

STAND. COM. REP. NO. 103

Honolulu, Hawaii

Feb 9, 2009

RE: H.B. No. 1809

H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committees on Energy & Environmental Protection and Economic Revitalization, Business, & Military Affairs, to which was referred H.B. No. 1809 entitled:

"A BILL FOR AN ACT RELATING TO RECYCLING,"

beg leave to report as follows:

The purpose of this measure is to encourage recycling of televisions in the State.

Specifically, this measure:

- (1) Requires television manufacturers to recycle covered televisions sold in the State, based upon a calculation that takes into account each manufacturer's market share of covered televisions and the total weight of all recycled covered televisions;
- (2) Requires television manufacturers to label covered televisions sold or offered for sale in the State with the manufacturer's name and brand, register with the Department of Health, pay registration fees, and file ongoing registration renewals;
- (3) Prohibits retailers from selling or offering for sale covered televisions in the State that are a brand of a manufacturer that is not registered with the Department of Health; and



- (4) Imposes penalties on television manufacturers and retailers for non-compliance with recycling and reporting requirements.

Your Committees received testimony in support of this measure from the Retail Merchants of Hawaii. Comments on this measure were submitted by the State Procurement Office, Office of Information Practices, Thomson, Inc., General Electric, and members of the Information Technology Industry Council's Environmental Leadership Council.

Your Committees find that a mandatory recycling program for televisions would have a significant impact on reducing the amount of solid waste in Hawaii's waste stream and landfills. Your Committees further find that more discussion should be devoted to clarifying the market share method of allocating recycling responsibility to television manufacturers.

Upon further consideration, your Committees have amended this measure by:

- (1) Amending the definition of "covered television" and deleting the definition of "television";
- (2) Amending section -2 to clarify the applicability of the measure and adding "covered entity" to the definitions;
- (3) Clarifying that a manufacturer's brand is to be permanently affixed to a covered television;
- (4) Requiring each television manufacturer to submit a plan to the department of health for operating its television recycling program;
- (5) Requiring penalties and fees collected to be deposited into the electronic device recycling fund;
- (6) Clarifying that financial and proprietary information submitted to the Department of Health is confidential to the extent permitted by chapter 92F;
- (7) Clarifying provisions relating to public procurement; and



- (8) Making other technical, clarifying, and conforming amendments.

Upon further consideration, your Committees find that the requirements of this bill may inadvertently create a situation where a retailer or manufacturer is subject to both the registration fees for covered electronic devices, pursuant to chapter 339D, Hawaii Revised Statutes, and covered televisions. Your Committees find that this application of the bill may be duplicative, and it is their intent to continue to work with the affected parties in future drafts to resolve this issue.

As affirmed by the records of votes of the members of your Committees on Energy & Environmental Protection and Economic Revitalization, Business, & Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1809, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1809, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committees on Energy &
Environmental Protection and
Economic Revitalization,
Business, & Military Affairs,


ANGUS L.K. MCKELVEY, Chair


HERMINA MORITA, Chair



State of Hawaii
House of Representatives
The Twenty-fifth Legislature

Record of Votes of the Committee on Energy & Environmental Protection

Bill/Resolution No.: HB 1809	Committee Referral: EEP/EBM, JWD, FIN	Date: 2/6/09 2/5/09 <i>de</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
EEP Members	Ayes	Ayes (WR)	Nays	Excused
1. MORITA, Hermina M. (C)	✓			
2. COFFMAN, Denny (VC)	✓			
3. CABANILLA, Rida				✓
4. CHANG, Jerry L.	✓			
5. CHONG, Pono	✓			
6. HAR, Sharon E.	✓			
7. HERKES, Robert N.	✓			
8. ITO, Ken	✓			
9. LEE, Chris	✓			
10. LUKE, Sylvia	.			✓
11. SAGUM, Roland D., III	✓			
12. CHING, Corinne W.L.				✓
13. THIELEN, Cynthia	✓			
TOTAL (13)	10	0	0	3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: <u><i>Denny Coffman</i></u>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				

HSCR 103

State of Hawaii
House of Representatives
The Twenty-fifth Legislature

Record of Votes of the Committee on Economic Revitalization, Business, & Military
Affairs

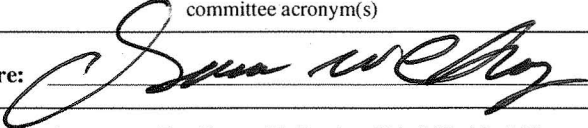
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 Pass short form bill with HD to recommit for future public hearing (recommit)

EBM Members	Ayes	Ayes (WR)	Nays	Excused
1. McKELVEY, Angus L.K. (C)	✓			
2. CHOY, Isaac W. (VC)	✓			
3. BERG, Lyla B.				✓
4. EVANS, Cindy				✓
5. MANAHAN, Joey	✓			
6. TAKAI, K. Mark				✓
7. TOKIOKA, James Kunane	✓			
8. TSUJI, Clift				✓
9. WAKAI, Glenn				✓
10. WOOLEY, Jessica	✓			
11. WARD, Gene	✓			
TOTAL (11)	6			5

The recommendation is: Adopted Not Adopted
 If joint referral, _____ did not support recommendation.
 _____ committee acronym(s)

Vice Chair's or designee's signature: 

Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO