

SENATE BILL No. 240

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-13-1.4; IC 5-22; IC 20-19-2.

Synopsis: Purchases of recycled components. Specifies that, for public purchasing purposes, recycled materials include recycled components. Requires governmental bodies and state educational institutions to purchase recycled components for use in certain construction projects. Requires the state board of education to adopt rules mandating the use of recycled components in certain school construction projects.

Effective: July 1, 2008.

Waterman

January 8, 2008, read first time and referred to Committee on Commerce, Public Policy & Interstate Cooperation.

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Second Regular Session 115th General Assembly (2008)

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 2007 Regular Session of the General Assembly.

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SENATE BILL No. 240



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 4-13-1.4-1.7 IS ADDED TO THE INDIANA
- 2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 2008]: **Sec. 1.7. As used in this chapter,**
- 4 **"recycled component" has the meaning set forth in IC 6-3.1-25.2-3.**
- 5 SECTION 2. IC 4-13-1.4-5 IS AMENDED TO READ AS
- 6 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. The department and
- 7 all state agencies shall implement the specifications prepared under
- 8 section 4 of this chapter in the purchase of the following:
- 9 (1) Paper and paper products.
- 10 (2) Plastic and plastic products.
- 11 (3) Glass and glass products.
- 12 (4) Motor oil and other lubricants.
- 13 (5) Compost.
- 14 (6) Construction materials, **including recycled components.**
- 15 (7) Tires and products derived from waste tires.
- 16 SECTION 3. IC 4-13-1.4-6 IS AMENDED TO READ AS
- 17 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. (a) This section does



1 not require the reporting of purchases made by special disbursing
2 officers.

3 (b) Except as provided in subsection (d), each state agency that has
4 entered into at least one (1) contract for the purchase of supplies shall
5 prepare and submit to the department a written report concerning the
6 contracts. The report must present information on contracts entered
7 into during the twelve (12) months immediately preceding the date of
8 the report.

9 (c) A report required by this section must set forth the following
10 information:

11 (1) The number of contracts entered into by the state agency
12 during the period.

13 (2) The total dollar amount to be paid by the state under the
14 contracts.

15 (3) A list of the types of products made from recycled materials
16 that were purchased by the state agency during the period,
17 including the following:

18 (A) Paper and paper products.

19 (B) Plastic products.

20 (C) Glass and glass products.

21 (D) Compost and other materials created through the recovery
22 of landscape waste.

23 (E) Used oil, solvents, and paint.

24 (F) **Recycled components and other** coal combustion wastes.

25 (G) Waste tires and products derived from waste tires.

26 (4) For each of the types of products made from recycled
27 materials that are listed in subdivision (3), the following
28 information must be included:

29 (A) The total number of contracts entered into by the state
30 agency.

31 (B) The total dollar amount to be paid by the state under the
32 contracts.

33 (C) A figure indicating in the aggregate, for each type of
34 product, the percentage of the content of the products
35 purchased that consisted of recycled materials.

36 (5) For each type of product made from recycled materials that
37 are listed in subdivision (3), the following information must be
38 included:

39 (A) The total number of contracts to which a price preference
40 under IC 5-22-15-16 applied.

41 (B) The amount to be paid by the state under contracts to
42 which a price preference under IC 5-22-15-16 applied.

