

ENGROSSED HOUSE
BILL NO. 1736

BY: CROCKER, VAUGHN
(George), ADAIR and
LEIST of the HOUSE

and

CAIN and HOBSON of the
SENATE

(PUBLIC HEALTH AND SAFETY - AMENDING 74 O.S.
1991, SECTIONS 85.51, 85.52, 85.53, 85.54 AND
85.55 - RECYCLING AND RECYCLED MATERIALS
PROCUREMENT ACT - CODIFICATION -
EMERGENCY)

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 74 O.S. 1991, Section 85.51, is
amended to read as follows:

Section 85.51 As used in the Oklahoma State Recycling and
Recycled Materials Procurement Act:

1. "Office" means the Office of Public Affairs;
2. "Paper recycling" means the processing of scrap paper or
other such recoverable waste paper into reusable products. Such
collection and recycling of recoverable waste paper shall be done in
an environmentally acceptable manner;
3. "State public entity" means the State Legislature ~~and~~, any
~~state bureau, agency, board, commission, or authority of the state,~~
~~including but not limited to~~ the office of the Governor, the
judiciary, or any state university, agency school district, or

~~political subdivision~~ county of the state which is ~~using~~ supported
in whole or in part by state funds;

4. "Recoverable waste paper" generated by businesses or consumers, which has served its intended use and has been separated from solid waste for purposes of collection and recycling, shall include, but is not limited to, such paper as computer cards, computer print-out papers, copy paper, white office papers, colored office papers, corrugated boxes, newspapers, envelope coatings, bindery trimmings, printing scrap and butt rolls. Mill broke repulped internally within a paper manufacturing facility shall not be considered recoverable waste paper;

5. "Director" means the State Purchasing Director of the Office of Public Affairs;

6. "Division" means the Purchasing Division of the Office of Public Affairs;

7. "Recycled paper products" means all paper products manufactured from recoverable waste paper with not less than ten percent (10%) of their total weight consisting of waste paper. There shall be no minimum waste paper content specified for high speed copier paper and computer print out; ~~and~~

8. "Products manufactured with recycled materials" means products that contain at least a minimum percentage of specified materials recovered from the recycling of post-consumer products as defined in rules and regulations promulgated by the Division;

9. "Recyclable materials" means post-consumer materials or products which are capable of being recycled, including but not limited to paper, glass, plastics, metals, automobile oil, and batteries. Refuse-derived fuel or other material that is destroyed by incineration is not a recyclable material; and

10. "Uncoated" means not coated with plastic, clay, or other material used to create a glossy finish.

SECTION 2. AMENDATORY 74 O.S. 1991, Section 85.52, is amended to read as follows:

A. It is the intent of the Legislature that all ~~agencies and authorities of this state, as well as other government entities, including but not limited to, any state university, municipality, school district, agency, or political subdivision of the state which is using state funds, be required to collect and recycle recoverable waste paper to the greatest extent possible~~ state public entities comply with the provisions of the Oklahoma State Recycling and Recycled Materials Procurement Act. All political subdivisions of this state are encouraged to collect and recycle recoverable waste paper and recyclable materials to the greatest extent possible. The Office ~~of Public Affairs~~ shall coordinate recycling efforts among the state public entities. The Director ~~of the Office of Public Affairs~~ shall adopt such rules, regulations, and orders as are necessary for the implementation of the Oklahoma State Recycling and Recycled Materials Procurement Act. The rules and regulations at a minimum shall establish procedures for:

1. The identification, handling, hauling, storing, safety factors, and disposition of recoverable waste paper and recyclable materials;

2. The separation of recoverable waste paper and recyclable materials from solid waste generated by state public entities;

3. A system for the collection of recoverable waste paper and recyclable materials from solid waste generated by state public entities; ~~and~~

4. Assuring that the recoverable waste paper and recyclable materials ~~is~~ are made available to private industries for collection and recycling at the greatest economic value and to the greatest extent feasible, including the letting of multiple contracts as necessary to serve ~~other government entities and~~ state public entities in different geographic areas of the state. In addition to

the preference provisions of Section 85.53 of this title, rules and regulations governing availability of recoverable waste paper and products manufactured with recycled materials shall give preference to private recycled paper products industries and to industries using products with recycled materials that operate in Oklahoma, and that will employ residents of the state to handle, transport and sort ~~the recycled paper~~ such products or materials;

5. The purchase of uncoated office paper and printed paper whenever practicable; and

6. Separating for the purpose of recycling all recyclable materials including but not limited to lead acid batteries, waste oil and major appliances that are generated as solid waste by state public entities.

