

By: Senator(s) Moffatt

To: Environment Prot, Cons  
and Water Res

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2796

1 AN ACT TO ESTABLISH STATE POLICY FOR THE RECYCLING AND ASSET  
2 DISPOSITION OF STATE AGENCY-GENERATED OBSOLETE ELECTRONIC  
3 EQUIPMENT; TO CREATE A COMMITTEE TO STUDY AND RECOMMEND  
4 REQUIREMENTS FOR RECYCLING OBSOLETE ELECTRONIC EQUIPMENT; AND FOR  
5 RELATED PURPOSES.

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

7 **SECTION 1.** (1) The Legislature finds that electronic  
8 equipment waste is among the fastest growing segment of  
9 Mississippi's solid waste stream. The state must frequently  
10 upgrade and replace computers, telecommunication devices and other  
11 technologically sophisticated equipment necessary to the efficient  
12 operation of state government. The necessary purchase of  
13 up-to-date computers, telecommunications devices and other  
14 technological equipment for state government use often results in  
15 a surplus of property that, while unfit for state government  
16 purposes, is still useful and marketable or transferable to other  
17 public or nonprofit entities for less complex and less high-speed  
18 dependent use. In addition, due to the sensitive information  
19 contained in almost all electronic equipment memory components, a  
20 stringent data management process is required to ensure that  
21 sensitive data is not inadvertently compromised. By the time the  
22 surplus property is delivered to the Office of Surplus Property of  
23 the Department of Finance and Administration, it is generally  
24 technologically obsolete and has lost considerable value resulting  
25 in a significant waste of potential revenue to the State of  
26 Mississippi.

27 (2) The purpose of this act is to establish a process for  
28 the development of state policy for Recycling and Asset



29 Disposition (READ) Services targeting state agency-generated  
30 obsolete electronic equipment in order to:

31 (a) Achieve the maximum possible benefit from use of  
32 state agency-owned electronic equipment;

33 (b) Ensure a data security process that prevents the  
34 inadvertent release of sensitive state-owned electronic  
35 information to unauthorized parties during the disposal process;

36 (c) Achieve maximum benefit from sale and/or recycling  
37 of surplus state agency electronic equipment; and

38 (d) Protect the public health, safety and the  
39 environment by mandating that steps be taken to address the solid  
40 waste management of electronic equipment and solid waste  
41 statewide.

42 **SECTION 2.** For the purposes of this act, the following words  
43 and phrases shall have the meanings ascribed to them in this  
44 section:

45 (a) "Agency" means every department, division, office,  
46 board, commission and institution of this state, including  
47 state-supported institutions of higher education.

48 (b) "Electronic Equipment" means a personal computer,  
49 computer component, audio player, videocassette player, facsimile  
50 machine, copy machine, cellular telephone, wireless paging device,  
51 or any electronic item containing an intact or broken cathode ray  
52 tube. An electronic item containing a cathode ray tube includes a  
53 television, computer monitor, or any other cathode ray tube  
54 monitor or display device.

55 (c) "Data Security" means the removal of sensitive  
56 information contained in almost all electronic memory and data  
57 storage components, using a stringent data management process to  
58 ensure that sensitive data is not inadvertently compromised.

59 (d) "Enterprise Security Policy" means the document  
60 published by ITS in accordance with the Mississippi Administrative  
61 Procedures Act to establish standards for the creation of a



62 technology environment within the State of Mississippi agencies  
63 that maintains system security, data integrity and privacy by  
64 preventing unauthorized access to data and by preventing misuse  
65 of, damage to or loss of data.

66 (e) "Logistical/Inventory Support" means coordinating  
67 electronic equipment pick-up, transportation of items to a central  
68 location for testing, auditing, and redistributing items depending  
69 on the item's condition. Of the equipment collected, the process  
70 will also determine which items will be donated or redeployed,  
71 which items will be upgraded, remarketed, and resold, and which  
72 items will be dismantled, reclaimed and recycled.

73 (f) "Management and Technical Support" means to provide  
74 management and technical advice to ensure that electronic items  
75 are recycled if possible and not merely sent to landfills for  
76 disposal. The management process at a minimum includes:  
77 overseeing the testing, demanufacture, and reclamation process;  
78 determining the feasibility of redeployment and remarketing;  
79 reporting on the destination of major components; and certifying  
80 that usable items are reduced to reusable components and/or  
81 recycled.

82 (g) "Recycling" means the use, reuse or reclamation of  
83 obsolete electronic equipment and associated materials.

84 (h) "Recycling Electronics and Asset Disposition (READ)  
85 Services" means recycling and otherwise disposing of obsolete  
86 electronic equipment generated by state government in an  
87 environmentally responsible manner, that ensures the data security  
88 of the asset and that maximizes the state's return on investment.

89 (i) "Surplus Property" means obsolete electronic  
90 equipment no longer in use in an agency or entity and which may  
91 have residual market value in reuse or in recyclable materials.

92 (j) "Valuation Process" means to determine the current  
93 market conditions and identify equipment that can be resold at a  
94 fair and reasonable price. Part of the validation process



95 includes a determination on what type of a return on investment  
96 can be achieved.

97       **SECTION 3.** (1) There is hereby created a committee for the  
98 review of issues, existing regulations and potential solutions to  
99 address READ Services to the agencies of the state. The committee  
100 shall be composed of one (1) member from each of the following  
101 state agencies appointed by the executive director of the agency:

102               (a) Mississippi Department of Finance and  
103 Administration (DFA);

104               (b) Mississippi Office of the State Auditor (OSA);

105               (c) Mississippi Department of Environmental Quality  
106 (MDEQ); and

107               (d) Mississippi Department of Information Technology  
108 Services (ITS).

109       (2) It is the intent of the Legislature that the committee,  
110 no later than November 1, 2009, develop and provide to the  
111 Legislature and the Office of the Governor recommendations  
112 regarding a policy for READ Services to the agencies of the state.  
113 Such policy should address, but not be limited to:

114               (a) Requirements for certification that any and all  
115 data and software have been removed from the electronic equipment  
116 in accordance with the State's Enterprise Security Policy, along  
117 with recommendations for contractual services or equipment as  
118 related to data security;

119               (b) Provisions for extending the useful life of  
120 electronic equipment by maximizing reuse of such equipment by  
121 other state agencies;

122               (c) Provisions for donation of electronic equipment to  
123 public schools, local governments or other nonprofit organizations  
124 under certain defined circumstances;

125               (d) Regulations and recommendations for  
126 logistical/inventory support, management and technical support,



127 and a valuation process of READ Services as related to state  
128 agency-generated electronic equipment surplus property;

129 (e) Recommendations for funding the READ Services for  
130 state agency-generated electronic equipment surplus property; and

131 (f) Recommendations related to the environmental  
132 considerations for the safe disposal of hazardous components  
133 contained in obsolete electronic equipment.

134 **SECTION 4.** This act shall take effect and be in force from  
135 and after its passage.