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- 1 (6) For each type of product made from recycled materials that
- 2 are listed in subdivision (3), the following information must be
- 3 included:
- 4 (A) The total number of contracts to which a price preference
- 5 under IC 5-22-15-16 did not apply.
- 6 (B) The amount to be paid by the state under contracts to
- 7 which a price preference under IC 5-22-15-16 did not apply.
- 8 (d) A state agency that makes all purchases during a year through
- 9 the department is not required to file a report under this section. The
- 10 department shall keep a record of all purchases described in this
- 11 subsection that are made for a state agency by the department.
- 12 (e) The department shall establish guidelines and a format for the
- 13 reports required by this section.
- 14 SECTION 4. IC 5-22-1-2, AS AMENDED BY P.L.217-2007,
- 15 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 16 JULY 1, 2008]: Sec. 2. Except as provided in this article, this article
- 17 does not apply to the following:
- 18 (1) The commission for higher education.
- 19 (2) A state educational institution. However, IC 5-22-5-9,
- 20 **IC 5-22-5-10**, and IC 5-22-15 apply to a state educational
- 21 institution.
- 22 (3) Military officers and military and armory boards of the state.
- 23 (4) An entity established by the general assembly as a body
- 24 corporate and politic. However, IC 5-22-15 applies to a body
- 25 corporate and politic.
- 26 (5) A local hospital authority under IC 5-1-4.
- 27 (6) A municipally owned utility under IC 8-1-11.1 or IC 8-1.5.
- 28 (7) Hospitals established and operated under IC 16-22-1 through
- 29 IC 16-22-5, IC 16-22-8, IC 16-23-1, or IC 16-24-1.
- 30 (8) A library board under IC 36-12-3-16(b).
- 31 (9) A local housing authority under IC 36-7-18.
- 32 (10) Tax exempt Indiana nonprofit corporations leasing and
- 33 operating a city market owned by a political subdivision.
- 34 (11) A person paying for a purchase or lease with funds other than
- 35 public funds.
- 36 (12) A person that has entered into an agreement with a
- 37 governmental body under IC 5-23.
- 38 (13) A municipality for the operation of municipal facilities used
- 39 for the collection, treatment, purification, and disposal in a
- 40 sanitary manner of liquid and solid waste, sewage, night soil, and
- 41 industrial waste.
- 42 (14) The department of financial institutions established by

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1 IC 28-11-1-1.
2 SECTION 5. IC 5-22-5-10 IS ADDED TO THE INDIANA CODE
3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
4 1, 2008]: **Sec. 10. (a) This section applies to the purchase of supplies
5 by the following:**

- 6 (1) **A governmental body.**
- 7 (2) **A state educational institution.**

8 (b) **As used in this section, "recycled component" has the
9 meaning set forth in IC 6-3.1-25.2-3.**

10 (c) **A governmental body or state educational institution shall,
11 whenever possible, purchase recycled components for use in the:**

- 12 (1) **construction of new; or**
- 13 (2) **repair, rehabilitation, remodeling, renovation,
14 reconstruction, or alteration of existing;**

15 **facilities or buildings of the governmental body or state
16 educational institution. The applicable purchasing agency shall
17 consider environmental liability concerns in purchasing recycled
18 components under this section.**

19 SECTION 6. IC 20-19-2-8, AS ADDED BY P.L.65-2005,
20 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2008]: **Sec. 8. (a) In addition to any other powers and duties
22 prescribed by law, the state board shall adopt rules under IC 4-22-2
23 concerning, but not limited to, the following matters:**

24 (1) **The designation and employment of the employees and
25 consultants necessary for the department. The state board shall fix
26 the compensation of employees of the department, subject to the
27 approval of the budget committee and the governor under
28 IC 4-12-2.**

29 (2) **The establishment and maintenance of standards and
30 guidelines, other than ~~building~~ space and site requirements, for
31 media centers, libraries, instructional materials centers, or any
32 other area or system of areas in a school where a full range of
33 information sources, associated equipment, and services from
34 professional media staff are accessible to the school community.
35 With regard to library automation systems, the state board may
36 only adopt rules that meet the standards established by the state
37 library board for library automation systems under
38 IC 4-23-7.1-11(b).**

39 (3) **The establishment and maintenance of standards for student
40 personnel and guidance services.**

41 (4) **The establishment and maintenance of minimum standards for
42 driver education programs (including classroom instruction and**

