

AN ACT

relating to the sale, recovery, and recycling of certain television equipment; providing administrative penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 361, Health and Safety Code, is amended by adding Subchapter Z to read as follows:

SUBCHAPTER Z. TELEVISION EQUIPMENT RECYCLING PROGRAM

Sec. 361.971. DEFINITIONS. In this subchapter:

(1) "Brand" has the meaning assigned by Section 361.952.

(2) "Consumer" means an individual who uses covered television equipment that is purchased primarily for personal or home business use.

(3) "Covered television equipment" means the following equipment marketed to and intended for consumers:

(A) a direct view or projection television with a viewable screen of nine inches or larger whose display technology is based on cathode ray tube, plasma, liquid crystal, digital light processing, liquid crystal on silicon, silicon crystal reflective display, light-emitting diode, or similar technology; or

(B) a display device that is peripheral to a computer that contains a television tuner.

(4) "Market share allocation" means the quantity of covered television equipment, by weight, that an individual

1 television manufacturer submitting a recovery plan under Section
2 361.978 is responsible for collecting, reusing, and recycling, as
3 computed by the commission under Section 361.984(g).

4 (5) "Recycling" means any process by which equipment
5 that would otherwise become solid waste or hazardous waste is
6 collected, separated, and refurbished for reuse or processed to be
7 returned to use in the form of raw material or products. The term
8 does not include incineration.

9 (6) "Retailer" means a person who owns or operates a
10 business that sells new covered television equipment by any means
11 directly to a consumer. The term does not include a person who, in
12 the ordinary course of business, regularly leases, offers to lease,
13 or arranges for leasing of merchandise under a rental-purchase
14 agreement.

15 (7) "Television" means an electronic device that
16 contains a tuner that locks onto a selected carrier frequency and is
17 capable of receiving and displaying video programming from a
18 broadcast, cable, or satellite source.

19 (8) "Television manufacturer" means a person that:

20 (A) manufactures covered television equipment
21 under a brand the person owns or is licensed to use;

22 (B) manufactures covered television equipment
23 without affixing a brand;

24 (C) resells covered television equipment
25 produced by other suppliers under a brand the person owns or is
26 licensed to use;

27 (D) manufactures covered television equipment,

1 supplies it to any person within a distribution network that
2 includes a wholesaler or retailer, and benefits from the sale of the
3 covered television equipment through that distribution network; or

4 (E) assumes the responsibilities of a television
5 manufacturer under this subchapter.

6 Sec. 361.972. LEGISLATIVE FINDINGS AND PURPOSE. The
7 purpose of this subchapter is to establish a comprehensive,
8 convenient, and environmentally sound program for the collection
9 and recycling of television equipment. The program is based on
10 individual television manufacturer responsibility and shared
11 responsibility among consumers, retailers, and the government of
12 this state.

13 Sec. 361.973. APPLICABILITY. (a) Except as provided by
14 this section and Section 361.991, this subchapter applies only to
15 covered television equipment that is:

16 (1) offered for sale or sold to a consumer in this
17 state; or

18 (2) used by a consumer in this state and returned for
19 recycling.

20 (b) This subchapter does not apply to:

21 (1) computer equipment as that term is defined by
22 Section 361.952;

23 (2) a manufacturer of a display device that is
24 peripheral to a computer and contains a television tuner, if that
25 manufacturer collects and recycles the device in accordance with
26 Subchapter Y;

27 (3) any part of a motor vehicle, including a

1 replacement part;

2 (4) a device that is functionally or physically part
3 of or connected to another system or piece of equipment:

4 (A) designed and intended for use in an
5 industrial, governmental, commercial, research and development, or
6 medical setting, including diagnostic monitoring or control
7 equipment; or

8 (B) used for security, sensing, monitoring,
9 antiterrorism, or emergency services purposes;

