

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1248

By: Rice

AS INTRODUCED

An Act relating to state government; amending 74 O.S. 1991, Sections 85.51, 85.52 and 85.53, as amended by Sections 1, 2 and 3, Chapter 155, O.S.L. 1992 (74 O.S. Supp. 1992, Sections 85.51, 85.52 and 85.53), which relate to the Oklahoma State Recycling and Recycled Materials Procurement Act; modifying terms; requiring rules to include certain specifications for refrigerants; requiring certain statewide contracts; requiring utilization of certain reclamation services of Oklahoma Military Department; providing for certain purposes and recognitions; designating the Oklahoma Military Department as state agency responsible for recovery and reuse of refrigerants for certain purposes and certain entities; requiring certain contracts; providing for noncodification; providing for codification; providing an effective date; 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, as amended by Section 1, Chapter 155, O.S.L. 1992 (74 O.S. Supp. 1992, 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. "Department" means the Department of Central Services;
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, any bureau, agency, board, commission, or authority of the state, the office of the Governor, the judiciary, or any state university, school district, or county of the state which is 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 Director of Central Services;
6. "Division" means the Purchasing Division of the Department of Central Services;
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.
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 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; and

11. "Refrigerant" includes but is not limited to chemicals such as chlorofluorocarbon-12 and chlorofluorocarbon-11 used in air conditioning and refrigeration equipment.

SECTION 2. AMENDATORY 74 O.S. 1991, Section 85.52, as amended by Section 2, Chapter 155, O.S.L. 1992 (74 O.S. Supp. 1992, Section 85.52), is amended to read as follows:

Section 85.52 A. It is the intent of the Legislature that all 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 Department of Central Services shall coordinate recycling efforts among the state public entities. The Director of Central Services 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 identification, recovery, recycling, reclaiming, and reuse of refrigerants pursuant to the provisions of Sections 3 and 5 of this act;

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

~~3.~~ 4. A system for the collection of recoverable waste paper and recyclable materials from solid waste generated by state public entities;

~~4.~~ 5. Assuring that the recoverable waste paper and recyclable materials are made available to private industries for collection and recycling at the greatest economic value and to the greatest extent feasible. The Department may execute multiple contracts as necessary for purposes including but not limited to serving 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 recyclable materials shall give preference to private recyclable materials industries that operate in Oklahoma, and that will employ residents of the state to handle, transport and sort such materials;

~~5.~~ 6. The purchase of uncoated office paper and printed paper whenever practicable; and

~~6.~~ 7. 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 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 is not economically feasible to follow and comply with the procedures and systems established by the Director.

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 shall make public all exemptions together with the reasons for granting such exemptions.

SECTION 3. AMENDATORY 74 O.S. 1991, Section 85.53, as amended by Section 3, Chapter 155, O.S.L. 1992 (74 O.S. Supp. 1992, Section 85.53), is amended to read as follows:

Section 85.53 A. It is the intent of the Legislature that all state public entities procure products or materials with the recycled content levels required or specified by rules promulgated 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 nonrecycled products and materials. The Department of Central Services shall establish by rule the annual percentage over and above the price of nonrecycled 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 nonrecycled products and materials. The price paid for recycled products and materials shall

not exceed the percentage over the price for nonrecycled products and materials established by the Department; and

2. The quality and grade requirements are otherwise comparable.

D. The Purchasing 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, 1993, the Division shall promulgate rules 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 implement a program for extending agency procurement specifications to products manufactured with recycled materials.

F. In writing specifications under this section, the Department 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.

H. 1. By August 1, 1993, the Division shall have executed a statewide contract with the Oklahoma Military Department pursuant to the authority granted by Section 5 of this act for the recovery, recycling, reclamation, and reuse of refrigerants used in state-owned or leased items, materials and equipment. The contract shall provide a flat fee for such service per agency and a fixed rate per pound of reclaimed or recycled refrigerants.

2. For the recovery, recycling, reclamation, and reuse of refrigerants used in state-owned or leased items, materials, and equipment:

- a. each state public entity subject to the Central Purchasing Act shall use the statewide contract executed pursuant to this section and the program established by Section 5 of this act,
- b. each state public entity not subject to the Central Purchasing Act shall utilize the reclamation service of the Oklahoma Military Department.

SECTION 4. A. The Legislature of this state recognizes that:

1. The scientific community has concluded that refrigerants such as chlorofluorocarbon-12 and chlorofluorocarbon-11 may damage the stratospheric ozone layer;

2. Such damage can lead to increased harmful health effects such as skin cancers and cataracts;

3. Due to the harmful effects of ozone depletion, the President of the United States has called for a complete phaseout of the production of chlorofluorocarbons by the end of 1995;

4. The 1990 Clean Air Act Amendments contained requirements designed to protect the stratospheric ozone by initiating a national commission reduction program;

5. The program requires the recovery and reuse of refrigerant whenever possible and to reduce emissions from air conditioning and refrigeration equipment to the lowest achievable levels;

6. The program requires technicians to recover and recycle all refrigerants during the servicing and disposal of air conditioning and refrigeration equipment;

7. State and local units of government are subject to these requirements;

8. Violations of the act can subject a violator to fines up to Twenty-five Thousand Dollars (\$25,000.00) per violation; and

9. Currently there exists a prohibition on the deliberate venting of refrigerants during the service and disposal of equipment.

B. It is therefore the intent of the Legislature that a program in the Oklahoma Military Department for recovery, recycling, reclamation, and reuse of refrigerants be instituted to provide a cost-effective and standard service for state public entities.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 85.53a of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Military Department is hereby designated the state agency responsible for discharging Section 608 of Title VI of the 1990 Clean Air Act Amendments which relate to the recovery and reuse of refrigerants from air conditioning and other refrigeration equipment as it pertains to such refrigerant obtained from and used in state-owned or leased items, materials or equipment.

B. The Oklahoma Military Department shall contract with the Department of Central Services to provide such recovery and reuse of refrigerants for state public entities.

SECTION 6. Section 4 of this act shall not be codified in the Oklahoma Statutes

SECTION 7. This act shall become effective July 1, 1993.

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.

44-1-5527

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