B. All state public entities shall comply with the procedures and systems established pursuant to the Oklahoma State Recycling and Recycled Materials Procurement Act.

C. 1. The Director ~~of the Office of Public Affairs~~ may exempt any single activity or facility of any state public entity from compliance with rules promulgated pursuant to the Oklahoma State Recycling and Recycled Materials Procurement Act if the Director determines there is a lack of market availability or that it to be is not economically feasible to follow and comply with the procedures and systems established by the Director. ~~Any~~

2. The exemption shall be for a period not in excess of one (1) year, but additional exemptions may be granted for periods not to exceed one (1) year.

3. The Director ~~of the Office of Public Affairs~~ shall make public all exemptions together with the reasons for granting such exemptions.

SECTION 3. AMENDATORY 74 O.S. 1991, Section 85.53, is amended to read as follows:

Section 85.53 A. ~~It is the intent of the Legislature that all agencies and authorities of the state, as well as other government state public entities, including but not limited to, any state university, municipality, school district, agency, or political subdivision of the state which is using state funds, be required to procure products or materials with the recycled content levels required and in such manner specified by rules promulgated by the Division when such products or materials are available and if the grade, quality and price are otherwise equal specified by and pursuant to the provisions of this section when such products or materials are available.~~

B. By July 1, 1993, the Division when accepting bids for state purchases of supplies, equipment and materials shall give preference to the suppliers of paper products or products manufactured with recycled materials if:

1. The price for recycled products and materials is not substantially higher than the price for non-recycled products and materials. The office shall establish by rule the annual percentage over and above the price of non-recycled products and materials which will be allowed for the purchase of recycled products and materials; and

2. The quality and grade requirements are otherwise comparable.

C. By July 1, 1993, any state public entity not subject to the Central Purchasing Act when accepting bids for purchases of supplies, equipment and materials, shall give preference to the suppliers of recycled paper products and products manufactured from recycled materials if:

1. The price for recycled products and materials is not substantially higher than the price for non-recycled products and materials. The price paid for recycled products and materials shall not exceed the percentage over the price for non-recycled products and materials established by the office; and

2. The quality and grade requirements are otherwise comparable.

D. The Division and any state public entity not subject to the Central Purchasing Act shall ensure, to the greatest extent economically practical and possible, that the recycled or recovered content of all paper purchased by the Division or agency, measured as a proportion, by weight, of paper products purchased in a calendar year, is not less than the following:

1. By 1995, ten percent (10%) of all purchased paper;

2. By 1997, twenty-five percent (25%) of all purchased paper;

and

3. By 1999, forty percent (40%) of all purchased paper.

E. 1. By July 1, 1992, the Division shall develop rules and regulations and implement a program for extending state procurement specifications to products manufactured with recycled materials and identifying recycled products.

2. By July 1, 1993, any state public entity not subject to the Central Purchasing Act shall develop rules and regulations and implement a program for extending agency procurement specifications to products manufactured with recycled materials.

F. In writing specifications under this section, the office and any other state public entity shall incorporate requirements relating to the recyclability and ultimate disposition of products and, wherever possible, shall write the specifications so as to minimize the amount of solid waste generated by the state. All specifications under this section shall discourage the purchase of single-use, disposable products and require, whenever practical, the purchase of multiple-use, durable products.

G. For materials that are not otherwise recycled, the Division and each state public entity not subject to the Central Purchasing Act shall, to the extent practicable, enter into agreements to purchase products made from recyclable materials from vendors who agree to purchase like materials separated from solid waste

generated by the state for reuse or use as a raw material in manufacturing.

