



March 26, 1999

**ENGROSSED
SENATE BILL No. 429**

DIGEST OF SB0429 (Updated March 24, 1999 3:24 pm - DI 69)

Citations Affected: IC 5-22.

Synopsis: Recycled materials purchasing preference. Provides that the recycled materials price preference for purchase of supplies by a governmental body must be set in rules adopted by the governmental body, in policies established by the purchasing agency, or in the solicitation. Requires the preference to be set to maximize the use of recycled materials when economically practical. Provides that the price preference may not exceed 15%. Removes statutory preferences that specify particular preference percentages and amounts of recycled materials.

Effective: July 1, 1999.

Gard, Simpson

(HOUSE SPONSORS — KRUZAN, BOSMA)

January 13, 1999, read first time and referred to Committee on Environmental Affairs.
February 2, 1999, amended, reported favorably — Do Pass.
February 8, 1999, read second time, ordered engrossed. Engrossed.
February 9, 1999, read third time, passed. Yeas 29, nays 21.

HOUSE ACTION

March 3, 1999, read first time and referred to Committee on Environmental Affairs.
March 25, 1999, reported — Do Pass.

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ES 429—LS 6995/DI 75+



March 26, 1999

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

ENGROSSED SENATE BILL No. 429

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 5-22-15-7 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. (a) An offeror may
3 claim one (1) of the following types of preference for which the offeror
4 is eligible:
- 5 (1) An Indiana business preference under rules adopted under
6 section 20 of this chapter or IC 4-13.6-6-2.5.
 - 7 (2) A preference for supplies as provided by sections 16, ~~17~~, 18,
8 and 19 of this chapter.
 - 9 (b) An offeror may not claim more than one (1) preference as
10 provided by sections 16, ~~17~~, 18, and 19 of this chapter for a given
11 supply item.
 - 12 (c) This section does not:
 - 13 (1) apply to; or
 - 14 (2) limit;
 - 15 action of the Indiana department of administration under rules adopted
16 under section 21 of this chapter.

ES 429—LS 6995/DI 75+



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1 SECTION 2. IC 5-22-15-16 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 16. (a) This section
 3 does not apply when the purchase description is limited to a supply that
 4 meets ~~one (1) or more of the descriptions~~ **description** set forth in
 5 subsection (b).

6 (b) There is a price preference of ~~ten percent (10%)~~ for supplies that
 7 meet at least one (1) of the following descriptions:

8 (1) At least fifty percent (50%) of the volume of the original
 9 components of the supplies consisted of recycled materials.

10 (2) The cost of purchasing recycled materials constituted at least
 11 fifty percent (50%) of the cost of producing the supplies.

12 (3) A percentage by weight or volume of recycled materials that
 13 the commissioner of the department of environmental
 14 management determines by rule is eligible for purchase
 15 preference under this chapter:

16 **contain recycled materials or post-consumer materials.**

17 (c) **The amount of the price preference and the recycled**
 18 **materials' composition of the supplies must be set by one (1) of the**
 19 **following:**

20 (1) **Rules adopted by the governmental body.**

21 (2) **Policies established by the purchasing agency.**

22 (3) **The solicitation.**

23 **The preference shall be set to maximize the use of recycled**
 24 **materials when economically practical.**

25 (d) **A price preference set under subsection (c) may not exceed**
 26 **fifteen percent (15%).**

27 SECTION 3. IC 5-22-15-17 IS REPEALED [EFFECTIVE JULY 1,
 28 1999].

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COMMITTEE REPORT

Mr. President: The Senate Committee on Environmental Affairs, to which was referred Senate Bill No. 429, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 16, delete "that have been used by an ultimate" and insert "**or post consumer**".

Page 2, line 17, delete "consumer of the".

and when so amended that said bill do pass.

(Reference is to SB 429 as introduced.)

GARD, Chairperson

Committee Vote: Yeas 6, Nays 0.

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SENATE MOTION

Mr. President: I move that Senator Simpson be added as coauthor of Senate Bill 429.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Senate Bill 429, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

STURTZ, Chair

Committee Vote: yeas 12, nays 0.

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