

ENGROSSED SENATE
BILL NO. 674

BY: HOBSON and CAPPS of the
SENATE

and

JOHNSON (Rob) of the HOUSE

AN ACT RELATING TO THE OKLAHOMA STATE RECYCLING AND
RECYCLED MATERIALS PROCUREMENT ACT; AMENDING 74
O.S. 1991, SECTIONS 85.51, 85.52, 85.53 AND 85.55,
WHICH RELATE TO THE PROCUREMENT OF RECYCLED
MATERIALS BY STATE AGENCIES; MODIFYING TERMS;
ADDING DEFINITIONS; REQUIRING STATE ENTITIES TO
COLLECT AND RECYCLE RECYCLABLE MATERIALS; GIVING
PREFERENCE TO PRODUCTS AND INDUSTRIES USING
RECYCLABLE MATERIALS; PRIORITIZING THE USE OF
CERTAIN PAPER AND PRACTICES TO INCREASE
RECYCLABILITY; REQUIRING CERTAIN WASTES TO BE
SEPARATED; REQUIRING ALL STATE ENTITIES TO PROCURE
RECYCLED PRODUCTS OF COMPARABLE GRADE AND QUALITY;
REQUIRING STATE ENTITIES TO MEET CERTAIN RECYCLED
PAPER PURCHASING GOALS BY CERTAIN DATES;
DISCOURAGING STATE AGENCIES FROM PURCHASING CERTAIN
DISPOSABLE PRODUCTS; REQUIRING CERTAIN STATE PUBLIC
ENTITIES TO PROMULGATE RULES AND IMPLEMENT PROGRAM
TO PROCURE RECYCLED MATERIALS; REQUIRING THE OFFICE
OF PUBLIC AFFAIRS TO MAINTAIN CERTAIN CLEARINGHOUSE
RELATED TO RECYCLED MATERIALS, VENDORS AND
PURCHASERS; AUTHORIZING THE OFFICE OF PUBLIC
AFFAIRS TO ENTER INTO CERTAIN AGREEMENTS AND

COOPERATIVE ARRANGEMENTS; MAKING OKLAHOMA STATE
RECYCLING AND RECYCLED MATERIALS PROCUREMENT ACT
APPLICABLE TO ALL PUBLIC ENTITIES; STATING
LEGISLATIVE INTENT; PROVIDING FOR CODIFICATION; AND
DECLARING AN 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, Section 85.50 et seq. of this title:

1. "Office" means the Office of Public Affairs;
2. "Paper recycling" means the processing of scrap paper or other such recoverable waste paper into reuseable 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, Office of the Governor, bureau, agency, board and any state commission, or authority, including but not limited to, any state university, agency, or political subdivision of the state which is using 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, bindary 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 materials that are separated from mixed municipal solid waste for the purpose of recycling, including but not limited to recoverable waste paper, glass, plastics, metals, automobile oil, and lead-acid 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:

Section 85.52 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~~ 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, Section 85.50 et seq. of this title. 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~~ recyclable materials;

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

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

4. Assuring that the ~~recoverable waste paper is~~ recyclable materials 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 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 products or materials;

5. Prioritizing the use of uncoated office paper as well as other practices which will increase the recyclability of the state's waste stream; and

6. Separating for the purpose of recycling all hard-to-handle wastes for which refuse markets are reasonably available, 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. The Director of the Office of Public Affairs may exempt any single activity or facility of any state public entity from compliance with the Oklahoma State Recycling and Recycled Materials Procurement Act if the Director determines it to be not economically feasible. Any 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. 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~~
All agencies and authorities of the 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~~
shall 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~~ and quality are otherwise ~~equal~~ comparable.

B. By July 1, ~~1992~~ 1993, 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, and establishing recycled paper purchasing goals for all state agencies. Such goals should be:

1. Ten percent (10%) of all purchased paper by 1994;

2. Twenty-five percent (25%) of all purchased paper by 1996;

and

3. Forty percent (40%) of all purchased paper by 1998.

State agencies, whenever possible, should discourage the purchase of single-use, disposable products when multiple-use, durable products are available.

C. By July 1, 1993, any state public entity not subject to the Oklahoma Central Purchasing Act, Section 85.1 et seq. of this title, shall promulgate rules and implement a program for extending agency procurement specifications to products manufactured with recycled materials. State public entities, whenever possible, should discourage the purchase of single-use disposable products when multiple-use, durable products are available.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 85.54A of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Office of Public Affairs 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 and collect 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, federal or local government, or with public trusts, 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 local, state or the federal government to develop uniform purchasing specifications on a regional or national level to facilitate cooperative interstate purchasing transactions.

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~~ The Oklahoma Central Purchasing Act ~~which purchases paper and other products manufactured with recycled materials,~~ Section 85.1 et seq. of this title, 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, Section 85.50 et seq. of this title;

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 and other recyclable materials 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 intent of the Oklahoma State Legislature that all state public entities and the political subdivisions of the State of Oklahoma 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. 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 Senate the 27th day of February, 1992.

President of the Senate

Passed the House of Representatives the ____ day of _____, 1992.

Speaker of the House of Representatives