10 (5) a device that is contained in exercise equipment
11 intended for home use or an appliance intended for home use
12 including a clothes washer, clothes dryer, refrigerator,
13 refrigerator and freezer, microwave oven, conventional oven or
14 range, dishwasher, room air conditioner, dehumidifier, and air
15 purifier;

16 (6) a telephone of any type;

17 (7) a personal digital assistant;

18 (8) a global positioning system;

19 (9) a consumer's lease of covered television equipment
20 or a consumer's use of covered television equipment under a lease
21 agreement; or

22 (10) the sale or lease of covered television equipment
23 to an entity when the television manufacturer and the entity enter
24 into a contract that effectively addresses the recycling of
25 equipment that has reached the end of its useful life.

26 Sec. 361.974. SALES PROHIBITION. A person may not offer for
27 sale in this state new covered television equipment unless the

1 equipment has been labeled in compliance with Section 361.975.

2 Sec. 361.975. MANUFACTURER'S LABELING REQUIREMENT. A
3 television manufacturer may sell or offer for sale in this state
4 only covered television equipment that is labeled with the
5 television manufacturer's brand. The label must be permanently
6 affixed and readily visible.

7 Sec. 361.976. MANUFACTURERS' REGISTRATION AND REPORTING.

8 (a) A television manufacturer of covered television equipment
9 shall register with the commission and, except as provided by
10 Section 361.979, pay a registration fee of \$2,500. A registered
11 television manufacturer shall renew the registration and, except as
12 provided by Section 361.979, pay the fee on or before January 31 of
13 each year. The registration or registration renewal must include:

14 (1) a list of all brands the television manufacturer
15 uses in this state on covered television equipment regardless of
16 whether the television manufacturer owns or is licensed to use the
17 brand; and

18 (2) contact information for the person the commission
19 may contact regarding the television manufacturer's activities to
20 comply with this subchapter.

21 (b) Except as provided by Section 361.979, not later than
22 January 31 of each year, each registered television manufacturer of
23 covered television equipment shall report to the commission:

24 (1) the total weight of covered television equipment
25 for which the television manufacturer is responsible that was sold
26 in this state during the preceding calendar year or, if the
27 manufacturer does not track the weight of covered television

1 equipment it sells by state, the television manufacturer may report
2 the total amount of covered television equipment the television
3 manufacturer sold nationally in the preceding calendar year; and

4 (2) the total weight of covered television equipment
5 the television manufacturer collected and recycled in this state
6 during the preceding calendar year.

7 (c) Fees collected under this section shall be deposited to
8 the credit of the television recycling account created under
9 Section 361.977.

10 Sec. 361.977. TELEVISION RECYCLING ACCOUNT. (a) The
11 television recycling account is an account in the general revenue
12 fund that consists of the:

13 (1) fees collected under Section 361.976; and

14 (2) interest earned on the money in the account.

15 (b) Money in the account may be appropriated only to the
16 commission to be used by the commission to maintain a public
17 Internet website and toll-free telephone number that provide
18 consumers with information about covered television equipment
19 recycling opportunities in this state.

20 Sec. 361.978. MANUFACTURER'S RECOVERY PLAN AND RELATED
21 RESPONSIBILITIES. (a) This section does not apply to a television
22 manufacturer that participates in a recycling leadership program
23 described by Section 361.979.

24 (b) Not later than the first January 31 that occurs after
25 the date the television manufacturer first registers with the
26 commission under Section 361.976, each television manufacturer of
27 covered television equipment sold in this state shall, individually

1 or as a member of a group of television manufacturers, submit to the
2 commission a recovery plan to collect, reuse, and recycle covered
3 television equipment.

4 (c) An individual television manufacturer that submits a
5 recovery plan under Subsection (b) shall collect, reuse, and
6 recycle covered television equipment. Beginning with the
7 television manufacturer's second year of registration, the
8 individual television manufacturer shall collect, reuse, and
9 recycle the quantity of covered television equipment computed by
10 the commission as the television manufacturer's market share
11 allocation.

