

SENATE AMENDMENTS TO SENATE BILL 740

By COMMITTEE ON ENVIRONMENT AND LAND USE

May 3

- 1 On page 1 of the printed bill, delete lines 18 through 26 and delete pages 2 through 7 and insert:
- 2 **“SECTION 1. As used in sections 1 to 9 of this 2005 Act:**
- 3 **“(1)(a) ‘Eligible electronic products’ means the following product categories:**
- 4 **“(A) Central processing units whether sold alone or with accessories;**
- 5 **“(B) Computer monitors;**
- 6 **“(C) Computer printers;**
- 7 **“(D) Laptop computers; and**
- 8 **“(E) Televisions.**
- 9 **“(b) ‘Eligible electronic products’ does not mean devices that are:**
- 10 **“(A) Parts of a motor vehicle, component parts of motor vehicles assembled by or for a**
- 11 **vehicle manufacturer or franchised dealer or replacement parts for use in motor vehicles.**
- 12 **“(B) Contained within or parts of a piece of industrial, commercial, medical, monitoring**
- 13 **or control equipment.**
- 14 **“(C) Contained within a clothes washer or dryer, refrigerator, freezer, microwave oven,**
- 15 **conventional oven or range, dishwasher, room air conditioner, dehumidifier or air purifier.**
- 16 **“(2) ‘Manufacturer’ means any person that manufactures an eligible electronic product**
- 17 **sold in Oregon.**
- 18 **“(3) ‘Seller’ means a person that sells new eligible electronic products to ultimate con-**
- 19 **sumers in Oregon by any means.**
- 20 **“(4) ‘Television’ means a stand-alone display system that has a viewable area greater**
- 21 **than nine inches when measured diagonally, is able to adhere to standard consumer video**
- 22 **formats such as phase alternate line (PAL), sequential color with memory (SECAM), Na-**
- 23 **tional Television Systems Committee (NTSC) and high definition television (HDTV), has the**
- 24 **capability of selecting different broadcast channels and can support sound capability.**
- 25 **“SECTION 2. (1) The Electronic Product Stewardship Account is established separate and**
- 26 **distinct from the General Fund. The account is continuously appropriated to the Department**
- 27 **of Environmental Quality.**
- 28 **“(2) The account shall consist of moneys collected by the Department of Revenue pur-**
- 29 **suant to section 4 of this 2005 Act after payment of the administrative costs incurred by the**
- 30 **department in collecting the fees described in section 3 of this 2005 Act. Interest on the**
- 31 **moneys in the account shall accrue to the account.**
- 32 **“(3) The Department of Environmental Quality shall use the moneys in the account:**
- 33 **“(a) To pay for the administration of sections 1 to 9 of this 2005 Act;**
- 34 **“(b) To distribute to the entity selected under section 6 of this 2005 Act; and**
- 35 **“(c) To conduct education programs related to the purposes of sections 1 to 9 of this 2005**

1 Act.

2 **"SECTION 3. (1) A seller shall collect an advance recycling fee from the first in-state**
3 **buyer of an eligible electronic product as provided in subsection (2) of this section. The seller**
4 **shall designate the fee as an advance recycling fee for the purpose of funding reuse and re-**
5 **cycling of electronic products and shall indicate that the fee is an advance recycling fee in**
6 **a manner that is clearly visible to the buyer of the product.**

7 **"(2) The amount of the fee shall be:**

8 **"(a) Six dollars for flat-screen devices.**

9 **"(b) Eight dollars for computer monitors that are not flat-screen devices.**

10 **"(c) Ten dollars for televisions.**

11 **"(3) If, under a retailer return policy or warranty, a buyer returns an eligible electronic**
12 **product for which an advance recycling fee has been paid to a seller, the fee shall be refunded**
13 **to the buyer. The seller may claim a refund or credit in the amount of the returned fee from**
14 **any future remittance to the Department of Revenue under section 4 of this 2005 Act.**

15 **"SECTION 4. (1) Each seller of electronic products must register with the Department**
16 **of Revenue. Sellers must report to the department on a quarterly basis the number of eligi-**
17 **ble electronic products sold and remit the collected advance recycling fees, less three percent**
18 **for administrative costs.**

19 **"(2) The department may collect the fees in the manner provided by ORS chapters 305**
20 **and 314.**

21 **"(3) The department shall deposit moneys collected pursuant to this section into the**
22 **Electronic Product Stewardship Account established by section 2 of this 2005 Act.**

23 **"SECTION 5. The Department of Environmental Quality may adopt administrative rules**
24 **to implement the provisions of sections 1 to 9 of this 2005 Act.**

25 **"SECTION 6. (1) The Department of Environmental Quality shall select, through a re-**
26 **quest for proposal process, an entity to manage the electronic product stewardship program**
27 **to collect, reuse, recycle and dispose of eligible electronic products.**

28 **"(2) The department shall appoint an advisory committee to assist in drafting the request**
29 **for proposal. The advisory committee shall consist of manufacturers and sellers of electronic**
30 **products, representatives of reuse and recycling businesses and other parties interested in**
31 **and affected by the provisions of sections 1 to 9 of this 2005 Act.**

32 **"(3) The request for proposal shall:**

33 **"(a) Describe the duties of the selected entity;**

34 **"(b) Set outcome criteria for collection, reuse, recycling and disposal of the materials;**

35 **"(c) Describe a public education process;**

36 **"(d) Set requirements for making the entire process accessible to consumers;**

37 **"(e) Ensure that all regions of the state are adequately served; and**

38 **"(f) Include any other provisions the department determines are necessary to implement**
39 **the provisions of sections 1 to 9 of this 2005 Act.**

40 **"(4) Upon selecting an entity, the department shall enter into a contract with the entity**
41 **that specifies:**

42 **"(a) A methodology for selecting businesses or organizations that receive contracts or**
43 **grants from the selected entity. The methodology must employ open and competitive pro-**
44 **curement practices for selecting collectors, transporters, recyclers and processors and for**
45 **setting reimbursement rates.**

1 “(b) Methods to encourage collectors, transporters, recyclers and processors to coordi-
2 nate their efforts in order to minimize costs.

