

**Stricken language would be deleted from and underlined language would be added to the law as it existed  
prior to this session of the General Assembly.  
Act 970 of the Regular Session**

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005  
4

# A Bill

HOUSE BILL 2115

5 By: Representative Reep  
6  
7

## For An Act To Be Entitled

9 AN ACT TO ESTABLISH A DEADLINE FOR THE DISPOSAL  
10 OF COMPUTER AND ELECTRONICS WASTE IN LANDFILLS;  
11 TO DEFINE THE TERMS "CONSUMER ELECTRONIC ITEM",  
12 "DEGAUSS", AND "FUGITIVE AMOUNTS OF CONSUMER  
13 ELECTRONIC ITEMS"; TO PROVIDE FOR THE  
14 PREFERENTIAL SALE OF STATE-AGENCY-OWNED COMPUTERS  
15 TO LOCAL GOVERNMENTS; TO AUTHORIZE THE DONATION  
16 OF UNSOLD SURPLUS STATE-AGENCY-OWNED COMPUTERS TO  
17 LOCAL GOVERNMENTS; TO REMOVE LIMITATIONS ON THE  
18 SALE AND PRICING OF USED STATE-AGENCY-OWNED  
19 COMPUTERS AND ELECTRONICS; AND FOR OTHER  
20 PURPOSES.  
21

## Subtitle

22 AN ACT TO ACHIEVE MAXIMUM BENEFIT FROM  
23 USE OF STATE-AGENCY-OWNED COMPUTERS AND  
24 ELECTRONICS.  
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28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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30 SECTION 1. Arkansas Code § 25-34-102 is amended to read as follows:  
31 25-34-102. Findings and purpose.

32 (a) The General Assembly finds that:

33 (1) Computer and electronic solid waste is among the fastest  
34 growing and most toxic segments of Arkansas' solid waste stream;

35 (2)(A) The state must frequently upgrade and replace computers,



1 telecommunications devices, and other technologically sophisticated equipment  
2 necessary to the efficient operation of state government.

3 (B)(i) The necessary purchase of up-to-date computers,  
4 telecommunications devices, and other technological equipment for state  
5 government use often results in a surplus of existing equipment that, while  
6 unfit for state government purposes, is still useful and marketable for less  
7 complex and less high-speed dependent use.

8 (ii) Surplus equipment is generally stored by the  
9 owner agency until the equipment is cleared of all government software and  
10 files.

11 (iii) By the time surplus computer equipment is  
12 delivered to the Marketing and Redistribution Section of the Office of State  
13 Procurement of the Department of Finance and Administration, it is generally  
14 technologically obsolete and has lost considerable value resulting in a  
15 significant waste of potential revenue to the State of Arkansas;

16 (3) Computers and electronic equipment not sold by the Marketing  
17 and Redistribution Section may be disposed of in state landfill space until  
18 January 1, 2008; and

19 (4) There are disposal and recycling options other than landfill  
20 disposal to address this problem, including:

- 21 (A) Parts harvesting;
- 22 (B) Reuse;
- 23 (C) Resale;
- 24 (D) Donation; and
- 25 (E) Demanufacturing.

26 (b) This chapter is intended to:

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

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

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

34

35 SECTION 2. Arkansas Code § 25-34-103 is amended to read as follows:  
36 25-34-103. Definitions.

1 As used in this chapter, unless the context otherwise requires:

2 (1) "Agency" means every department, division, office, board,  
3 commission, and institution of this state, including state-supported  
4 institutions of higher education;

5 (2) "Computer" means a programmable electronic machine that  
6 performs high-speed mathematical or logical operations or that assembles,  
7 stores, correlates, or otherwise processes information;

8 (3)(A) "Consumer electronic item" means a personal computer,  
9 computer component, audio player, stereo player, videocassette player,  
10 facsimile machine, copy machine, cellular telephone, wireless paging device,  
11 video game console, or any electronic item containing an intact or broken  
12 cathode ray tube.

13 (B) An electronic item containing a cathode ray tube  
14 includes a television, computer monitor, or any other cathode ray tube  
15 monitor or display device;

16 (4) "Degauss" means the complete removal of information from the  
17 hard drive of a computer;

18 ~~(3)~~(5)(A) "Demanufacturing" means end-of-life disposition of  
19 electronic devices and computers.