SECTION 4. AMENDATORY 74 O.S. 1991, Section 85.54, is amended to read as follows:

Section 85.54 A. The Division shall review the procurement specifications currently used by the Office in order to eliminate, wherever economically feasible, discrimination against the procurement of recycled paper and other products manufactured with recycled materials.

B. The Division shall establish purchasing practices which, to the maximum extent economically feasible, assure purchase of recycled paper products.

C. The Director shall review and incorporate, where appropriate, guidelines published in the Federal Register.

D. The Director shall promulgate rules and regulations to encourage recycling and conservation of purchased products.

E. The Director of the Office of Public Affairs shall prepare and submit to the Governor and the Speaker of the House of Representatives and to the President Pro Tempore of the Senate on or before January 15 of each year, a report specifying:

1. The total amount of waste paper and other recyclable materials sold during the previous fiscal year;

2. The amount of recycled paper products and other products manufactured with recycled material purchased during the previous fiscal year;

3. The total amount of monies collected and expended to implement the Oklahoma State Recycling and Recycled Materials Procurement Act; ~~and~~

4. Any state public entity failing to comply with the provisions of the Oklahoma State Recycling and Recycled Materials Procurement Act. Such information shall be specifically provided to the Senate and House Appropriations Committees; and

5. Any recommendations for program expansion or improvement.

~~F. The Director of the Office of Public Affairs shall prepare and submit to the Governor, the Speaker of the House of Representatives and to the President Pro Tempore of the Senate on or before January 15, 1991, an assessment of the effectiveness of procurement programs in other states with and without price preferences.~~

SECTION 5. AMENDATORY 74 O.S. 1991, Section 85.55, is amended to read as follows:

Section 85.55 A. Each state public entity whether or not subject to the Central Purchasing Act ~~which purchases paper and other products manufactured with recycled materials~~ shall:

1. Be subject to the rules and regulations of the Central Purchasing Division in relation to the purchase of recycled products;

2. Establish management practices in accordance with the provisions of the Oklahoma State Recycling and Recycled Materials Procurement Act;

3. Report by December 31 of each year to the Director of the Office of Public Affairs the following:

a. the total amount of waste paper sold during the previous fiscal year,

b. the amount of procured recycled paper products and other products manufactured with recycled materials, and

c. the total amount of monies collected and expended to implement the Oklahoma State Recycling and Recycled Materials Procurement Act; and

4. The Director of the Office of Public Affairs shall coordinate the information provided by state public entities and report and submit such information to the Governor, the President

Pro Tempore of the Senate, and to the Speaker of the House of Representatives on or before January 15 of each year.

B. It is the intention of the Legislature that all state public entities and other governmental subdivisions of this state aggressively pursue procurement practices that encourage solid waste reduction and development of markets for recyclable materials and compost and shall, whenever practical, procure products containing recycled materials.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 85.55a of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The office shall maintain a clearinghouse of information regarding products made from recycled paper products and products manufactured with recycled materials for purchase by state public entities. The clearinghouse shall include information concerning the availability, price and quality of products made from recycled paper products and products manufactured with recycled materials. The clearinghouse shall also include information concerning vendors and other persons willing to purchase recyclable materials from state public entities. The office shall develop a mechanism to make this information available to all state public entities.

B. The office may enter into agreements with purchasing agents of any other state, local governments, or the federal government under which any of the parties may agree to participate in, administer, sponsor or conduct purchasing transactions under a joint contract for the purchase of materials, supplies, equipment, permanent personal property, miscellaneous capital or contractual services consistent with this act.

C. The office may cooperate with purchasing agents and other interested parties of any other state, local governments, or the federal government to develop uniform purchasing specifications on a

regional or national level to facilitate cooperative interstate purchasing transactions.

SECTION 7. This act shall become effective July 1, 1992.

SECTION 8. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 11th day of March, 1992.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1992.

President of the Senate