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1 practice driving) and equipment. Classroom instruction standards
 2 established under this subdivision must include instruction about:
 3 (A) railroad-highway grade crossing safety; and
 4 (B) the procedure for participation in the human organ donor
 5 program.
 6 (5) The inspection of all public schools in Indiana to determine
 7 the condition of the schools. The state board shall establish
 8 standards governing the accreditation of public schools.
 9 Observance of:
 10 (A) IC 20-31-4;
 11 (B) IC 20-28-5-2;
 12 (C) IC 20-28-6-3 through IC 20-28-6-7;
 13 (D) IC 20-28-9-7 and IC 20-28-9-8;
 14 (E) IC 20-28-11; and
 15 (F) IC 20-31-3, IC 20-32-4, IC 20-32-5, IC 20-32-6, and
 16 IC 20-32-8;
 17 is a prerequisite to the accreditation of a school. Local public
 18 school officials shall make the reports required of them and
 19 otherwise cooperate with the state board regarding required
 20 inspections. Nonpublic schools may also request the inspection
 21 for classification purposes. Compliance with the building and site
 22 guidelines adopted by the state board is not a prerequisite of
 23 accreditation.
 24 (6) Subject to section 9 of this chapter, the adoption and approval
 25 of textbooks under IC 20-20-5.
 26 (7) The distribution of funds and revenues appropriated for the
 27 support of schools in the state.
 28 (8) The state board may not establish an accreditation system for
 29 nonpublic schools that is less stringent than the accreditation
 30 system for public schools.
 31 (9) A separate system for recognizing nonpublic schools under
 32 IC 20-19-2-10. Recognition of nonpublic schools under this
 33 subdivision constitutes the system of regulatory standards that
 34 apply to nonpublic schools that seek to qualify for the system of
 35 recognition.
 36 (10) The establishment and enforcement of standards and
 37 guidelines concerning the safety of students participating in
 38 cheerleading activities.
 39 **(11) The mandatory use of recycled components (as defined in**
 40 **IC 6-3.1-25.2-3) in the construction of new school facilities**
 41 **and the alteration or repair of existing school facilities. The**
 42 **state board shall consider environmental liability concerns in**

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adopting a rule under this subsection.

(b) Before final adoption of any rule, the state board shall make a finding on the estimated fiscal impact that the rule will have on school corporations.

SECTION 7. IC 20-19-2-12, AS AMENDED BY P.L.1-2006, SECTION 313, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 12. (a) **Except as provided in section 8(a)(11) of this chapter**, the state board shall adopt nonbinding guidelines for the selection of school sites and the construction, alteration, and repair of school buildings. The nonbinding guidelines:

- (1) must include preferred location and building practices for school corporations, including standards for enhancing health, energy efficiency, cost efficiency, and instructional efficacy; and
- (2) may include guidelines concerning minimum acreage, cost per square foot, and per student square footage.

(b) The state board shall annually compile, in a document capable of easy revision, the:

- (1) guidelines described in subsection (a); and
- (2) rules of the:
 - (A) fire prevention and building safety commission; and
 - (B) state department of health;

that govern site selection and the construction, alteration, and repair of school buildings.

(c) Before submitting completed written plans and specifications for the selection of a school building site or the construction or alteration of a school building to the division of fire and building safety for issuance of a design release under IC 22-15-3, a school corporation shall:

- (1) issue a public document that describes any material differences between the plans and specifications prepared by the school corporation and the guidelines adopted under subsection (a), as determined under the guidelines adopted by the state board; and
- (2) after publishing a notice of the public hearing under IC 5-3-1, conduct a public hearing to receive public comment concerning the school corporation's plans and specifications.

After the public hearing and without conducting another public hearing under this subsection, the governing body may revise the plans and specifications or submit the plans and specifications to the division of fire and building safety without making changes. The school corporation shall revise the public document described in subdivision

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1 (1) to identify any changes in the plans and specifications after the
2 public document's initial preparation.

3 SECTION 8. [EFFECTIVE JULY 1, 2008] (a) **IC 5-22-5-10, as**
4 **added by this act, applies to purchases made after June 30, 2008.**

5 (b) **IC 20-19-2-8, as amended by this act, applies to plans or**
6 **specifications for construction or other projects finalized after**
7 **June 30, 2008.**

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