12 (d) A group of television manufacturers that submits a
13 recovery plan under Subsection (b) shall collect, reuse, and
14 recycle covered television equipment. Beginning with the second
15 year of registration for a group of television manufacturers, the
16 group of television manufacturers shall collect, reuse, and recycle
17 a quantity of covered television equipment equal to the sum of the
18 combined market share allocations of the group's participants.

19 (e) A recovery plan under Subsection (b) must include at a
20 minimum:

21 (1) a statement of whether the television manufacturer
22 intends to collect and recycle its market share allocation through
23 operation of its plan, individually or in partnership with other
24 television manufacturers;

25 (2) beginning with the television manufacturer's
26 second year of registration, the total weight of covered television
27 equipment collected, reused, and recycled by or on behalf of the

1 television manufacturer during the preceding year; and

2 (3) collection methods that allow a consumer to
3 recycle covered television equipment without paying a separate fee
4 at the time of recycling.

5 (f) The commission shall review the recovery plan for
6 satisfaction of the requirements of this subchapter. If the
7 registration and recovery plan are complete, the commission shall
8 include the television manufacturer on the commission's Internet
9 website listing as provided by Section 361.984(a). The commission
10 may reject the recovery plan if it does not meet all requirements of
11 this subchapter.

12 Sec. 361.979. MANUFACTURER RECYCLING LEADERSHIP PROGRAM.

13 (a) A group of television manufacturers may establish a recycling
14 leadership program to provide collection, transportation, and
15 recycling infrastructure for covered television equipment in this
16 state.

17 (b) A recycling leadership program must provide at least 200
18 individual collection sites or programs in this state in a manner
19 described by Subsection (d) where a consumer may return covered
20 television equipment for reuse or recycling.

21 (c) A television manufacturer may not charge a separate fee
22 at the time of recycling under this section unless at the time of
23 recycling a financial incentive of equal or greater value to the fee
24 charged is provided by the television manufacturer.

25 (d) Collection methods that may be used by a recycling
26 leadership program under Subsection (b) for recycling of covered
27 television equipment include:

1 (1) a system by which the television manufacturer, an
2 entity designated by the television manufacturer, or another
3 private or public sector entity associated with the television
4 manufacturer offers a consumer a physical collection site to return
5 covered television equipment;

6 (2) a system by which the television manufacturer, an
7 entity designated by the television manufacturer, or another
8 private or public sector entity associated with the television
9 manufacturer offers the consumer a method for returning covered
10 television equipment by mail; and

11 (3) a system by which the television manufacturer, an
12 entity designated by the television manufacturer, or another
13 private or public sector entity associated with the television
14 manufacturer holds a collection event where the consumer may return
15 covered television equipment.

16 (e) A television manufacturer of covered television
17 equipment sold in this state that is participating in a recycling
18 leadership program for covered television equipment as of January 1
19 of any year is not subject during that year to:

20 (1) the registration fees and renewal fees required by
21 Section 361.976(a); and

22 (2) the reporting requirements of Section 361.976(b).

23 (f) Not later than January 31 of each year, each recycling
24 leadership program must provide to the commission a list of the
25 television manufacturers participating in the program for that
26 year.

27 (g) A television manufacturer of covered television

1 equipment that is sold in this state that participates in a
2 recycling leadership program shall individually or through the
3 recycling leadership program establish and implement a public
4 education program regarding collection, reuse, and recycling
5 opportunities that exist in this state for covered television
6 equipment. The public education program must:

7 (1) inform consumers about the collection, reuse, and
8 recycling opportunities for covered television equipment available
9 in this state;

10 (2) work with the commission and other interested
11 parties to develop educational materials that inform consumers
12 about collection, reuse, and recycling opportunities available in
13 this state;

14 (3) use television manufacturer-developed customer
15 outreach materials, such as packaging inserts, television
16 manufacturers' Internet websites, and other communication methods,
17 to inform consumers about collection, reuse, and recycling
18 opportunities for covered television equipment available in this
19 state; and

20 (4) use television manufacturer-developed customer
21 outreach materials to provide rural communities with a centralized
22 Internet-based information center that provides information for
23 those communities about:

24 (A) best practices for collection, reuse, and
25 recycling of covered television equipment; and

26 (B) collection events and other recycling
27 opportunities in those communities and surrounding areas.