20 (B) "Demanufacturing" includes recovery of hard drives and  
21 chips with resale value, the removal of commodities such as copper, aluminum,  
22 and gold for sale to scrap consumers, the removal and hazardous-waste  
23 disposal of toxins and heavy metals, and the shredding or melting of  
24 materials that can be sold and manufactured into new products;

25 ~~(4)~~(6) "Disposal" means the discharge, deposit, injection,  
26 spilling, leaking, placing, or dumping of any computer or electronic waste  
27 into or on any land or water in whatever manner so that the waste or any  
28 constituent thereof might enter the environment or be emitted into the air or  
29 be discharged into the waters of the state, including groundwaters;

30 ~~(5)~~(7) "Electronics" means devices utilizing electrons and  
31 electric circuits, including household appliances, televisions, recording and  
32 playing devices for music or video tapes, compact discs, and digital  
33 technology;

34 (8) "Fugitive amounts of consumer electronic items" means small  
35 quantities that escape the approved methods of usage, reduction, reuse, or  
36 recycling;

1           ~~(6)~~(9) "Fund" means the Computer and Electronic Recycling Fund  
 2 established by this chapter;

3           ~~(7)~~(10) "Recycle" means the use of previously manufactured  
 4 materials including metals, glass, and plastics in the manufacture of new  
 5 products;

6           ~~(8)~~(11) "Reuse" means use of electronics, computers, and  
 7 equipment for harvesting of spare parts, resale, or donation; and

8           ~~(9)~~(12) "Surplus computer equipment" means computer components  
 9 no longer in use in an agency and which have residual market value.

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 11           SECTION 3. Arkansas Code § 25-34-104 is amended to read as follows:  
 12           25-34-104. Agency policy.

13           (a)(1) Each agency shall prepare and implement an agency-wide policy  
 14 for the management and sale of agency surplus computer equipment and  
 15 electronics in accord with the Executive Chief Information Officer's policies  
 16 for review and replacement of computer and electronic equipment.

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

20           ~~(3)(A)~~ The policy may provide that computers and electronic  
 21 equipment first be offered for sale to ~~the primary agency user of the~~  
 22 ~~individual computer within thirty (30) days~~ agency personnel after degaussing  
 23 of the hard drive.

24           ~~(B)~~ ~~The policy may provide that computers be secondarily~~  
 25 ~~offered for sale to other agency employees forty five (45) days after~~  
 26 ~~degaussing of the hard drive.~~

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

30           (B) Back stock shall not exceed ten percent (10%) of the  
 31 number of state employee computers in the agency.

32           (5) The policy shall include a provision that state employees  
 33 purchasing state agency computers and electronic equipment accept the  
 34 computer or equipment on an "as-is" basis, without any warranty of any kind  
 35 by the agency.

36           (b) Within sixty (60) days after ~~August 13, 2001~~ the effective date of

1 this act, the policy shall be presented to the Executive Chief Information  
2 Officer and Legislative Council for review.

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4 SECTION 4. Arkansas Code § 25-34-106 is amended to read as follows:

5 25-34-106. Sale of surplus computer equipment and electronics.

6 (a) If an agency policy established under § 25-34-104 provides for the  
7 preferential sale of surplus computer and electronic equipment to agency  
8 employees, that computer and electronic equipment shall be sold at a price  
9 ~~not less than ten percent (10%) above depreciated value as~~ determined by the  
10 Department of Finance and Administration.

11 (b) If an agency policy established under § 25-34-104 provides for the  
12 preferential sale of surplus computer and electronic equipment to Arkansas  
13 public schools or local governments, that computer and electronic equipment  
14 shall be sold at a price ~~not less than five percent (5%) above depreciated~~  
15 ~~value as~~ determined by the Department of Finance and Administration.

16  
17 SECTION 5. Arkansas Code § 25-34-107(a), pertaining to surplus  
18 computer equipment, is amended to read as follows:

19 (a)(1) Unsold surplus computer and electronic equipment may be donated  
20 by the owning agency to Arkansas public schools or local governments if the  
21 agency policy so provides.

22 (2) Arkansas public schools and local governments are not  
23 required but may choose to accept unsold surplus computer and electronic  
24 equipment donated by the owning agency.

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26 SECTION 6. Arkansas Code § 25-34-111 is amended to read as follows:

27 25-34-111. Computer and electronic equipment landfill ban.

28 ~~(a) The~~ Effective January 1, 2008, the Arkansas Department of  
29 Environmental Quality may establish and implement rules and regulations  
30 banning the disposal of all computer and electronic equipment in Arkansas  
31 landfills.

32 ~~(b) The target date for the ban to become effective is no sooner than~~  
33 ~~January 1, 2005.~~

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36 APPROVED: 3/18/2005

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