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

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

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

(2) The purpose of this act is to establish a process for
the development of state policy for Recycling and Asset
Disposition (READ) Services targeting state agency-generated obsolete electronic equipment in order to:

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

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

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

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

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

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

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

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

(d) "Enterprise Security Policy" means the document published by ITS in accordance with the Mississippi Administrative Procedures Act to establish standards for the creation of a
technology environment within the State of Mississippi agencies
that maintains system security, data integrity and privacy by
preventing unauthorized access to data and by preventing misuse
of, damage to or loss of data.

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

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

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

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

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

(j) "Valuation Process" means to determine the current
market conditions and identify equipment that can be resold at a
fair and reasonable price. Part of the validation process
includes a determination on what type of a return on investment
can be achieved.

SECTION 3. (1) There is hereby created a committee for the
review of issues, existing regulations and potential solutions to
address READ Services to the agencies of the state. The committee
shall be composed of one (1) member from each of the following
state agencies appointed by the executive director of the agency:
(a) Mississippi Department of Finance and
Administration (DFA);
(b) Mississippi Office of the State Auditor (OSA);
(c) Mississippi Department of Environmental Quality
(MDEQ); and
(d) Mississippi Department of Information Technology
Services (ITS).

(2) It is the intent of the Legislature that the committee,
no later than November 1, 2009, develop and provide to the
Legislature and the Office of the Governor recommendations
regarding a policy for READ Services to the agencies of the state.
Such policy should address, but not be limited to:
(a) Requirements for certification that any and all
data and software have been removed from the electronic equipment
in accordance with the State's Enterprise Security Policy, along
with recommendations for contractual services or equipment as
related to data security;
(b) Provisions for extending the useful life of
electronic equipment by maximizing reuse of such equipment by
other state agencies;
(c) Provisions for donation of electronic equipment to
public schools, local governments or other nonprofit organizations
under certain defined circumstances;
(d) Regulations and recommendations for
logistical/inventory support, management and technical support,
and a valuation process of READ Services as related to state agency-generated electronic equipment surplus property;

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

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

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