

SECOND REGULAR SESSION

HOUSE BILL NO. 1395

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RANSBALL.

Pre-filed January 8, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

3632L.011

AN ACT

To repeal section 34.031, RSMo, and to enact in lieu thereof one new section relating to the purchasing of recycled toner cartridges.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 34.031, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 34.031, to read as follows:

34.031. 1. The commissioner of administration, in consultation with the environmental improvement and energy resources authority of the department of natural resources, shall give full consideration to the purchase of products made from materials recovered from solid waste and to the reduction and ultimate elimination of purchases of products manufactured in whole or in part of thermoformed or other extruded polystyrene foam manufactured using any fully halogenated chlorofluorocarbon (CFC). Products that utilize recovered materials of a price and quality comparable to products made from virgin materials shall be sought and purchased, with particular emphasis on recycled oil, retread tires, compost materials, **printer toner cartridges** and recycled paper products. The commissioner shall exercise a preference for such products if their use is technically feasible and, where a bid is required, their price is equal to, or less than, the price of items which are manufactured or produced from virgin materials. Products that would be inferior, violate safety standards or violate product warranties if the provisions of this section are followed may be excluded from the provisions of this section. **The commissioner shall be exempt from the provisions of section 217.575, RSMo, when purchasing printer toner cartridges pursuant to this subsection.**

2. The commissioner of administration shall:

(1) Review the procurement specifications in order to eliminate discrimination against the procurement of recycled products;

19 (2) Review and modify the contract specifications for paper products and increase the
20 minimum required percentage of recycled paper in each product as follows:

- 21 (a) Forty percent recovered materials for newsprint;
- 22 (b) Eighty percent recovered materials for paperboard;
- 23 (c) Fifty percent waste paper in high grade printing and writing paper;
- 24 (d) Five to forty percent in tissue products;

25 (3) Support federal incentives and policy guidelines designed to promote these goals;

26 (4) Develop and implement a cooperative procurement policy to facilitate bulk order
27 purchases and to increase availability of recycled products. The policy shall be distributed to all
28 state agencies and shall be made available to political subdivisions of the state;

29 (5) Conduct a survey using existing staff of those items customarily required by the state
30 that are manufactured in whole or part from polystyrene plastic, and report its findings, together
31 with an analysis of environmentally acceptable alternatives thereto, prepared in collaboration
32 with the department of natural resources, to the general assembly and every state agency within
33 six months of August 28, 1995.

34 3. Notwithstanding the provisions of this section, no state agency may purchase any food
35 or beverage containers or wrapping manufactured from any polystyrene foam manufactured
36 using any fully halogenated chlorofluorocarbon (CFC) found by the United States Environmental
37 Protection Agency (EPA) to be an ozone-depleting chemical.

38 4. No state agency may purchase any items made in whole or part of thermoformed or
39 other extruded polystyrene foam manufactured using any fully halogenated chlorofluorocarbon
40 (CFC) found by the United States Environmental Protection Agency (EPA) to be an
41 ozone-depleting chemical without approval from the commissioner of administration. Approval
42 shall not be granted unless the purchasing agency demonstrates to the satisfaction of the director
43 of the department of natural resources and the commissioner that there is no environmentally
44 more acceptable alternatives or the quality of such alternatives is not adequate for the purpose
45 intended.

46 5. For each paper product type and corresponding recycled paper content standard
47 pursuant to subdivision (2) of subsection 2 of this section, attainment goals for the percentage
48 of paper products to be purchased that utilize post-consumer recovered materials shall be:

- 49 (1) Ten percent in 1991 and 1992;
- 50 (2) Twenty-five percent in 1993 and 1994;
- 51 (3) Forty percent in 1995; and
- 52 (4) Sixty percent by 2000.

53 6. In the review of capital improvement projects for buildings and facilities of state
54 government, the commissioner of administration shall direct the division of design and

55 construction to give full consideration to alternatives which use solid waste, as defined in section
56 260.200, RSMo, as a fuel for energy production or which use products composed of materials
57 recovered from solid waste.

58 7. The commissioner of administration, in consultation with the environmental
59 improvement and energy resources authority of the department of natural resources, shall prepare
60 and provide by January first of each year an annual report summarizing past activities and
61 accomplishments of the program and proposed goals of the program including projections for
62 each affected agency. The report shall also include a list of products utilizing recovered
63 materials that could substitute for products currently purchased and a schedule of amounts
64 purchased of products utilizing recovered materials compared to purchases of similar products
65 utilizing virgin materials for the period covered by the annual report.

66 8. The office of administration, department of natural resources and department of
67 economic development shall cooperate jointly and share to the greatest extent possible,
68 information and other resources to promote:

69 (1) Producers or potential producers of secondary material goods to expand or develop
70 their product lines;

71 (2) Increased demand for secondary materials recovered in Missouri; and

72 (3) Increased demand by state government for products which contain secondary
73 materials recovered in Missouri.

74 9. The commissioner of administration may increase minimum recycled content
75 percentages for paper products, minimum recycled content percentages for other recycled
76 products and establish minimum post-consumer content as such products become available. The
77 preference provided in subsection 1 of this section shall apply to the minimum standards
78 established by the commissioner.