

ARKANSAS SENATE
83rd General Assembly - Regular Session, 2001
Amendment Form

Subtitle of Senate Bill No. 807

"AN ACT CONCERNING COMPUTER AND ELECTRONIC SOLID WASTE
MANAGEMENT."

Amendment No. 1 to Senate Bill No. 807.

Amend Senate Bill No. 807 as originally introduced:

Page 2, delete line 10 and substitute the following:

"Department of Finance and Administration may be disposed of in state"

AND

Page 2, delete Sections 3 through 13 of the bill and substitute the following:

"SECTION 3. Definitions.

As used in this subchapter, unless the context otherwise requires:

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

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

(3)(A) "Demanufacturing" means end of life disposition of electronic devices and computers;

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

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

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

(6) "Fund" means the Electronic Equipment Recycling Fund established

by this act;

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

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

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

SECTION 4. Agency policy.

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

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

(3)(A) The policy shall mandate that computers first be offered for sale to the primary agency user of the individual computer within thirty (30) days after degaussing of the hard drive.

(B) The policy shall mandate that computers be secondarily offered for sale to other agency employees forty-five (45) days after degaussing of the hard drive.

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

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

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

(b) Within sixty (60) days after the effective date of this act, the policy shall be presented to the Executive Chief Information Officer and Legislative Council for review.

SECTION 5. Agency authority and accounting.

(a) Each agency shall apply the administrative procedures of the Marketing and Redistribution Section of the Office of State Procurement of the Department of Finance and Administration to the sale.

(b) Each agency shall prepare, within sixty (60) days after the effective date of this act, a plan to account for the sale of used equipment and present that plan for review to the Department of Finance and Administration, the Executive Chief Information Officer, and the Legislative Council.

SECTION 6. Sale of surplus computer equipment and electronics.

Surplus computer equipment shall be offered for sale to state employees at a price not less than ten percent (10%) above depreciated value as determined by the Department of Finance and Administration.

SECTION 7. Surplus equipment not sold.

(a) Surplus computers and electronics not purchased by state employees

will be marketed to Arkansas public schools at a price not less than five percent (5%) above market value as determined by the Department of Finance and Administration.

(b)(1) Unsold surplus computer equipment may be sent to the Marketing and Redistribution Section of the Office of State Procurement of the Department of Finance and Administration for sale, auction, recycling, donation, demanufacturing or disposal.

(2) Alternatively the agency may maintain possession of computers and electronics and allow the Marketing and Redistribution Section of the Office of State Procurement of the Department of Finance and Administration to sell or auction the computer or electronic equipment via an Internet web site.

SECTION 8. Disbursement of revenues.

Funds generated from the sale of agency surplus computer and electronic equipment to state employees, public schools, or by other sale, shall be allocated as follows:

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

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

(B) Fifteen percent (15%) of the proceeds shall be deposited with the Marketing and Redistribution Section of the Office of State Procurement of the Department of Finance and Administration; and

(C) Twenty-five percent (25%) of the proceeds shall be deposited in the Computer and Electronic Recycling Fund established by this act;

(2) If the sale of surplus computer or electronic equipment is outside the agency and conducted by the Marketing and Redistribution Section of the Office of State Procurement of the Department of Finance and Administration:

(A) Fifty-percent (50%) of the proceeds shall be returned to the owning agency;

(B) Twenty-five percent (25%) of the proceeds shall be deposited with the Marketing and Redistribution Section of the Office of State Procurement of the Department of Finance and Administration; and

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

SECTION 9. Computer and Electronic Recycling Fund.

(a) There is established on the books of the Treasurer of State, Auditor of State, and Chief Fiscal Officer of the State, a fund to be known as the Computer and Electronic Recycling Fund.

(b) The Computer and Electronic Recycling Fund shall be administered by the Arkansas Department of Environmental Quality and may be used to:

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

(2) Work with the Department of Finance and Administration and the Marketing and Redistribution Section of the Office of State Procurement of the Department of Finance and Administration to establish statewide contracts for computer and electronics recycling and demanufacturing businesses;

(3) Support and fund other measures necessary to implement and

promote the recycling, donation, demanufacturing or disposal options for computers and electronic equipment.

SECTION 10. Computer and electronic equipment recycling grants.

(a) Electronic equipment recycling grants must be awarded on the basis of written grant request proposals submitted to and approved by the Arkansas Department of Environmental Quality.

(b) Grant requests shall be considered based upon the following criteria:

(1) The development of sustained processes for recovery, recycling, and demanufacturing of scrap computers and electronics;

(2) Minimization and elimination of substantial volumes of this material as waste;

(3) Creation of Arkansas jobs;

(4) Return of investment analysis; and

(5) Available funds.

SECTION 11. Long Term Options.

(a) The Arkansas Department of Environmental Quality is directed to study the current and future solutions for long term disposal options for the entire state to include:

(1) Parts Harvesting;

(2) Reuse;

(3) Donation;

(4) Demanufacturing; and

(5) New and emerging technology solutions.

(b) This report is to be submitted to the Legislative Council for review upon completion.

SECTION 12. Computer and electronic equipment landfill ban.

(a) The Arkansas Department of Environmental Quality may establish and implement rules and regulations banning the disposal of all computer and electronic equipment in Arkansas landfills.

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

SECTION 13. Arkansas Code 25-8-106(b)(2), concerning marketing and redistribution of state personal property, is amended to read as follows:

(2)(A) All state agencies, boards, commissions, departments, and county, municipal, or other tax supported institutions colleges and universities are ~~authorized~~ required, and county, municipal or other tax supported institutions are authorized to utilize the services of the Marketing and Redistribution Section of the Office of State Procurement of the Department of Finance and Administration unless specifically exempted in writing by the Director of the Office of State Procurement.

(B)(i) Nothing in this section shall be construed to make it mandatory that county, municipal, or other local government units utilize the services of the Marketing and Redistribution Section.

(ii) Nothing in this section shall be construed to make it mandatory that any agency, department, division, office, board, commission, or institution of this state, including state-supported institutions of higher education, utilize the services of the Marketing and

Redistribution Section in the sale of surplus computer equipment and electronics to state agency employees for a price not less than ten percent (10%) above depreciated value. "

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator K. Smith

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Secretary