3 “(c) Qualification requirements that businesses or organizations must meet in order to
4 receive funds from the selected entity.

5 “(d) Provisions addressing environmentally responsible management.

6 “(e) Procedures for monitoring the performance of recyclers, including periodic audits,
7 to ensure that the outcome criteria in the selected entity’s request for proposal are met.

8 “(f) An educational component that encourages the public to use the services of eligible
9 electronic product collectors and recyclers.

10 “(5) The contract shall require that the selected entity make reports to the department
11 to identify:

12 “(a) The total weight and number of eligible electronic products collected during the
13 preceding year, listed by category;

14 “(b) The total weight and number of products reused, products recycled and products
15 disposed of during the preceding year, listed by category; and

16 “(c) All collectors, transporters, recyclers, processors and other entities involved in the
17 recycling of the products during the preceding year.

18 “SECTION 7. A manufacturer shall provide the following:

19 “(1) Assurances to the Department of Revenue that the manufacturer has notified all
20 sellers of eligible electronic products made by the manufacturer that the advance recycling
21 fee must be collected from a buyer and remitted to the department.

22 “(2) A list to the Department of Revenue of all sellers of eligible electronic products made
23 by the manufacturer.

24 “(3) A report to the Department of Environmental Quality, due on April 1 of each year,
25 containing a description of the efforts and successes in implementing a product stewardship
26 approach, including reducing the use of hazardous materials and increasing the reuse and
27 recycling of waste electronics.

28 “(4) A visible label on each eligible electronic product sold in Oregon that designates the
29 name of the manufacturer.

30 “SECTION 8. The Department of Environmental Quality shall periodically determine
31 whether a nationally implemented reuse and recycling program for eligible electronic pro-
32 ducts exists. If the department determines that such a program exists and provides equal
33 or greater opportunities for the collection, reuse and recycling of eligible electronic products
34 with equal or better environmentally responsible management than do sections 1 to 9 of this
35 2005 Act, then the department shall, pursuant to ORS 171.130, submit a proposed legislative
36 measure to repeal sections 1 to 9 of this 2005 Act.

37 “SECTION 9. (1) The advisory committee described in section 6 of this 2005 Act shall
38 review the advance recycling fees set in section 3 of this 2005 Act to determine whether a
39 product category fee reflects the cost of management of the products in that category. If the
40 fee collected for a product exceeds the cost of collecting, transporting, recycling and pro-
41 cessing the product, the advisory committee shall recommend an adjustment of the fee to
42 the Department of Environmental Quality.

43 “(2) The advisory committee described in section 6 of this 2005 Act shall monitor the
44 costs to the selected entity of meeting the outcome criteria and providing the services
45 specified in the request for proposal described in section 6 of this 2005 Act.

1 “(3) If, from the monitoring performed under subsection (2) of this section, the advisory
2 committee determines that the advance recycling fee is inadequate to meet performance
3 goals or to provide the specified services, the advisory committee shall recommend an ad-
4 justment of the fee to the department.

5 “SECTION 10. Section 3 of this 2005 Act becomes operative on January 1, 2007.

6 “SECTION 11. (1) There is appropriated to the Department of Revenue, for the biennium
7 beginning July 1, 2005, out of the General Fund, the amount of \$_____ for the purpose of
8 carrying out the provisions of section 4 of this 2005 Act.

9 “(2) When the department determines that moneys in sufficient amount are available in
10 the Electronic Product Stewardship Account established by section 2 of this 2005 Act, but in
11 no event later than June 30, 2007, the department shall reimburse the General Fund without
12 interest, in an amount equal to the amount appropriated and expended from the General
13 Fund as provided in subsection (1) of this section. The moneys used to reimburse the General
14 Fund under this subsection may not be considered a budget item on which a limitation is
15 otherwise fixed by law, but shall be in addition to any specific biennial appropriations or
16 amounts authorized to be expended from continuously appropriated moneys for any biennial
17 period.

18 “SECTION 12. (1) There is appropriated to the Department of Environmental Quality, for
19 the biennium beginning July 1, 2005, out of the General Fund, the amount of \$_____ for the
20 purpose of carrying out the provisions of sections 1 to 9 of this 2005 Act.

21 “(2) When the department determines that moneys in sufficient amount are available in
22 the Electronic Product Stewardship Account established by section 2 of this 2005 Act, but in
23 no event later than June 30, 2007, the department shall reimburse the General Fund without
24 interest, in an amount equal to the amount appropriated and expended from the General
25 Fund as provided in subsection (1) of this section. The moneys used to reimburse the General
26 Fund under this subsection may not be considered a budget item on which a limitation is
27 otherwise fixed by law, but shall be in addition to any specific biennial appropriations or
28 amounts authorized to be expended from continuously appropriated moneys for any biennial
29 period.”.

30 _____