

**RESOURCE RECOVERY BY GOVERNMENTAL ENTITIES**

2009 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Tim M. Cosgrove**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill requires certain state and local governmental entities to recycle certain materials.

**Highlighted Provisions:**

This bill:

- ▶ defines terms; and
- ▶ requires a first or second class county and a state or municipal agency located in a first or second class county to recycle certain materials.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**10-7-88**, Utah Code Annotated 1953

**17-15-24.5**, Utah Code Annotated 1953

**63G-6-427**, Utah Code Annotated 1953

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*Be it enacted by the Legislature of the state of Utah:*



28 Section 1. Section **10-7-88** is enacted to read:

29 **10-7-88. Participation in recycling.**

30 (1) As used in this section:

31 (a) (i) "Municipal facility" means a building, structure, or other improvement that is  
32 constructed on property:

33 (A) owned by the municipality; and

34 (B) located in a first or second class county.

35 (ii) "Municipal facility" does not mean a privately owned structure that is located on  
36 property owned by the municipality.

37 (b) (i) "Recyclable material" means an item that may be reused from the following  
38 types of material:

39 (A) newspaper;

40 (B) paper;

41 (C) cardboard;

42 (D) plastic;

43 (E) steel; or

44 (F) aluminum.

45 (ii) "Recyclable material" does not include material:

46 (A) containing confidential information that requires shredding; or

47 (B) that will be burned to generate electricity.

48 (2) A municipality shall:

49 (a) divert recyclable material from the solid waste stream generated at a municipal  
50 facility; and

51 (b) contract for the collection of recyclable material in accordance with:

52 (i) Title 63G, Chapter 6, Utah Procurement Code; or

53 (ii) a municipal procurement ordinance.

54 (3) (a) A municipality is responsible for the cost of the contract required by Subsection  
55 (2)(b).

56 (b) A municipality shall retain any profits or savings received as a result of the contract  
57 required by Subsection (2)(b).

58 Section 2. Section **17-15-24.5** is enacted to read:

59 **17-15-24.5. Participation in recycling.**

60 (1) As used in this section:

61 (a) (i) "County facility" means a building, structure, or other improvement that is  
62 constructed on property owned by a first or second class county.

63 (ii) "County facility" does not mean:

64 (A) an unoccupied structure that is a component of the state highway system; or

65 (B) a privately owned structure that is located on property owned by the county.

66 (b) (i) "Recyclable material" means an item that may be reused from the following  
67 types of material:

68 (A) newspaper;

69 (B) paper;

70 (C) cardboard;

71 (D) plastic;

72 (E) steel; or

73 (F) aluminum.

74 (ii) "Recyclable material" does not include material:

75 (A) containing confidential information that requires shredding; or

76 (B) that will be burned to generate electricity.

77 (2) A county shall:

78 (a) divert recyclable material from the solid waste stream generated at a county facility;

79 and

80 (b) contract for the collection of recyclable material in accordance with:

81 (i) Title 63G, Chapter 6, Utah Procurement Code; or

82 (ii) a county procurement ordinance.

83 (3) (a) A county is responsible for the cost of the contract required by Subsection  
84 (2)(b).

85 (b) A county shall retain any profits or savings received as a result of the contract  
86 required by Subsection (2)(b).

87 Section 3. Section **63G-6-427** is enacted to read:

88 **63G-6-427. Participation in recycling.**

89 (1) As used in this section:

90 (a) (i) "Recyclable material" means an item that may be reused from the following  
91 types of material:

92 (A) newspaper;

93 (B) paper;

94 (C) cardboard;

95 (D) plastic;

96 (E) steel; or

97 (F) aluminum.

98 (ii) "Recyclable material" does not include material:

99 (A) containing confidential information that requires shredding; or

100 (B) that will be burned to generate electricity.

101 (b) "State agency" means an executive, legislative, or judicial branch department,  
102 agency board, commission, or division, including a state institution of higher education as  
103 defined in Section 53B-3-102.

104 (c) (i) "State facility" means a building, structure, or other improvement that is  
105 constructed on property:

106 (A) owned by the state or a state agency; and

107 (B) located in a first or second class county.

108 (ii) "State facility" does not mean:

109 (A) an unoccupied structure that is a component of the state highway system;

110 (B) a privately owned structure that is located on property owned by the state or a state  
111 agency; or

112 (C) a structure that is located on land administered by the School and Institutional  
113 Trust Lands Administration under a lease, permit, or contract with the School and Institutional  
114 Trust Lands Administration.

115 (2) A state agency shall:

116 (a) divert recyclable material from the solid waste stream generated at a state facility;  
117 and

118 (b) contract for the collection of recyclable material in accordance with Title 63G,  
119 Chapter 6, Utah Procurement Code.

120 (3) (a) A state agency is responsible for the cost of the contract required by Subsection

121 (2)(b).

122 (b) A state agency shall retain any profits or savings received as a result of the contract

123 required by Subsection (2)(b).

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**Legislative Review Note**

**as of 1-19-09 11:30 AM**

**Office of Legislative Research and General Counsel**

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**H.B. 147 - Resource Recovery by Governmental Entities**

**Fiscal Note**

2009 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals or businesses. There could be some increased costs for counties that do not currently have recycling programs.

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