

STAND. COM. REP. NO.

1222

Honolulu, Hawaii

March 22, 2013

RE: S.B. No. 1135
S.D. 2
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1135, S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO RECYCLING,"

begs leave to report as follows:

The purpose of this measure is to expand the scope and increase the effectiveness of the State's Electronic Waste Recycling Program by:

- (1) Establishing recycling goals and recordkeeping and reporting requirements for electronic device manufacturers and representative organizations;
- (2) Establishing registration, recordkeeping, reporting, and collection requirements for collectors of covered electronic devices;
- (3) Establishing audit authority of the Department of Health, agents of the Department of Health, and the Office of the Auditor regarding records of manufacturers, collectors, and recyclers;
- (4) Eliminating the television recovery system component of the Electronic Waste Recycling Program, incorporating television recovery into the electronic device recovery



provisions of the Program, and making conforming amendments;

- (5) Allowing counties to determine whether to include covered electronic devices in their waste management activities or recycling programs, and providing for reimbursement by manufacturers to the counties for collection costs;
- (6) Requiring the Department of Health to adopt rules to effectuate the intent of the State's Electronic Waste Recycling Act and authorizing the Department to adopt rules to refine the definitions of "covered electronic device," "electric device," and "peripheral" as the Department determines is necessary;
- (7) Increasing the scope of what is considered a "covered electronic device" by replacing references to computer and computer components with electronic equipment intended for use by consumers and businesses, such as televisions and computers and their peripherals;
- (8) Clarifying what is not considered a "covered electronic device";
- (9) Clarifying that an electronic device manufacturer does not include a person who:
 - (A) Refurbishes, repairs, or reuses damaged or used covered electronic devices; or
 - (B) Manufactures no more than 100 covered electronic devices per year;
- (10) Changing the commencement date of labeling, registration, and filing requirements applicable to the sale of new covered electronic devices for delivery in the State;
- (11) Clarifying the Department of Health's responsibility in maintaining a list of registered electronic device manufacturers and representative organizations and their registered brands, and requiring the Department to post the list on its website;



- (12) Rather than specifying registration and renewal fee amounts, providing for fee amounts to be determined by the Department of Health by rule based upon an analysis of the Department's needs and the number of electronic device manufacturers registering with the Department;
- (13) Authorizing electronic device manufacturers to develop their own recycling programs provided that certain deadlines and other requirements are met, and clarifying the qualifying requirements for recycling plans developed by electronic device manufacturers and representative organizations; and
- (14) Enhancing the enforcement of the Electronic Waste Recycling Program by, among other things, addressing violations through a citation and administrative hearing process.

The Department of Health, County of Kauai Department of Public Works, City and County of Honolulu Department of Environmental Services, Ulupono Initiative, Zero Waste Kauai, Eycling (Maui County Electronics Recycling), Recycle Hawaii, and several concerned individuals supported this measure. The Technology Association of America, Custom Electronic Design and Installation Association, Retail Merchants of Hawaii, and Verizon opposed this measure. Makita U.S.A., Inc.; Stanley Black and Decker, Inc.; Robert Bosch Tool Corporation; Techtronic Industries Company; and Consumer Electronics Association offered comments on this measure.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1135, S.D. 2, H.D. 1, and recommends that it be referred to the Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



Record of Votes of the Committee on Judiciary

Bill/Resolution No.: SB1135, SD2, HD1	Committee Referral: EEP/HLT, JUD, FIN	Date: 3/19/13		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" 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)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. RHOADS, Karl (C)	X			
2. HAR, Sharon E. (VC)			X	
3. BELATTI, Della Au	X			
4. BROWER, Tom	X			
5. CABANILLA, Rida T.R.		X		
6. CARROLL, Mele		X	X	
7. ITO, Ken			X	
8. KAWAKAMI, Derek S.K.			X	
9. LEE, Chris	X			
10. TSUJI, Clift			X	
11. WOOLEY, Jessica	X			
12. MCDERMOTT, Bob			X	
13. THIELEN, Cynthia	X			
TOTAL (13)	6	1	6	
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: _____				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				