1 Sec. 361.980. RECYCLING LEADERSHIP PROGRAM COLLECTION
2 REPORT. (a) Not later than January 31 of every other year
3 beginning with the television manufacturer's second year of
4 registration, a television manufacturer of covered television
5 equipment sold in this state that is participating in a recycling
6 leadership program under Section 361.979 shall, individually or as
7 a member of the recycling leadership program, submit to the
8 commission a collection report regarding the television
9 manufacturer's collection, reuse, and recycling of covered
10 television equipment.

11 (b) The collection report must include:

12 (1) an inventory of covered television equipment
13 collection, reuse, and recycling opportunities that are currently
14 available to consumers through the individual television
15 manufacturer or the recycling leadership program in this state;

16 (2) documentation of collection opportunities
17 available to consumers in counties with populations of less than
18 50,000, including an analysis of the number of collection sites
19 available to consumers in those counties compared to the number of
20 opportunities available to consumers in those counties to purchase
21 new covered television equipment;

22 (3) the amount by weight of the covered television
23 equipment that the individual television manufacturer or the
24 recycling leadership program collected in the two preceding years;
25 and

26 (4) documentation that the collection, reuse, and
27 recycling of the collected covered television equipment complies

1 with Section 361.990.

2 (c) The inventory of covered television equipment
3 collection, reuse, and recycling opportunities required by
4 Subsection (b)(1) may be submitted in the form of a map noting the
5 location of the opportunities.

6 (d) The collection report may include a listing of other
7 existing collection and recycling infrastructure for covered
8 television equipment not associated with the recycling leadership
9 program, including electronic recyclers and repair shops,
10 recyclers of other appropriate commodities, reuse organizations,
11 not-for-profit corporations, retailers, and other suitable
12 operations, including local government collection events, if
13 available.

14 Sec. 361.981. RETAILER RESPONSIBILITY. (a) A retailer may
15 order and sell only products from a television manufacturer that is
16 included on the list published under Section 361.984(a). A
17 retailer shall consult that list before ordering covered television
18 equipment in this state. A retailer is considered to have complied
19 with this subsection and may sell a product in the retailer's
20 inventory if, on the date the product was ordered from the
21 television manufacturer, the television manufacturer was listed on
22 the Internet website described by Section 361.984(a).

23 (b) A person who is a retailer of covered television
24 equipment shall provide to consumers in writing the information
25 published by the commission regarding the legal disposition and
26 recycling of television equipment. The information may be included
27 with the sales receipt or as part of the packaging of the equipment.

1 Alternatively, the retailer may provide the information required by
2 this subsection through a toll-free telephone number and address of
3 an Internet website provided to consumers.

4 (c) This subchapter does not require a retailer to collect
5 covered television equipment for recycling.

6 Sec. 361.982. RECYCLER RESPONSIBILITIES. (a) This
7 section does not apply to a television manufacturer.

8 (b) A person who is engaged in the business of recycling
9 covered television equipment in this state shall:

10 (1) register with the commission and certify that the
11 person is in compliance with the standards adopted under Section
12 361.990;

13 (2) on or before January 31 of each year renew the
14 registration with the commission and certify the person's continued
15 compliance with the standards adopted under Section 361.990;

16 (3) recycle all covered television equipment accepted
17 for recycling in accordance with the standards adopted under
18 Section 361.990;

19 (4) maintain a written log recording the weight of all
20 covered television equipment received by the person and the
21 disposition of that equipment; and

22 (5) annually report to the commission the total weight
23 of covered television equipment received and recycled by the person
24 in the preceding 12 months.

