SENATE BILL 367

M3, M1

6lr1306
CF 6lr1305

By: **Senators Ferguson, Benson, Guzzone, Lee, Madaleno, Manno, Pinsky, Ramirez, Raskin, and Young**

Introduced and read first time: January 28, 2016
Assigned to: Finance and Education, Health, and Environmental Affairs

A BILL ENTITLED

AN ACT concerning

Maryland Redeemable Beverage Container Recycling Refund and Litter Reduction Act

FOR the purpose of establishing the Maryland Redeemable Beverage Container Recycling Refund and Litter Reduction Program; stating the intent of the General Assembly; requiring the Maryland Environmental Service to develop, implement, and administer the Program; specifying the responsibilities associated with developing, implementing, and administering the Program; requiring that every redeemable beverage container sold in the State indicate a certain refund value in a certain manner on and after a certain date; prohibiting a certain container from being sold before a certain date; requiring a distributor to remit a certain refund to the Service within a certain amount of time; requiring that a certain refund value be added to the retail price of a certain container at the time of purchase on and after a certain date; authorizing certain on–premises sellers to apply to the Service for a bulk refund rate; authorizing a redeemer to return an empty redeemable beverage container to a certain location for a certain refund on and after a certain date; requiring a certain retailer to accept an empty redeemable beverage container and pay a certain refund value on and after a certain date; requiring a redemption center to accept an empty redeemable beverage container and pay a certain refund value on and after a certain date; requiring a certain retailer or redemption center to use certain technology when redeeming a redeemable beverage container; specifying the contents of the Program revenue; specifying the manner in which unredeemed deposits will be used; establishing the Reserve Redeemable Beverage Container Recycling Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the State Treasurer to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund; specifying the contents of the Fund; specifying the purpose for which the Fund may be used; prohibiting the transfer of money in the Fund to the General Fund or a special fund of the State; requiring that money in the Fund be released at least a certain number of times each year; providing for the investment of money in and expenditures from the Fund; requiring

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.

a legislative auditor to audit the accounts and transactions of the Program; authorizing the Service to request an audit of the Program at any time; requiring the Service to publish a certain report on its Web site with a certain frequency; requiring the Service to submit a certain report to the Legislative Policy Committee of the General Assembly beginning on a certain date and with a certain frequency; specifying the content of the report; authorizing the Legislative Policy Committee to initiate a certain review within a certain number of days after receipt of the report; prohibiting a person from knowingly selling or attempting to redeem a beverage container in the State that does not comply with this Act; making a person who violates the prohibition against knowingly selling or attempting to redeem a certain beverage container in the State guilty of a misdemeanor and subject to a certain penalty; requiring that certain investment earnings be credited to the Fund; defining certain terms; and generally relating to the establishment of the Maryland Redeemable Beverage Container Recycling Refund and Litter Reduction Program.

BY adding to
Article – Environment
Section 9–1733 through 9–1742 to be under the new part "Part V. Maryland Redeemable Beverage Container Recycling Refund and Litter Reduction Program"
Annotated Code of Maryland
(2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 3–105(a)
Annotated Code of Maryland
(2012 Replacement Volume and 2015 Supplement)

BY adding to
Article – Natural Resources
Section 3–105(g)
Annotated Code of Maryland
(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(i)
Annotated Code of Maryland
(2015 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)84. and 85.
Annotated Code of Maryland
(2015 Replacement Volume)

1 BY adding to
Article – State Finance and Procurement
3 Section 6–226(a)(2)(ii)86.
4 Annotated Code of Maryland
5 (2015 Replacement Volume)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
7 That the Laws of Maryland read as follows:

8 Article – Environment

9 **9–1731. RESERVED.**

10 **9–1732. RESERVED.**

11 **PART V. MARYLAND REDEEMABLE BEVERAGE CONTAINER RECYCLING REFUND**
12 **AND LITTER REDUCTION PROGRAM.**

13 **9–1733.**

14 (A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS
INDICATED.

16 (B) (1) "BEVERAGE" MEANS AN ALCOHOLIC OR A NONALCOHOLIC DRINK
17 INTENDED FOR HUMAN CONSUMPTION AND PACKAGED FOR SALE IN A REDEEMABLE
18 BEVERAGE CONTAINER.

19 (2) "BEVERAGE" INCLUDES:

20 (I) BEER AND OTHER MALT BEVERAGES;

21 (II) LIQUOR;

22 (III) HARD CIDER;

23 (IV) CARBONATED AND NONCARBONATED SOFT DRINKS;

24 (V) FLAVORED AND UNFLAVORED BOTTLED WATER;

25 (VI) FRUIT JUICE;

(VII) SPORTS DRINKS; AND

1 (VIII) TEA AND COFFEE DRINKS REGARDLESS OF DAIRY–DERIVED
2 CONTENT.

