

HOUSE BILL NO. 465

**IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION**

BY REPRESENTATIVES ULMER, B.Davis

Introduced: 2/12/92

Referred: Resources, State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to recycling and the management of solid and hazardous waste by state
2 agencies."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1. LEGISLATIVE FINDINGS AND PURPOSES.** (a) The legislature finds that

5 (1) a global economy is emerging in which otherwise unrelated countries and other
6 governmental entities that are located in the same geographic region are forging cooperative
7 arrangements that benefit their individual and common well-being;

8 (2) these cooperative arrangements are increasing the economic competitiveness of the
9 participants, which increases the economic benefits and the overall quality of life for the citizens of the
10 individual participants;

11 (3) the states of Alaska, Idaho, Montana, Oregon, and Washington, and the Canadian
12 provinces of Alberta and British Columbia are in a strategic position to cooperate in adopting standards
13 for the procurement of recycled products, and this cooperation would increase the overall market effect
14 of the standards each state or province adopts.

1 (b) The purposes of this Act are to

2 (1) substantially increase the procurement of recycled products by state governmental
3 agencies and to provide a model to encourage a comparable commitment by individual citizens and
4 businesses of the state;

5 (2) direct government procurement policies and goals toward the procurement of those
6 recycled products for which markets can be developed or that substantially affect the state's waste
7 management problems; and

8 (3) establish recycled product procurement standards that can be used in procurement
9 programs by all state government agencies and that are consistent with those of other states and
10 provinces in the Pacific Northwest economic region of the United States and Canada.

11 * Sec. 2. AS 36.30 is amended by adding a new section to read:

12 Sec. 36.30.075. PROCUREMENT RECYCLING PLAN. (a) The department shall
13 establish a plan to increase the procurement by agencies of recycled products when they procure
14 plastic products, motor vehicle lubricants, tires, latex paints, paper products, and compost
15 products.

16 (b) The plan must include minimum procurement goals for procuring recycled products
17 when procuring plastic products, motor vehicle lubricants, and latex paints. The goals must be
18 expressed as a percentage of the annual total dollar amount expended by an agency to procure
19 the particular product.

20 (c) The plan must include as goals for the procurement of recycled products for paper
21 products and compost products the following percentages of the annual total dollar amount of
22 paper products and compost products procured by an agency:

23 (1) at least 25 percent by 1995;

24 (2) at least 40 percent by 1997; and

25 (3) at least 60 percent by 1999.

26 (d) The plan may not require the use of a recycled product for a motor vehicle lubricant
27 if the recycled product

28 (1) is not available within a reasonable period of time or in quantities necessary
29 to meet the needs of the procuring agency;

30 (2) does not meet the performance standards recommended by the manufacturer
31 of the equipment or vehicle for which it will be used or the warranty requirements for the motor

1 vehicle;

2 (3) is only available at a cost that is more than five percent greater than the cost
3 of a comparable lubricant that is not a recycled product.

4 (e) When feasible, the plan must include a requirement that an agency shall use retread
5 tires for the nonsteering wheels of agency vehicles, except for emergency vehicles, including fire
6 suppression and emergency assistance vehicles.

7 (f) The plan must include a requirement that state agencies use reasonable efforts to
8 eliminate the purchase of paper products that cannot be recycled.

9 (g) In this section,

10 (1) "plan" means the recycling plan established under (a) of this section;

11 (2) "recycled product," except for paper and tires, means a product in which at
12 least 50 percent of the total weight consists of secondary waste materials and post-consumer
13 waste materials and at least 10 percent of the total weight consists of post-consumer waste
14 materials; "recycled product" as applied to paper means a paper product in which at least 50
15 percent of the total weight consists of secondary waste materials or at least 25 percent of the total
16 weight consists of post-consumer waste; "recycled product" as applied to tires means retread tires;
17 "recycled product" includes a product that has completed its life cycle as a consumer item, but
18 otherwise is refurbished for reuse without substantial alteration of the product's form; in this
19 paragraph,