25 Sec. 361.983. LIABILITY. (a) A television manufacturer,
26 retailer, or person who recycles covered television equipment is
27 not liable in any way for information in any form that a consumer

1 leaves on covered television equipment that is collected or
2 recycled under this subchapter.

3 (b) This subchapter does not exempt a person from liability
4 under other law.

5 Sec. 361.984. COMMISSION RESPONSIBILITIES. (a) The
6 commission shall publish on a publicly accessible Internet website
7 a list of television manufacturers:

8 (1) whose recovery plans have been approved by the
9 commission;

10 (2) whose public education programs are in full
11 compliance with this subchapter; and

12 (3) who are in compliance with the registration and
13 fee requirements of this subchapter, if applicable.

14 (b) The commission shall remove television manufacturers no
15 longer in compliance under Subsection (a) from the Internet website
16 once each fiscal quarter.

17 (c) The commission shall educate consumers regarding the
18 collection and recycling of covered television equipment.

19 (d) The commission shall host or designate another person to
20 host an Internet website and shall provide a toll-free telephone
21 number to provide consumers with information about the recycling of
22 covered television equipment, including best management practices
23 and information about or links to information about:

24 (1) television manufacturers' collection and
25 recycling programs, including television manufacturers' recovery
26 plans; and

27 (2) covered television equipment collection events,

1 collection sites, and community television equipment recycling
2 programs.

3 (e) Information about collection and recycling provided on
4 a television manufacturer's publicly available Internet website
5 and through a toll-free telephone number does not constitute a
6 determination by the commission that the television manufacturer's
7 recovery plan or actual practices are in compliance with this
8 subchapter or other law.

9 (f) Not later than November 1 of each year, the commission
10 shall establish the state recycling rate by computing the ratio of
11 the weight of total returns of covered television equipment in this
12 state by television manufacturers submitting a recovery plan under
13 Section 361.978 to the total weight of covered television equipment
14 sold in this state by television manufacturers submitting a
15 recovery plan under Section 361.978 during the preceding year.

16 (g) Not later than December 1 of each year, the commission
17 shall compute and provide to each registered television
18 manufacturer submitting a recovery plan under Section 361.978 the
19 television manufacturer's market share allocation for collection,
20 reuse, and recycling for that year. A television manufacturer's
21 market share allocation equals the weight of the television
22 manufacturer's covered television equipment sold in this state
23 during the preceding calendar year multiplied by the state
24 recycling rate determined under Subsection (f).

25 (h) In any year in which more than one recycling leadership
26 program is implemented under Section 361.979, the commission shall
27 review all active recycling leadership programs established under

1 this subchapter to ensure the programs are operating in a manner
2 consistent with the goals of this subchapter, including a balanced
3 recycling effort. Based on the commission's review, the commission
4 may make recommendations to the legislature on ways to improve the
5 balance of the recycling effort.

6 (i) The commission shall provide to each county and
7 municipality of this state information regarding the legal disposal
8 and recycling of covered television equipment. The information
9 must be provided in writing.

10 Sec. 361.985. ENFORCEMENT. (a) The commission may conduct
11 audits and inspections to ensure compliance with this subchapter
12 and rules adopted under this subchapter.

13 (b) The commission and the attorney general, as
14 appropriate, shall enforce this subchapter and, except as provided
15 by Subsections (d) and (e), take enforcement action against a
16 television manufacturer, a retailer, or a person who recycles
17 covered television equipment.

18 (c) The executive director or the attorney general may
19 institute a suit under Section 7.032, Water Code, to enjoin an
20 activity related to the sale of covered television equipment in
21 violation of this subchapter.