3 (3) "BEVERAGE" DOES NOT INCLUDE:

4 (I) MILK;

5 (II) MILK SUBSTITUTES; OR

6 (III) GROWLERS.

7 (C) "CONSUMER" MEANS A PERSON WHO BUYS A REDEEMABLE BEVERAGE
8 CONTAINER IN THE STATE FOR USE OR CONSUMPTION OFF PREMISES.

9 (D) (1) "DISTRIBUTOR" MEANS A PERSON THAT PRODUCES, BOTTLES,
10 IMPORTS, DISTRIBUTES, OR SELLS BEVERAGES IN REDEEMABLE BEVERAGE
11 CONTAINERS WITHIN THE STATE.

12 (2) "DISTRIBUTOR" INCLUDES:

13 (I) A PERSON THAT SELLS OR DISTRIBUTES A REDEEMABLE
14 BEVERAGE CONTAINER THAT:

15 1. IS MADE BY THE PERSON; OR

16 2. BEARS A LABEL DISPLAYING THE PERSON'S NAME OR
17 OTHER REPRESENTATION OF THE PERSON; AND

18 (II) A PERSON THAT SELLS REDEEMABLE BEVERAGE
19 CONTAINERS ONLINE TO A PERSON RESIDING WITHIN THE STATE.

20 (3) "DISTRIBUTOR" DOES NOT INCLUDE AIRLINES OR SHIPPING
21 COMPANIES THAT TRANSPORT REDEEMABLE BEVERAGE CONTAINERS.

22 (E) (1) "ON–PREMISES SELLER" MEANS A PERSON THAT SELLS A
23 BEVERAGE IN A REDEEMABLE BEVERAGE CONTAINER FOR ON–PREMISES
24 CONSUMPTION.

25 (2) "ON–PREMISES SELLER" INCLUDES:

26 (I) A BAR;

27 (II) A RESTAURANT;

(III) A HOTEL;

2 (IV) A SPORTING VENUE WITH MORE THAN 30,000 SEATS; AND

3 (V) A GAMING VENUE.

4 (F) "PROGRAM" MEANS THE MARYLAND REDEEMABLE BEVERAGE
5 CONTAINER RECYCLING REFUND AND LITTER REDUCTION PROGRAM
6 ESTABLISHED UNDER § 9–1735 OF THIS PART.

7 (G) (1) "REDEEMABLE BEVERAGE CONTAINER" MEANS AN INDIVIDUAL,
8 SEPARATE, AND SEALED GLASS, ALUMINUM, OR PLASTIC JAR, CAN, OR BOTTLE THAT
9 AT ITS TIME OF SALE:

10 (I) CONTAINS NOT MORE THAN 101 FLUID OUNCES AND NOT
11 LESS THAN 7 FLUID OUNCES OF A BEVERAGE INTENDED FOR HUMAN CONSUMPTION
12 WITHIN THE STATE;

13 (II) BEARS A UPC; AND

14 (III) MAY BEAR A MARYLAND–SPECIFIC DEPOSIT SECURITY
15 MARK OR BAR CODE FOR THE PURPOSE OF ENSURING LEGITIMATE REDEMPTION
16 AND DETERRING FRAUD.

17 (2) "REDEEMABLE BEVERAGE CONTAINER" INCLUDES A CONTAINER
18 BEARING ANOTHER STATE'S UNIQUE BAR CODE OR DEPOSIT SECURITY MARK USED
19 FOR THE PURPOSE OF ENSURING LEGITIMATE REDEMPTION.

20 (H) "REDEEMER" MEANS A PERSON, OTHER THAN A DISTRIBUTOR, THAT
21 DEMANDS THE REFUND VALUE IN EXCHANGE FOR AN EMPTY REDEEMABLE
22 BEVERAGE CONTAINER.

23 (I) "REDEMPTION CENTER" MEANS A FACILITY THAT ACCEPTS AN EMPTY
24 REDEEMABLE BEVERAGE CONTAINER FROM A CONSUMER IN EXCHANGE FOR THE
25 CONTAINER'S REFUND VALUE OR A REDEEMABLE CREDIT SLIP NOT LESS THAN THE
26 CONTAINER'S REFUND VALUE.

27 (J) "RETAILER" MEANS A PERSON THAT SELLS A BEVERAGE IN A
28 REDEEMABLE BEVERAGE CONTAINER TO A CONSUMER FOR OFF–PREMISES
CONSUMPTION.

