

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.

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

A Bill

HOUSE BILL 2115

4
5 By: Representative Reep
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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,
36 telecommunications devices, and other technologically sophisticated equipment



1 necessary to the efficient operation of state government.

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

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

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

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

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

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

25 (b) This chapter is intended to:

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

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

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

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

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

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

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

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

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

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

17 ~~(3)~~(5)(A) "Demanufacturing" means end-of-life disposition of
18 electronic devices and computers.

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

24 ~~(4)~~(6) "Disposal" means the discharge, deposit, injection,
25 spilling, leaking, placing, or dumping of any computer or electronic waste
26 into or on any land or water in whatever manner so that the waste or any
27 constituent thereof might enter the environment or be emitted into the air or
28 be discharged into the waters of the state, including groundwaters;

29 ~~(5)~~(7) "Electronics" means devices utilizing electrons and
30 electric circuits, including household appliances, televisions, recording and
31 playing devices for music or video tapes, compact discs, and digital
32 technology;

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

36 ~~(6)~~(9) "Fund" means the Computer and Electronic Recycling Fund

1 established by this chapter;

2 ~~(7)~~(10) "Recycle" means the use of previously manufactured
3 materials including metals, glass, and plastics in the manufacture of new
4 products;

5 ~~(8)~~(11) "Reuse" means use of electronics, computers, and
6 equipment for harvesting of spare parts, resale, or donation; and

7 ~~(9)~~(12) "Surplus computer equipment" means computer components
8 no longer in use in an agency and which have residual market value.

9

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

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

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

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

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

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

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

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

35 (b) Within sixty (60) days after ~~August 13, 2001~~ the effective date of
36 this act, the policy shall be presented to the Executive Chief Information

1 Officer and Legislative Council for review.

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

4 25-34-106. Sale of surplus computer equipment and electronics.

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

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

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

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

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

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

26 25-34-111. Computer and electronic equipment landfill ban.

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

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

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