

BILL ANALYSIS

Senate Research Center
81R23027 KJM-D

H.B. 2826
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Natural Resources
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law requires an electronics retailer in Texas to sell electronic items only from manufacturers that have a plan to take back and recycle the electronic items they make, known as a manufacturer recovery plan. An electronics retailer violates the statute by selling branded electronics that are not part of a manufacturer recovery plan, even if those products were part of a recovery plan at the time they were ordered. Retailers have no way of knowing the date that a manufacturer's recovery plan became compliant or went out of compliance because the Texas Commission on Environmental Quality (TCEQ) does not have a systematic method of keeping track of compliance. Additionally, because electronics retailers are not required to provide recycling information for computers they sell, consumers are often unaware of recycling guarantees from manufacturers.

H.B. 2826 streamlines compliance with the Computer TakeBack Law for electronics retailers by allowing the retailer to sell computer equipment that was part of a listed manufacturer's recovery plan at the time the retailer purchased the equipment. The bill requires TCEQ to maintain a record of compliant recovery plans retrievable by date and to remove non-compliant recovery plans on a quarterly basis. Finally, the bill mandates TCEQ to provide electronics retailers with recycling information that can be given to the consumer at the point of sale.

[**Note:** While the statutory reference in this bill is to the Texas Natural Resource Conservation Commission (TNRCC), the following amendments affect the Texas Commission on Environmental Quality, as the successor agency to TNRCC.]

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 361.956, Health and Safety Code, by amending Subsection (a) and adding Subsections (a-1), (d), and (e), as follows:

(a) Makes nonsubstantive changes.

(a-1) Provides that a person who is a retailer of computer equipment is considered in compliance with the requirements of Subsection (a)(2) (relating to the manufacturer being included on TNRCC's list of recovery plans) if, on the date the computer equipment is ordered from the manufacturer or its agent, the manufacturer is included on the Texas Natural Resource Conservation Commission (TNRCC) Internet site as a manufacturer with a recovery plan.

(d) Requires TNRCC to retain historical records that contain the list of manufacturers with recovery plans retrievable by date.

(e) Requires a person who is a retailer of computer equipment to provide to consumers the information published by TNRCC regarding the legal disposition and recycling and reuse of computer equipment, including information regarding computer equipment collection events, collection sites, and community computer equipment recycling and reuse programs. Requires that the information be provided in writing. Authorizes the

information to be included with the sales receipt or as part of the packaging of the equipment. Authorizes the retailer, alternatively, to provide the information required by this subsection through a toll-free telephone number or address of an Internet site provided to consumers.

SECTION 2. Amends Section 361.958, Health and Safety Code, by adding Subsection (c), to require TNRCC to remove manufacturers no longer in compliance with this subchapter from the Internet site once each fiscal quarter.

SECTION 3. Provides that a retailer of computer equipment is not required to provide the information described by Section 361.956(e), Health and Safety Code, as added by this Act, before January 1, 2010.

SECTION 4. Effective date: upon passage or September 1, 2009.