30 (K) "REVERSE VENDING MACHINE" MEANS AN AUTOMATED DEVICE THAT:

1 (1) ACCEPTS ONE OR MORE TYPES OF EMPTY REDEEMABLE
2 BEVERAGE CONTAINERS;

3 (2) USES A LASER SCANNER, A MICROPROCESSOR, OR ANOTHER
4 TECHNOLOGY TO ACCURATELY RECOGNIZE A CONTAINER'S UPC IN ORDER TO
5 DETERMINE WHETHER THE CONTAINER IS A REDEEMABLE BEVERAGE CONTAINER;

6 (3) ISSUES A REDEEMABLE CREDIT SLIP FOR A VALUE NOT LESS THAN
7 THE REDEEMABLE BEVERAGE CONTAINER'S VALUE;

8 (4) SEPARATES REDEEMABLE BEVERAGE CONTAINERS FROM
9 CONTAINERS THAT ARE NOT REDEEMABLE;

10 (5) USES MECHANICAL COMPACTION TO CANCEL REDEEMABLE
11 BEVERAGE CONTAINERS THAT HAVE BEEN REDEEMED; AND

12 (6) COMPILES INFORMATION REGARDING THE REDEEMABLE
13 BEVERAGE CONTAINERS THAT HAVE BEEN REDEEMED, INCLUDING THE NUMBER OF
14 REDEEMABLE BEVERAGE CONTAINERS REDEEMED.

15 (L) "SERVICE" MEANS THE MARYLAND ENVIRONMENTAL SERVICE.

16 (M) "UPC" MEANS A UNIVERSAL PRODUCT CODE.

17 9–1734.

18 IT IS THE INTENT OF THE GENERAL ASSEMBLY TO:

19 (1) ACHIEVE A RECYCLING AND REUSE GOAL OF 70% FOR THE
20 APPROXIMATELY 4,800,000,000 BEVERAGE CONTAINERS SOLD ANNUALLY IN THE
21 STATE;

22 (2) REDUCE THE VOLUME OF BEVERAGE CONTAINER LITTER IN THE
23 STATE; AND

24 (3) REDUCE LITTER COLLECTION COSTS INCURRED BY COUNTIES
25 AND MUNICIPAL CORPORATIONS.

26 9–1735.

27 THERE IS A MARYLAND REDEEMABLE BEVERAGE CONTAINER RECYCLING
28 REFUND AND LITTER REDUCTION PROGRAM.

9–1736.

THE MARYLAND ENVIRONMENTAL SERVICE SHALL DEVELOP, IMPLEMENT, AND ADMINISTER THE PROGRAM, INCLUDING:

(1) OVERSEEING THE OPERATION AND MAINTENANCE OF THE PROGRAM, INCLUDING DETERMINING LOGISTICS FOR OPERATING THE PROGRAM AND INITIATING REFUND COLLECTION AND DISTRIBUTION;

(2) COORDINATING THE LOGISTICS FOR COLLECTING REDEEMABLE BEVERAGE CONTAINERS FROM AN ON–PREMISES SELLER;

(3) ESTABLISHING PROCEDURES FOR TRACKING AND SALES OF REDEEMABLE BEVERAGE CONTAINERS;

(4) REGISTERING COVERED BEVERAGE BRANDS;

(5) DESIGNING AND OPERATING TRANSPORTATION AND PROCESSING SERVICES;

(6) DEVELOPING AND IMPLEMENTING A PLAN FOR ESTABLISHING, OPERATING, AND MANAGING REDEMPTION CENTERS AS DEEMED NECESSARY BY THE SERVICE;

(7) ESTABLISHING A PROCESS FOR A COUNTY OR MUNICIPAL CORPORATION TO APPLY TO THE SERVICE TO OPERATE A REDEMPTION CENTER LOCATED WITHIN ITS JURISDICTION;

(8) DEVELOPING AND IMPLEMENTING A PLAN FOR THE DISTRIBUTION, OPERATION, AND MAINTENANCE OF REVERSE VENDING MACHINES;

(9) MANAGING ALL FINANCES ASSOCIATED WITH OPERATING THE PROGRAM, INCLUDING ALLOCATING REVENUES FROM UNREDEEMED DEPOSITS IN ACCORDANCE WITH § 9–1739 OF THIS PART;

(10) DEVELOPING ACCOUNTING AND CONTROL STANDARDS;

(11) DESIGNING AND OPERATING A FINANCIAL CLEARINGHOUSE TO REGISTER REDEEMABLE BEVERAGE CONTAINERS;

(12) IMPLEMENTING ACCOUNTING, AUDIT, PAYMENT, AND REPORTING PROCEDURES;

(13) ESTABLISHING A PROCESS, BASED ON DOCUMENTED IMPACTS, TO SUBSIDIZE COUNTY AND MUNICIPAL CURBSIDE RECYCLING COLLECTION AND COUNTY AND MUNICIPAL MATERIAL RECOVERY FACILITIES FOR THE FIRST 3 YEARS OF THE PROGRAM;

