waste oil, and any other material at the discretion of the ~~board~~ Department of Resources Recycling and Recovery.

(b) The collection program for each product and each location shall be reevaluated by the ~~board~~ Department of Resources Recycling and Recovery on or before January 1, 1994. Subsequently, the ~~board~~ Department of Resources Recycling and Recovery upon the determination that inclusion of any particular material type would result in a net revenue loss to the state, shall have the discretion to exclude that material from the program, and shall report its conclusions and recommendations to the Legislature. In determining the net revenue loss for the collection of a specified waste material, the ~~board~~ Department of Resources Recycling and Recovery shall include the avoided cost to dispose of the waste material. The plan shall provide either for the collection and sale of materials to private brokers, recycling plants, or nonprofit organizations, or the



operation of these entities by the state, or a combination thereof. The plan shall be implemented at the earliest possible date.

(c) ~~The board~~ Department of Resources Recycling and Recovery shall provide participating locations with public awareness information and training to state and legislative employees, including, but not limited to, the proper separation and disposal of recyclable resources. Additionally, ~~the board~~ Department of Resources Recycling and Recovery shall provide training for personnel, including, but not limited to, state buildings and grounds personnel, responsible for the collection of waste materials. This training shall include, but is not limited to, educating and training the personnel concerning the separation and collection of recyclable materials.

(d) ~~No individual, group of individuals, state office, agency, or its employees shall establish a similar collection program or enter into agreement for a similar program unless approved by the board.~~

SEC. 3. Section 12166 of the Public Contract Code is amended to read:

12166. ~~The California Integrated Waste Management Board~~ Department of Resources Recycling and Recovery may contract as necessary for the recycling of products which have been returned pursuant to Section 12165.

SEC. 4. Section 12167 of the Public Contract Code is repealed.

~~12167. Revenues received from this plan or any other activity involving the collection and sale of recyclable materials in state and legislative offices located in state-owned and state-leased buildings, such as the sale of waste materials through recycling programs operated by the California Integrated Waste Management Board or in agreement with the board, shall be deposited in the Integrated Waste Management~~



~~Account in the Integrated Waste Management Fund and are hereby continuously appropriated to the board, without regard to fiscal years, until June 30, 1994, for the purposes of offsetting recycling program costs. On and after July 1, 1994, the funds in the Integrated Waste Management Account may be expended by the board, only upon appropriation by the Legislature, for the purpose of offsetting recycling program costs.~~

SEC. 5. Section 12167.1 of the Public Contract Code is repealed.

~~12167.1. Notwithstanding Section 12167, upon approval by the California Integrated Waste Management Board, revenues derived from the sale of recyclable materials by state agencies and institutions that do not exceed two thousand dollars (\$2,000) annually are hereby continuously appropriated, without regard to fiscal years, for expenditure by those state agencies and institutions for the purposes of offsetting recycling program costs. Revenues that exceed two thousand dollars (\$2,000) annually shall be available for expenditure by those state agencies and institutions when appropriated by the Legislature. Information on the quantities of recyclable materials collected for recycling shall be provided to the board on an annual basis according to a schedule determined by the board and participating agencies.~~

SEC. 6. Section 12167.1 is added to the Public Contract Code, to read:

12167.1. Proceeds received from this plan or any other activity involving the collection and sale of recyclable materials in state and legislative offices located in state-owned and state-leased buildings, including, but not limited to, the sale of waste



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materials through recycling programs, shall be utilized to offset program recycling costs.

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