

BILL ANALYSIS

Senate Research Center
81R375 KJM-D

S.B. 761
By: Watson, Carona
Natural Resources
4/10/2009
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

A massive amount of electronic waste (e-waste) is generated every year. The problem with e-waste is two-fold: the volume of e-waste threatens to overwhelm available landfill space, and there is a growing concern that components such as mercury and lead threaten the environment.

In particular, the United States Environmental Protection Agency estimates that there are 99 million televisions in U.S. households that are no longer in use. The problem with old televisions will grow even larger when all television signals switch from analog to digital, thus rendering these old televisions useless. Texas needs to have a law so that consumers have workable alternatives to trashing their televisions in landfills and incinerators.

This bill amends Subchapter Y, Chapter 361, Health and Safety Code, to rename the Computer Equipment Recycling Program the Electronic Equipment Recycling Program and include the disposal of televisions in that program.

As proposed, S.B. 761 amends current law relating to a program for the recycling of electronic equipment of consumers in this state and provides for administrative penalties.

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 the heading to Subchapter Y, Chapter 361, Health and Safety Code, to read as follows:

SUBCHAPTER Y. ELECTRONIC EQUIPMENT RECYCLING PROGRAM

SECTION 2. Amends Section 361.951, Health and Safety Code, as follows:

Sec. 361.951. **SHORT TITLE.** Authorizes this subchapter to be cited as the Manufacturer Responsibility and Consumer Convenience Electronic Equipment Collection and Recovery Act.

SECTION 3. Amends Section 361.952, Health and Safety Code, by amending Subdivisions (3) and (4) and adding Subdivision (3-a), to redefine "consumer" and "manufacturer" and to define "electronic equipment."

SECTION 4. Amends Section 361.953, Health and Safety Code, as follows:

Sec. 361.953. **LEGISLATIVE FINDINGS AND PURPOSE.** (a) Sets forth the legislative findings and purpose for this bill, including that computers and other electronic devices, rather than related display devices, are critical elements to the strength and growth of this state's economic prosperity and quality of life.

(b) Makes a conforming change.

SECTION 5. Amends Section 361.954, Health and Safety Code, as follows:

Sec. 361.945. APPLICABILITY. (a) Makes a conforming change.

(b) Deletes existing text providing that this subchapter does not apply to a television. Makes conforming changes.

SECTION 6. Amends Sections 361.955(a)-(f), and (h)-(j), Health and Safety Code, to make conforming changes.

SECTION 7. Amends Sections 361.956(a) and (c), Health and Safety Code, to make conforming changes.

SECTION 8. Amends Section 361.957(a), Health and Safety Code, to make conforming changes.

SECTION 9. Amends Section 361.958, Health and Safety Code, to make conforming changes.

SECTION 10. Amends Sections 361.959(b), (c), and (e), Health and Safety Code, to make conforming changes.

SECTION 11. Amends Section 361.962, Health and Safety Code, to make a conforming change.

SECTION 12. Amends Section 361.963, Health and Safety Code, to make conforming changes.

SECTION 13. Amends Section 361.964, Health and Safety Code, to make conforming changes.

SECTION 14. Amends Sections 361.965(b)-(d), Health and Safety Code, to make conforming changes.

SECTION 15. Amends Section 361.966(a), Health and Safety Code, to make a conforming change.

SECTION 16. Amends Section 7.052(b-1), Water Code, to make a conforming change.

SECTION 17. (a) Defines "television."

(b) Requires the Texas Commission on Environmental Quality (TCEQ) to adopt any rules required to implement the amendments made by this Act to Subchapter Y, Chapter 361, Health and Safety Code, not later than May 1, 2010.

(c) Prohibits TCEQ from enforcing the change in law made by this Act applicable to televisions under Subchapter Y, Chapter 361, Health and Safety Code, before September 1, 2010.

(d) Provides that the reports required under Sections 361.955 and 361.961, Health and Safety Code, to the extent that they apply to televisions, are not required to be prepared or submitted for the first time before the dates specified by those sections in 2012.

(e) Authorizes a retailer, notwithstanding the 60-day limit under Section 361.959(d) or (e), Health and Safety Code, as amended by this Act, to sell any television inventory accrued before the effective date of this Act without incurring a penalty.

SECTION 18. Effective date: September 1, 2009.