

STAND. COM. REP. NO.

1205

Honolulu, Hawaii

APR 09 2009

RE: H.B. No. 1272
H.D. 1
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 Economic Development and Technology, to which was referred H.B. No. 1272, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ELECTRONIC WASTE RECYCLING,"

beg leave to report as follows:

The purpose of this measure is to expand the exclusion to the term "manufacturer" under the Electronic Waste Recycling Act, chapter 339D, Hawaii Revised Statutes (chapter 339D), for certain computer manufacturers by deleting the requirement that the person manufacture specialized computers and be located in the State.

Comments to this measure were submitted by one individual. Testimony in opposition to the measure was submitted by one state department. Written testimony presented to your Committees may be reviewed on the Legislature's website.

Your Committees find that the intent of this measure is to make clarifying amendments to chapter 339D. However, even with the amendments to chapter 339D proposed in the measure as received, chapter 339D still contains deficiencies and makes enforcement challenging. For example, the measure as received will require the Department of Health to determine whether a manufacturer actually sells fewer than one hundred computers annually in the State. Your Committees find that further



amendments are necessary to clarify chapter 339D's exemptions and applicability.

Additionally, your Committees note that certain other deficiencies in chapter 339D exist. For example, it is unclear whether consumers may be charged a fee for recycling. Your Committees find that a fee may discourage consumers from participating in recycling, leading them to dispose of covered electronic devices in our landfills. Another example is the lack of a deadline by which a manufacturer's recycling program must be implemented.

Accordingly, your Committees have amended this measure by:


- (1) Amending the definition of "manufacturer" under chapter 339D to delete the annual sales provision, so as to exempt manufacturers who manufacture no more than one hundred computers per year;
- (2) Prohibiting manufacturers from charging consumers a fee at the point of recycling to recycle electronic devices, unless the manufacturer or manufacturer's agent picks up the covered electronic device from the consumer's premises at the consumer's request and if the pick-up is not in conjunction with the delivery of a new electronic device to the consumer;
- (3) Requiring recycling programs to be fully implemented and operational by January 1, 2010;
- (4) Requiring manufacturers to be responsible for ensuring that they and their agents be responsible for following regulations when collecting, transporting, and recycling electronic devices and for adopting environmentally sound recycling programs; and
- (5) Changing the effective date from July 1, 2112 to July 1, 2009.

As affirmed by the records of votes of the members of your Committees on Energy and Environment and Economic Development and Technology that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1272, H.D. 1, as amended herein, and recommend that it pass Second Reading in the



form attached hereto as H.B. No. 1272, H.D. 1, 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 Economic Development and Technology,



CAROL FUKUNAGA, Chair



MIKE GABBARD, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

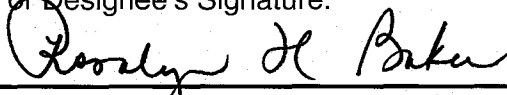
Record of Votes
Committee on Energy and Environment
ENE

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|---|---|---------------------------------------|----------------------------------|----------|
| Bill / Resolution No.:* | Committee Referral: | Date: | | |
| <i>HB 1272, HD1</i> | <i>ENE/EDT</i> | <i>4-7-09</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 | ✓ | | | |
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| TOTAL | <i>5</i> | <i>0</i> | <i>0</i> | <i>2</i> |
| Recommendation: | | | | |
| <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted | | | | |
| Chair's or Designee's Signature: | | | | |
| <i>Josh Green MD</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 Economic Development and Technology
EDT

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|---|---|---------------------------------------|---------------------|---------|
| Bill / Resolution No.:* | Committee Referral: | Date: | | |
| HB1272, HD1 | ENE/EDT | 4-6-09 | | |
| <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 |
| FUKUNAGA, Carol (C) | ✓ | | | |
| BAKER, Rosalyn H. (VC) | ✓ | | | |
| HEE, Clayton | | | | ✓ |
| IGE, David Y. | | | | ✓ |
| SLOM, Sam | ✓ | | | |
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| TOTAL | 3 | - | - | 2 |
| Recommendation: | | | | |
| <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted | | | | |
| Chair's or Designee's Signature: | | | | |
|  | | | | |
| Distribution: | | | | |
| Original | Yellow | Pink | Goldenrod | |
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