

By: Senator(s) Dawkins

To: Environment Prot, Cons
and Water Res

SENATE BILL NO. 2628

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 website.

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.