22 (d) The commission shall issue a warning notice to a person
23 on the person's first violation of this subchapter. The person must
24 comply with this subchapter not later than the 60th day after the
25 date the warning notice is issued.

26 (e) A retailer who receives a warning notice from the
27 commission that the retailer's inventory violates this subchapter

1 because it includes covered television equipment from a television
2 manufacturer that is not in compliance with this subchapter must
3 bring the inventory into compliance with this subchapter not later
4 than the 60th day after the date the warning notice is issued.

5 Sec. 361.986. FINANCIAL AND PROPRIETARY INFORMATION.
6 Financial or proprietary information submitted to the commission
7 under this subchapter is exempt from public disclosure under
8 Chapter 552, Government Code.

9 Sec. 361.987. BIENNIAL REPORT TO LEGISLATURE. (a) The
10 commission shall compile information from television manufacturers
11 and issue an electronic report to the committee in each house of the
12 legislature having primary jurisdiction over environmental matters
13 not later than March 1 of each even-numbered year.

14 (b) The report must include:

15 (1) collection information provided to the commission
16 by each television manufacturer's report required by Section
17 361.976(b) or 361.980(a), as applicable;

18 (2) a summary of comments that have been received from
19 stakeholders such as television manufacturers, electronic
20 equipment recyclers, local governments, and nonprofit
21 organizations;

22 (3) any recommendations under Section 361.984(h); and

23 (4) any other information that would assist the
24 legislature in evaluating the effectiveness of this subchapter.

25 Sec. 361.988. FEES. (a) Except as provided by Section
26 361.976(a), this subchapter does not authorize the commission to
27 impose a fee, including a recycling fee, on a consumer, television

1 manufacturer, retailer, or person who recycles covered television
2 equipment.

3 (b) Fees or costs collected under this subchapter may be
4 used by the commission only to implement this subchapter.

5 Sec. 361.989. CONSUMER RESPONSIBILITIES. (a) A consumer
6 is responsible for any information in any form left on the
7 consumer's covered television equipment that is collected or
8 recycled.

9 (b) A consumer is encouraged to learn about recommended
10 methods for recycling covered television equipment that has reached
11 the end of its useful life by visiting the commission's and
12 television manufacturers' Internet websites or calling their
13 toll-free telephone numbers.

14 Sec. 361.990. MANAGEMENT OF COLLECTED TELEVISION
15 EQUIPMENT. (a) Covered television equipment collected under this
16 subchapter must be disposed of or recycled in a manner that complies
17 with federal, state, and local law.

18 (b) The commission shall adopt as standards for recycling or
19 reuse of covered television equipment in this state the standards
20 provided by "Electronics Recycling Operating Practices" as
21 approved by the board of directors of the Institute of Scrap
22 Recycling Industries, Incorporated, April 25, 2006, or other
23 standards from a comparable nationally recognized organization.

24 Sec. 361.991. STATE PROCUREMENT REQUIREMENTS. (a) In this
25 section, "state agency" has the meaning assigned by Section
26 2052.101, Government Code.

27 (b) A person who submits a bid for a contract with a state

1 agency for the purchase or lease of covered television equipment
2 must be in compliance with this subchapter.

3 (c) A state agency that purchases or leases covered
4 television equipment shall require a prospective bidder to certify
5 the bidder's compliance with this subchapter before the agency may
6 accept the prospective bidder's bid.

7 (d) In considering bids for a contract for covered
8 television equipment, in addition to any other preferences provided
9 under other laws of this state, the state shall give special
10 preference to a television manufacturer that:

11 (1) through its recovery plan collects more than its
12 market share allocation; or

13 (2) provides collection sites or recycling events in
14 any county located in a council of governments region in which there
15 are fewer than six permanent collection sites open at least twice
16 each month.

17 (e) The comptroller shall adopt rules to implement this
18 section.

