

By: Senator(s) Dawkins

To: Environment Prot, Cons
and Water Res

SENATE BILL NO. 2504

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 agency until the
22 equipment is cleared of all government software and files.

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

26 This act is intended to:

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

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

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

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

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

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

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

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

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

61 (f) "Fund" means the Electronic Equipment Recycling
62 Fund established by this act.

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

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

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

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

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

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

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

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

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

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

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

95 (6) Each agency shall prepare a plan to account for the sale
96 of used equipment and present that plan for review to the
97 Department of Finance and Administration no later than September
98 1, 2007.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

174 (c) Creation of jobs;

175 (d) Return of investment analysis; and

176 (e) Available funds.

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

180 (a) Parts harvesting;

181 (b) Reuse;

182 (c) Donation;

183 (d) Demanufacturing; and

184 (e) New and emerging technology solutions.

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

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

190 (2) The target date for the ban to become effective is
191 January 1, 2009.

192 **SECTION 12.** This act shall take effect and be in force from
193 and after July 1, 2007.