

By: Senator(s) Dawkins

To: Environment Prot, Cons  
and Water Res

SENATE BILL NO. 2355

1 AN ACT TO PROVIDE A PROGRAM FOR THE RECYCLING AND DISPOSAL OF  
2 COMPUTER AND ELECTRONIC SOLID WASTE; TO REQUIRE EACH STATE AGENCY  
3 TO IMPLEMENT SUCH PROGRAM; TO PROVIDE FOR THE SALE OR DONATION OF  
4 SUCH EQUIPMENT; TO CREATE A COMPUTER AND ELECTRONIC RECYCLING  
5 FUND; TO PROVIDE FOR THE DISBURSEMENT OF FUND PROCEEDS; AND FOR  
6 RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 **SECTION 1.** This act shall be known and may be cited as the  
9 "Mississippi Computer and Electronic Solid Waste Management Act."

10 **SECTION 2.** The Legislature finds that computer and  
11 electronic solid waste is among the fastest growing and most toxic  
12 segments of Mississippi's solid waste stream. The state must  
13 frequently upgrade and replace computers, telecommunication  
14 devices and other technologically sophisticated equipment  
15 necessary to the efficient operation of state government. The  
16 necessary purchase of up-to-date computers, telecommunication  
17 devices and other technological equipment for state government use  
18 often results in a surplus of existing equipment that, while unfit  
19 for state government purposes, is still useful and marketable for  
20 less complex and less high-speed dependent use.

21 Surplus equipment is generally stored by the owner agency  
22 until the equipment is cleared of all government software and  
23 files.

24 There are disposal and recycling options other than landfill  
25 disposal to address this problem, including parts harvesting,  
26 reuse, resale, donation and demanufacturing.

27 This act is intended to:

28 (a) Achieve the maximum possible benefit from use of  
29 state agency owned computers, electronics and peripherals;

30 (b) Achieve maximum benefit from sale of surplus state  
31 agency assets; and

32 (c) Protect the public health, safety and the  
33 environment by mandating steps be taken to address the solid waste  
34 management of computers and other electronic solid waste  
35 statewide.

36 **SECTION 3.** As used in this act, unless the context otherwise  
37 requires:

38 (a) "Agency" means every department, division, office,  
39 board, commission and institution of this state, including  
40 state-supported institutions of higher education;

41 (b) "Computer" means a programmable electronic machine  
42 that performs high-speed mathematical or logical operations or  
43 that assembles, stores, correlates or otherwise processes  
44 information;

45 (c) "Demanufacturing" means end of life disposition of  
46 electronic devices and computers; and includes recovery of hard  
47 drives and chips with resale value, the removal of commodities,  
48 such as copper, aluminum and gold for sale to scrap consumers, the  
49 removal and hazardous waste disposal of toxins and heavy metals,  
50 and the shredding or melting of materials that can be sold and  
51 manufactured into new products;

52 (d) "Disposal" means the discharge, deposit, injection,  
53 dumping, spilling, leakage, placing or dumping of any computer or  
54 electronic waste into or on any land or water in whatever manner  
55 so that the waste or any constituent thereof might enter the  
56 environment or be emitted into the air or be discharged into the  
57 waters of the state, including groundwaters;

58 (e) "Electronics" means devices utilizing electrons and  
59 electric circuits, including household appliances, televisions,  
60 recording and playing devices for music or video tapes, compact  
61 discs and digital technology;

62 (f) "Fund" means the Electronic Equipment Recycling  
63 Fund established by this act;

64 (g) "Recycle" means the use of previously manufactured  
65 materials, including metals, glass and plastics in the manufacture  
66 of new products;

67 (h) "Reuse" means use of electronics, computers and  
68 equipment for harvesting of spare parts, resale or donation; and

69 (i) "Surplus computer equipment" means computer  
70 components no longer in use in an agency and which have residual  
71 market value.

72 **SECTION 4.** (1) Each agency shall prepare and implement an  
73 agency-wide policy for the management and sale of agency surplus  
74 computer equipment and electronics.

75 (2) The policy shall mandate that all hard drives of surplus  
76 computer equipment be degaussed, cleared of all data, software and  
77 be otherwise prepared for sale within ninety (90) days after  
78 replacement.

79 (3) (a) The policy may provide that computers and  
80 electronic equipment first be offered for sale to the primary  
81 agency user of the individual computer within thirty (30) days  
82 after degaussing of the hard drive.

83 (b) The policy may provide that computers be  
84 secondarily offered for sale to other agency employees forty-five  
85 (45) days after degaussing of the hard drive.

86 (4) (a) The policy shall allow each agency to keep a back  
87 stock of computer hardware and electronics for the purpose of  
88 parts harvesting for the repair, maintenance and upgrade of  
89 computers in use.

90 (b) Back stock shall not exceed ten percent (10%) of  
91 the number of state employee computers in the agency.