19 Sec. 361.992. FEDERAL PREEMPTION; EXPIRATION. (a) If
20 federal law establishes a national program for the collection and
21 recycling of covered television equipment and the commission
22 determines that the federal law substantially meets the purposes of
23 this subchapter, the commission may adopt an agency statement that
24 interprets the federal law as preemptive of this subchapter.

25 (b) This subchapter expires on the date the commission
26 issues a statement under this section.

27 SECTION 2. Subsections (b-1) and (b-2), Section 7.052,

1 Water Code, are amended to read as follows:

2 (b-1) The amount of the penalty assessed against a
3 manufacturer that does not label its computer equipment or covered
4 television equipment or adopt and implement a recovery plan as
5 required by Section 361.955, 361.975, or 361.978, Health and Safety
6 Code, as applicable, may not exceed \$10,000 for the second
7 violation or \$25,000 for each subsequent violation. A penalty
8 under this subsection is in addition to any other penalty that may
9 be assessed for a violation of Subchapter Y or Z, Chapter 361,
10 Health and Safety Code.

11 (b-2) Except as provided by Subsection (b-1), the amount of
12 the penalty for a violation of Subchapter Y or Z, Chapter 361,
13 Health and Safety Code, may not exceed \$1,000 for the second
14 violation or \$2,000 for each subsequent violation. A penalty under
15 this subsection is in addition to any other penalty that may be
16 assessed for a violation of Subchapter Y or Z, Chapter 361, Health
17 and Safety Code.

18 SECTION 3. (a) The Texas Commission on Environmental
19 Quality shall adopt any rules required to implement this Act not
20 later than May 1, 2012.

21 (b) This Act may not be enforced before July 1, 2012.

22 (c) A report required under Section 361.976, Health and
23 Safety Code, as added by this Act, is not required to be prepared or
24 submitted for the first time before January 31, 2013.

25 (d) A recovery plan required under Section 361.978, Health
26 and Safety Code, as added by this Act, is not required to be
27 prepared and submitted before January 31, 2013.

1 (e) A collection report required under Section 361.980,
2 Health and Safety Code, as added by this Act, is not required to be
3 prepared and submitted for the first time before January 31, 2015.

4 (f) A retailer of covered television equipment is not
5 required to provide the information described by Subsection (b),
6 Section 361.981, Health and Safety Code, as added by this Act,
7 before the date on which the Texas Commission on Environmental
8 Quality rules implementing this Act take effect.

9 (g) Not later than April 1, 2013, the Texas Commission on
10 Environmental Quality shall prepare and post for the first time the
11 list required under Subsection (a), Section 361.984, Health and
12 Safety Code, as added by this Act.

13 (h) Not later than November 1, 2013, the Texas Commission on
14 Environmental Quality shall establish for the first time the state
15 recycling rate required under Subsection (f), Section 361.984,
16 Health and Safety Code, as added by this Act.

17 (i) Not later than December 1, 2013, the Texas Commission on
18 Environmental Quality shall provide for the first time to each
19 applicable television manufacturer the television manufacturer's
20 market share allocation as required under Subsection (g), Section
21 361.984, Health and Safety Code, as added by this Act.

22 (j) Notwithstanding Section 361.985, Health and Safety
23 Code, as added by this Act, a retailer of television equipment may
24 sell television equipment inventory that the retailer acquired
25 before September 1, 2012, without incurring a penalty.

26 (k) The Texas Commission on Environmental Quality is not
27 required to prepare or submit for the first time the report required

1 under Section 361.987, Health and Safety Code, as added by this Act,
2 before March 1, 2014.

3 SECTION 4. This Act takes effect September 1, 2011.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 329 passed the Senate on March 23, 2011, by the following vote: Yeas 29, Nays 2; and that the Senate concurred in House amendment on May 24, 2011, by the following vote: Yeas 29, Nays 2.

Secretary of the Senate

I hereby certify that S.B. No. 329 passed the House, with amendment, on May 19, 2011, by the following vote: Yeas 142, Nays 6, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor