

By: Farias, Farrar

H.B. No. 648

Substitute the following for H.B. No. 648:

By: Turner of Tarrant

C.S.H.B. No. 648

A BILL TO BE ENTITLED

AN ACT

1
2 relating to notice and information provided by a municipal solid
3 waste facility and a commercial transporter of solid waste
4 regarding recycling programs for certain electronic waste.

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

6 SECTION 1. Section 361.954(a), Health and Safety Code, is
7 amended to read as follows:

8 (a) The collection, recycling, and reuse provisions of this
9 subchapter apply to computer equipment used and returned to the
10 manufacturer by a consumer in this state and, except as provided by
11 Section 361.967, do not impose any obligation on an owner or
12 operator of a solid waste facility or a transporter of solid waste.

13 SECTION 2. Section 361.966, Health and Safety Code, is
14 amended to read as follows:

15 Sec. 361.966. FEDERAL PREEMPTION; EXPIRATION. (a) If
16 federal law establishes a national program for the collection and
17 recycling of computer equipment and the commission determines that
18 the federal law substantially meets the purposes of Sections
19 361.952 through 361.965 [~~this subchapter~~], the commission may adopt
20 an agency statement that interprets the federal law as preemptive
21 of those sections [~~this subchapter~~].

22 (b) Sections 361.952 through 361.965 expire [~~This~~
23 ~~subchapter expires~~] on the date the commission issues a statement
24 under this section.

1 SECTION 3. Subchapter Y, Chapter 361, Health and Safety
2 Code, is amended by adding Section 361.967 to read as follows:

3 Sec. 361.967. NOTICE AND INFORMATION PROVIDED TO CONSUMER
4 BY MUNICIPAL SOLID WASTE FACILITY AND COMMERCIAL TRANSPORTER. (a)
5 In this section, "electronic waste" means computer equipment that
6 is eligible for collection under a manufacturer's recovery plan
7 adopted under Section 361.955.

8 (b) An owner or operator of a municipal solid waste landfill
9 or a municipal solid waste incinerator shall post in a conspicuous
10 location at the landfill or incinerator a sign that encourages
11 consumers to recycle electronic waste. An owner or operator is not
12 liable for electronic waste collected at the landfill or
13 incinerator and is not required to remove electronic waste
14 collected. An owner or operator is not in violation of this
15 subsection if the owner or operator has made a good faith effort to
16 comply with this subsection.

17 (c) A commercial transporter of solid waste who transports
18 waste to a municipal solid waste landfill or a municipal solid waste
19 incinerator shall provide each person who has contracted directly
20 with the transporter for the transportation of solid waste an
21 informational insert that encourages consumers to recycle
22 electronic waste. A commercial transporter must provide the insert
23 to each person at least once each year. A commercial transporter is
24 not liable for electronic waste carried by the transporter and is
25 not required to remove electronic waste collected. A commercial
26 transporter is not in violation of this subsection if the
27 commercial transporter has made a good faith effort to comply with

1 this subsection. This subsection expires December 31, 2015.

2 (d) The commission by rule shall develop the sign and
3 informational insert required by this section. The sign and insert
4 must include information relating to recycling programs for
5 electronic waste and the commission's Internet website.

6 SECTION 4. Section 361.973(a), Health and Safety Code, is
7 amended to read as follows:

8 (a) Except as provided by this section and Sections
9 ~~[Section]~~ 361.991 and 361.993, this subchapter applies only to
10 covered television equipment that is:

11 (1) offered for sale or sold to a consumer in this
12 state; or

13 (2) used by a consumer in this state and returned for
14 recycling.

15 SECTION 5. Subchapter Z, Chapter 361, Health and Safety
16 Code, is amended by adding Section 361.993 to read as follows:

17 Sec. 361.993. NOTICE AND INFORMATION PROVIDED TO CONSUMER
18 BY MUNICIPAL SOLID WASTE FACILITY AND COMMERCIAL TRANSPORTER. (a)
19 In this section, "electronic waste" means covered television
20 equipment that is eligible for collection under:

21 (1) a manufacturer's recovery plan adopted under
22 Section 361.978; or

23 (2) a manufacturer recycling leadership program
24 established under Section 361.979.

25 (b) An owner or operator of a municipal solid waste landfill
26 or a municipal solid waste incinerator shall post in a conspicuous
27 location at the landfill or incinerator a sign that encourages

1 consumers to recycle electronic waste. An owner or operator is not
2 liable for electronic waste collected at the landfill or
3 incinerator and is not required to remove electronic waste
4 collected. An owner or operator is not in violation of this
5 subsection if the owner or operator has made a good faith effort to
6 comply with this subsection.

7 (c) A commercial transporter of solid waste who transports
8 waste to a municipal solid waste landfill or a municipal solid waste
9 incinerator shall provide each person who has contracted directly
10 with the transporter for the transportation of solid waste an
11 informational insert that encourages consumers to recycle
12 electronic waste. A commercial transporter must provide the insert
13 to each person at least once each year. A commercial transporter is
14 not liable for electronic waste carried by the transporter and is
15 not required to remove electronic waste collected. A commercial
16 transporter is not in violation of this subsection if the
17 commercial transporter has made a good faith effort to comply with
18 this subsection. This subsection expires December 31, 2015.

19 (d) The commission by rule shall develop the sign and
20 informational insert required by this section. The sign and insert
21 must include information relating to recycling programs for
22 electronic waste and the commission's Internet website.

23 SECTION 6. (a) The Texas Commission on Environmental
24 Quality shall adopt rules to implement this Act not later than
25 December 31, 2013.

26 (b) Sections 361.967 and 361.993, Health and Safety Code, as
27 added by this Act, apply to an owner or operator of a municipal

1 solid waste landfill or incinerator and a transporter of solid
2 waste who transports waste to a municipal solid waste landfill or
3 incinerator beginning on the effective date of rules adopted by the
4 Texas Commission on Environmental Quality under Subsection (a) of
5 this section.

6 SECTION 7. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2013.