92 (5) The policy shall include a provision that state  
93 employees purchasing state agency computers and electronic

94 equipment accept the computer or equipment on an "as is" basis,  
95 without any warranty of any kind by the agency.

96 (6) Each agency shall prepare a plan to account for the sale  
97 of used equipment and present that plan for review to the  
98 Department of Finance and Administration no later than September  
99 1, 2006.

100 **SECTION 5.** (1) If an agency policy established under  
101 Section 4 of this act provides for the preferential sale of  
102 surplus computer and electronic equipment to agency employees,  
103 that computer and electronic equipment shall be sold at a price  
104 not less than ten percent (10%) above depreciated value as  
105 determined by the Department of Finance and Administration.

106 (2) If an agency policy established under Section 4 of this  
107 act provides for the preferential sale of surplus computer and  
108 electronic equipment to public schools, that computer and  
109 electronic equipment shall be sold at a price not less than five  
110 percent (5%) above depreciated value as determined by the  
111 Department of Finance and Administration.

112 **SECTION 6.** (1) Unsold surplus computer and electronic  
113 equipment may be donated by the owning agency to public schools if  
114 the agency policy so provides.

115 (2) Public schools are not required to, but may choose to,  
116 accept unsold surplus computer and electronic equipment donated by  
117 the owning agency.

118 (3) Unsold surplus computer equipment may be sent to the  
119 Office of Surplus Property of the Department of Finance and  
120 Administration for sale, auction, recycling, donation,  
121 demanufacturing or disposal.

122 (4) Alternatively the agency may maintain possession of  
123 computers and electronics and allow the Office of Surplus Property  
124 of the Department of Finance and Administration to sell or auction  
125 the computer or electronic equipment via an Internet Web site.

126           **SECTION 7.** Funds generated from the sale of agency surplus  
127 computer and electronic equipment to state employees, public  
128 schools or by other sale shall be allocated as follows:

129           (1) If the sale of surplus computer or electronic equipment  
130 is made within the agency:

131                 (a) Sixty percent (60%) of the proceeds shall be  
132 returned to the owning agency;

133                 (b) Fifteen percent (15%) of the proceeds shall be  
134 deposited with the Office of Surplus Property of the Department of  
135 Finance and Administration; and

136                 (c) Twenty-five percent (25%) of the proceeds shall be  
137 deposited in the Computer and Electronic Recycling Fund  
138 established by this act.

139           (2) If the sale of surplus computer or electronic equipment  
140 is outside the agency and conducted by the Office of Surplus  
141 Property of the Department of Finance and Administration:

142                 (a) Fifty percent (50%) of the proceeds shall be  
143 returned to the owning agency;

144                 (b) Twenty-five percent (25%) of the proceeds shall be  
145 deposited with the Office of Surplus Property of the Department of  
146 Finance and Administration; and

147                 (c) Twenty-five percent (25%) of the proceeds shall be  
148 deposited in the Computer and Electronic Recycling Fund  
149 established by this act.

150           **SECTION 8.** (1) There is established a fund to be known as  
151 the Computer and Electronic Recycling Fund.

152           (2) The Computer and Electronic Recycling Fund shall be  
153 administered by the Mississippi Department of Environmental  
154 Quality and may be used to:

155                 (a) Promote market research and development grants to  
156 determine the most efficient means of collecting, transporting and  
157 processing scrap electronic equipment;

158           (b) Work with the Department of Finance and  
159 Administration to establish statewide contracts for computer and  
160 electronics recycling and demanufacturing businesses;

161           (c) Support and fund other measures necessary to  
162 implement and promote the recycling, donation, demanufacturing or  
163 disposal options for computers and electronic equipment.

164           **SECTION 9.** (1) Electronic equipment recycling grants must  
165 be awarded on the basis of written grant request proposals  
166 submitted to and approved by the Department of Environmental  
167 Quality.

168           (2) Grant requests shall be considered based upon the  
169 following criteria:

170           (a) The development of sustained processes for  
171 recovery, recycling and demanufacturing of scrap computers and  
172 electronics;

173           (b) Minimization and elimination of substantial volumes  
174 of this material as waste;

175           (c) Creation of jobs;

176           (d) Return of investment analysis; and

177           (e) Available funds.

178           **SECTION 10.** (1) The Department of Environmental Quality is  
179 directed to study the current and future solutions for long-term  
180 disposal options for the entire state to include:

181           (a) Parts harvesting;

182           (b) Reuse;

183           (c) Donation;

184           (d) Demanufacturing; and

185           (e) New and emerging technology solutions.

186           (2) This report is to be submitted to the Legislature for  
187 review upon completion.

188           **SECTION 11.** (1) The Department of Environmental Quality may  
189 establish and implement rules and regulations banning the disposal  
190 of all computer and electronic equipment in Mississippi landfills.

191           (2) The target date for the ban to become effective is no  
192 sooner than January 1, 2008.

193           **SECTION 12.** This act shall take effect and be in force from  
194 and after July 1, 2006.