

STAND. COM. REP. NO.

1206

Honolulu, Hawaii

APR 09 2009

RE: H.B. No. 1809  
H.D. 2  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Madam:

Your Committees on Energy and Environment and Commerce and Consumer Protection and Judiciary and Government Operations, to which was referred H.B. No. 1809, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO RECYCLING,"

beg leave to report as follows:

The purpose of this measure is to establish a television recycling program.

Testimony in support of the measure was submitted by one private organization and two individuals. Testimony in support, with suggested amendments, was submitted by one private organization. Testimony supporting the intent of the measure, with suggested amendments, was submitted by one private organization. Testimony in opposition to the measure was submitted by one state department. Comments were submitted by one private organization. Written testimony presented to your Committees may be reviewed on the Legislature's website.

Your Committees find that in 2008, the Legislature passed Act 13, Special Session Laws of Hawaii 2008 (Act 13), which created the Electronic Waste Recycling Program (chapter 339D, Hawaii Revised Statutes (chapter 339D)). Act 13 also established a working group within the Department of Health. The working group was tasked with developing a plan to establish a program for the



collection, transportation, and recycling of televisions sold in the State. This measure is the product of this working group.

Your Committees find that the Legislature's commitment to recycling televisions has not wavered from 2008. This measure accomplishes needed recycling goals with a workable solution for the television manufacturing industry and the State.

Your Committees note that this measure is based upon chapter 339D and contains many similar or identical provisions. Additionally, this measure and chapter 339D cover similar recycling objects and both deposit funds into the electronic device recycling fund. As such, your Committees find that it is reasonable to amend this measure to make it a new part under chapter 339D.

Accordingly, your Committees have amended this measure by:

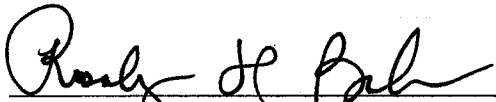
- (1) Amending the title of chapter 339D from the "Electronic Waste Recycling Act" to the "Electronic Waste and Television Recycling and Recovery Act";
- (2) Integrating the provisions of the measure into chapter 339D, including placing duplicative sections under separate parts common to both electronic devices and televisions;
- (3) Directing the Department of Health to deposit not only funds collected for penalties into the electronic device recycling fund, but also other television manufacturer registration fees, and allowing the Department of Health to use moneys in the fund for implementation and enforcement of the television recycling provisions;
- (4) Extending the enforcement provisions under this measure to electronic device manufacturers, retailers, and other persons, and leaving the applicable penalty amounts for violations unspecified;
- (5) Adding a section stipulating that implementation of this measure by January 1, 2011, shall satisfy the requirement for a separate plan for the collection, transportation, and recycling of televisions called for in Act 13;

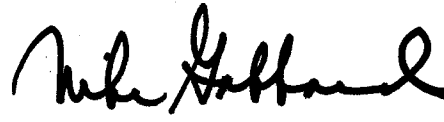


- (6) Changing the effective date of the measure from July 1, 2020, to July 1, 2009; and
- (7) Making technical, nonsubstantive amendments for style and consistency.

As affirmed by the records of votes of the members of your Committees on Energy and Environment and Commerce and Consumer Protection and Judiciary and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1809, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1809, H.D. 2, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on behalf of the members of the Committees on Energy and Environment and Commerce and Consumer Protection and Judiciary and Government Operations,

  
ROSALYN H. BAKER, Chair

  
MIKE GABBARD, Chair

  
BRIAN T. TANIGUCHI, Chair



The Senate  
Twenty-Fifth Legislature  
State of Hawaii

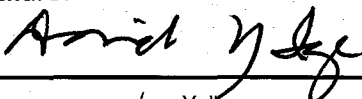
**Record of Votes**  
**Committee on Energy and Environment**  
**ENE**

Bill / Resolution No.:*	Committee Referral:	Date:		
<i>HB 1809, HD2</i>	<i>ENE/CPN/JGO</i>	<i>2 April 2009</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
GABBARD, Mike (C)	/			
ENGLISH, J. Kalani (VC)	/			
GREEN, M.D., Josh				/
HOOSER, Gary L.	/			
IHARA, Jr., Les	/			
KOKUBUN, Russell S.				/
HEMMINGS, Fred				/
<b>TOTAL</b>	<b>4</b>			<b>3<sup>4</sup></b>
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<i>J. Kalani English</i>				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

\*Only one measure per Record of Votes

The Senate  
Twenty-Fifth Legislature  
State of Hawaii

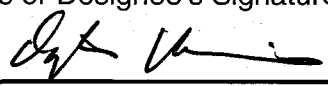
**Record of Votes**  
**Committee on Commerce and Consumer Protection**  
**CPN**

Bill / Resolution No.:* <b>HB 1809 HD2</b>	Committee Referral: <b>ENE/CPN/JAO</b>	Date: <b>4/3/2009</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
IGE, David Y. (VC)	✓			
ESPERO, Will	✓			
GREEN, M.D., Josh				✓
IHARA, Jr., Les	✓			
SAKAMOTO, Norman	✓			
HEMMINGS, Fred				✓
<b>TOTAL</b>	<b>5</b>			<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align: center;"></div>				
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**Record of Votes**  
**Committee on Judiciary and Government Operations**  
**JGO**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB1809, HD 2	ENE/CPN/JGO	4/2/2009		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
TAKAMINE, Dwight Y. (VC)	✓			
BUNDA, Robert				✓
GABBARD, Mike	✓			
NISHIHARA, Clarence K.	✓			
SLOM, Sam				✓
<b>TOTAL</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution:                     Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

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