20 (A) "post-consumer waste materials" means finished materials that would
21 normally be disposed of as solid waste, having completed their life cycles as consumer
22 items;

23 (B) "secondary waste materials" means product fragments and finished
24 products that have completed their life cycle as a consumer item and that are normally
25 disposed of as solid waste; "secondary waste material" does not include

26 (i) excess virgin resources remaining after a manufacturing process;

27 (ii) materials recovered or generated during the manufacture of
28 paper, including fibers recovered from waste water, other fibrous waste, paper roll
29 trimmings, wood slab trimmings, chips, sawdust, and other wood residue;

30 (3) "retread tire" means a tire that uses an existing casing for the purpose of
31 vulcanizing new tread to the casing, that meets the testing program of the United States General

1 Services Administration, and that is listed on the Qualified Products List issued by the General
2 Services Administration.

3 * Sec. 3. AS 46.06 is amended by adding a new section to read:

4 Sec. 46.06.025. SOLID AND HAZARDOUS WASTE MANAGEMENT PLAN. (a) The
5 department shall develop a statewide plan to manage the solid and hazardous waste generated by
6 state agencies. The plan must be consistent with AS 46.06.021. The initial plan must cover at
7 least a 10-year period. When preparing the plan, the department shall consult with affected state
8 agencies, local governments, and other appropriate entities.

9 (b) The plan must include an identification of the characteristics of the waste stream of
10 recyclable materials generated in the state, including the nature, type, amount, use, and present
11 destination of the recyclable materials. In this subsection, "recyclable materials" means materials
12 that would otherwise be useless, unwanted, or discarded materials, except that the materials still
13 have useful physical or chemical properties after serving a specific purpose and can be reused
14 or recycled.

15 (c) The plan must include an evaluation of the nature, type, quality, and quantity of
16 secondary waste materials generated in the state that can be used for trade in the state, in the
17 northwestern states of the United States, and in the western provinces of Canada. In this
18 subsection, "secondary waste materials" means product fragments and finished products that have
19 completed their life cycle as a consumer item and that are normally disposed of as solid waste;
20 "secondary waste material" does not include

21 (1) excess virgin resources remaining after a manufacturing process;

22 (2) materials recovered or generated during the manufacture of paper, including
23 fibers recovered from waste water, other fibrous waste, paper roll trimmings, wood slab
24 trimmings, chips, sawdust, and other wood residue.

25 (d) The department shall update the plan every two years.

26 (e) The administrative director of the court system shall adopt a statewide solid and
27 hazardous waste management plan to be used by the court system. The plan must be consistent
28 with (a) - (d) of this section.

29 (f) The legislative council shall adopt a statewide solid and hazardous waste management
30 plan to be used by the legislative branch. The plan must be consistent with (a) - (d) of this
31 section.

1 (g) In this section,

2 (1) "plan" means a statewide solid and hazardous waste management plan;

3 (2) "state agency" means a department, institution, board, commission, division,
4 authority, public corporation, or other administrative unit of the executive branch of state
5 government, but does not include the University of Alaska, the Alaska State Housing Authority,
6 the Alaska Railroad Corporation, the Alaska Housing Finance Corporation, or the Alaska
7 Aerospace Development Corporation.

8 * Sec. 4. MARKET DEVELOPMENT REPORT. (a) On or before January 1, 1993, the
9 commissioner of commerce and economic development shall submit a report to the legislature addressing
10 what the state can do to encourage the development of in-state and out-of-state markets for recycled
11 products.

12 (b) The report must include an analysis of the role procurement preferences can play in
13 encouraging recycling and expanding in-state and out-of-state markets for recycled products.

14 (c) The commissioner of commerce and economic development shall consult with the
15 Department of Administration and the Department of Environmental Conservation when preparing the
16 report.

17 * Sec. 5. The Department of Administration shall adopt the initial minimum purchasing goals required
18 by AS 36.30.075(b), enacted by sec. 2 of this Act, on or before January 1, 1993.