

City of Sacramento
State Legislature

8

B I L L R E F E R R A L

DATE: MAR 30 1993 COMMITTEE ACTION: _____

TO: Bob Holbrook DATE: _____

FROM: KENNETH EMANUELS, LEGISLATIVE ADVOCATE

REPLY NO LATER THAN: APR 13 1993

A.B. _____, As Amended _____ * Author _____

S.B. 734, As Amended _____ * Author Rosenthal
*Date of introduction or latest amendment

Please review the attached measure to determine its effect upon the City of Sacramento and complete the following questions as appropriate. During your analysis of this measure, if questions arise, please feel free to contact Ken Emanuels at 444-6789, FAX 444-0303, (1400 K Street, Suite 306, Sacramento, CA 95814.) This questionnaire should be returned to the City Attorney's Office for presentation to the Council Committee on Law and Legislation. PLEASE LEAVE THE BILL ATTACHED TO THIS FORM.

NO RECOMMENDATION. If you think no Committee action on this bill should be taken, either because the bill is not of sufficient importance to the City or for any other reason, please mark here, do not fill out the rest of the form, and return this form to the City Attorney's Office. _____.

PLEASE TYPE YOUR RESPONSE

- Briefly describe the provisions of the bill (attach additional sheets if necessary).
Bill would require State and local public agencies to purchase re-refined automotive lubricants, antifreeze made of propylene glycol, and re-cycled solvents and paints. Would allow use of preferences in the bidding process to increase such use.
- This measure should be: (Please circle desired position)
Supported Opposed Supported if Amended
Placed on Watch List Other (explain)
- Please explain your reasons for the above determination, including how this measure effects your Department and the fiscal impact of this measure on the City. Please make your comments in a format that can be used in a letter to state officials. (Continue on next page or attach additional sheets if necessary.)

The proposed legislation was reviewed by Fleet Management and Facility Management, the City's two largest users of the products addressed in the legislation.

(Continue answer to Question No. 3 here)

No major negative fiscal impacts were identified. Concern in both areas is with the issue of fitness-for-use of re-refined and re-cycled products.

4. Specify the City's legislative policy guideline(s) applicable to this measure (if any).

The City has established policy favoring the use of re-cycled goods, which is in concert with the intent of the subject legislation.

5. If this measure could be amended to either improve its favorable aspects or to minimize its adverse aspects, which amendments would you propose?

The major concern is that "fitness and quality" be addressed in greater detail. A suggestion is to require "re-cycled or re-refined product must meet original equipment manufacturer's specifications and requirements and would in no way invalidate manufacturer's warranty" or "standards would be no less than new product requirements". Appropriate labels on products should also be required, to provide customer assurance.

6. List known support or opposition to this measure by groups with which you are familiar and include addresses and phone numbers, if known. League of California Cities position:

N/A

7. Does this bill involve a State-mandated local program? If so, does the bill contain a State-mandated waiver, or an appropriation for allocation and disbursement to local agencies pursuant to Revenue and Taxation Code Section 2231?

State mandated program? Yes.

Appropriation: No (it appears)

8. Using a rating scale of 1 to 10 (with 10 as the most important), how important do you think this bill is to the City of Sacramento? 6

FORM COMPLETED BY: 

DATE: April 12, 1993

Robert B. Holbrook
Procurement Services Manager

1993 APR - 2 PM 4: 13

RECEIVED
PROCUREMENT SERVICES

Introduced by Senator Rosenthal**March 3, 1993**

An act to add Article 2.1 (commencing with Section 12170) to Chapter 4 of Part 2 of Division 2 of the Public Contract Code, relating to state and local purchasing.

LEGISLATIVE COUNSEL'S DIGEST

SB 734, as introduced, Rosenthal. State and local purchasing: recycled products.

Existing law declares it is state policy to conserve and protect resources using recycled resources. For example, existing law requires local and state public agencies to purchase recycled paper products, when available, with fitness and quality equal to that of their nonrecycled counterparts.

This bill would create a state-mandated local programs by requiring all state and local public agencies to purchase rerefined automotive lubricants, recycled or nonrecycled antifreeze made of propylene glycol, recycled solvents and recycled paints all of which as defined by this bill. The purchase of the listed materials is required only when they are available and of a fitness and quality equal to their nonrecycled counterparts. This bill would also permit local agencies to give preference, in an amount greater than those provided for in this bill, to suppliers of recycled products.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates which do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State

Mandates determines that this bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to those statutory procedures and, if the statewide cost does not exceed \$1,000,000, shall be made from the State Mandates Claims Fund.

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

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

1 SECTION 1. Article 2.1 (commencing with Section
2 12170) is added to Chapter 4 of Part 2 of Division 2 of the
3 Public Contract Code, to read:

4

5 Article 2.1. Recycled Fluids, Paints, and Solvents

6

7 12170. Fitness and quality being equal, all local and
8 state agencies shall purchase the following products
9 whenever available:

10 (a) Rerefined automotive lubricants, including, but
11 not limited to, crank case oil, brake fluid, transmission
12 fluid, and power steering fluid, for all state and local
13 vehicles, including, but not limited to, all fleet cars,
14 trucks, and buses, so long as the cost of the rerefined
15 automotive lubricants are not more than 5 percent
16 greater than the lowest price quoted by suppliers offering
17 nonrecycled automotive lubricant.

18 (b) Antifreeze fluid made of propylene glycol
19 (recycled or nonrecycled) for all state and local vehicles,
20 including, but not limited to, all fleet cars, trucks, and
21 buses, so long as the cost of the propylene glycol
22 antifreeze fluid is not more than 25 percent greater than
23 the lowest price quoted by suppliers offering ethylene
24 glycol antifreeze fluid. If antifreeze fluid made of
25 propylene glycol is not available, all state and local
26 agencies shall purchase recycled antifreeze fluid made of
27 ethylene glycol so long as the cost of the recycled
28 ethylene glycol antifreeze fluid is not more than 5
29 percent greater than the lowest price quoted by suppliers
30 offering nonrecycled ethylene glycol antifreeze fluid.

1 (c) Recycled solvents so long as the cost of the
2 recycled solvents is not more than 5 percent greater than
3 the lowest price quoted by suppliers offering
4 nonrecycled solvents.

5 (d) Recycled paints for use in all painting contracts
6 involving the painting of the interior or exterior of any
7 state or local building so long as the cost of the recycled
8 paints is not more than 5 percent greater than the lowest
9 price quoted by suppliers offering nonrecycled paints.

10 (e) Local public agencies may give preference to
11 suppliers of recycled products as defined in this section
12 in amounts greater than provided for in this section.

13 SEC. 2. Notwithstanding Section 17610 of the
14 Government Code, if the Commission on State Mandates
15 determines that this act contains costs mandated by the
16 state, reimbursement to local agencies and school
17 districts for those costs shall be made pursuant to Part 7
18 (commencing with Section 17500) of Division 4 of Title
19 2 of the Government Code. If the statewide cost of the
20 claim for reimbursement does not exceed one million
21 dollars (\$1,000,000), reimbursement shall be made from
22 the State Mandates Claims Fund. Notwithstanding
23 Section 17580 of the Government Code, unless otherwise
24 specified in this act, the provisions of this act shall become
25 operative on the same date that the act takes effect
26 pursuant to the California Constitution.

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