(14) ESTABLISHING AN APPLICATION PROCESS FOR AN ON–PREMISES SELLER TO APPLY TO THE SERVICE TO RECEIVE A BULK RATE FOR THE REDEMPTION OF EMPTY REDEEMABLE BEVERAGE CONTAINERS;

(15) ESTABLISHING A HIGH–VOLUME VALIDATION AND AUDIT SYSTEM TO PAY A BULK RATE TO AN ON–PREMISES SELLER FOR THE REDEMPTION OF EMPTY REDEEMABLE BEVERAGE CONTAINERS;

(16) MARKETING REDEEMABLE BEVERAGE CONTAINER MATERIALS FOR REUSE IN THE MANUFACTURING OF GOODS;

(17) FUNDING A MARKETING PROGRAM TO EDUCATE THE PUBLIC ABOUT THE PROGRAM; AND

(18) REPORTING INFORMATION GATHERED UNDER THIS PART TO THE DEPARTMENT.

9–1737.

(A) (1) ON AND AFTER JULY 1, 2017, EVERY REDEEMABLE BEVERAGE CONTAINER SOLD IN THE STATE SHALL INDICATE CLEARLY A REFUND VALUE OF 5 CENTS AND THE WORD "MARYLAND" OR THE LETTERS "MD" ON THE REDEEMABLE BEVERAGE CONTAINER.

(2) A CONTAINER MARKED IN ACCORDANCE WITH THIS SECTION MAY NOT BE SOLD TO A CONSUMER BEFORE JULY 1, 2017.

(B) A DISTRIBUTOR SHALL REMIT THE REFUNDS COLLECTED FROM THE SALE OF REDEEMABLE BEVERAGE CONTAINERS IN THE STATE TO THE SERVICE WITHIN 45 DAYS OF COLLECTION.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ON AND AFTER JULY 1, 2017, A REFUND VALUE OF 5 CENTS SHALL BE ADDED TO THE RETAIL PRICE OF A FULL REDEEMABLE BEVERAGE CONTAINER AT THE TIME OF PURCHASE.

(2) (I) THE RETAIL PRICE OF A FULL REDEEMABLE BEVERAGE CONTAINER SOLD BY AN ON–PREMISES SELLER MAY NOT INCLUDE THE REFUND VALUE OF 5 CENTS.

(II) THE FOLLOWING ON–PREMISES SELLERS MAY APPLY TO THE SERVICE FOR A BULK REFUND RATE:

1. CASINOS;

2. SPORTING VENUES WITH MORE THAN 30,000 SEATS; AND

3. ANY OTHER LARGE VENUE APPROVED BY THE SERVICE.

9–1738.

(A) ON AND AFTER JULY 1, 2017, A REDEEMER MAY RETURN AN EMPTY REDEEMABLE BEVERAGE CONTAINER TO A REDEMPTION CENTER OR A PARTICIPATING RETAILER FOR A FULL REFUND OF THE 5–CENT DEPOSIT PAID ON THE CONTAINER.

(B) ON AND AFTER JULY 1, 2017, A RETAILER WITH A RETAIL BUILDING THAT HAS INDOOR MARKET SPACE OF 5,000 SQUARE FEET OR MORE SHALL ACCEPT AN EMPTY REDEEMABLE BEVERAGE CONTAINER AND IMMEDIATELY PAY TO THE REDEEMER THE FULL REFUND VALUE IN CASH.

(C) ON AND AFTER JULY 1, 2017, A REDEMPTION CENTER SHALL ACCEPT AN EMPTY REDEEMABLE BEVERAGE CONTAINER AND IMMEDIATELY PAY TO THE REDEEMER THE FULL REFUND VALUE IN CASH.

(D) A RETAILER OR REDEMPTION CENTER COLLECTING A REDEEMABLE BEVERAGE CONTAINER UNDER THIS SECTION SHALL USE A REVERSE VENDING MACHINE OR OTHER HIGH–SPEED COUNTING AND SORTING TECHNOLOGY TO:

(1) VALIDATE EACH REDEEMABLE BEVERAGE CONTAINER INDIVIDUALLY WHEN CALCULATING THE REFUND VALUE TO BE PAID TO A REDEEMER; AND

(2) IDENTIFY EACH REDEEMED REDEEMABLE BEVERAGE CONTAINER AS HAVING BEEN REDEEMED.

9–1739.

1 (A) REVENUE FOR THE PROGRAM SHALL CONSIST OF:

2 (1) MONEY COLLECTED FROM THE SALE OF EMPTY REDEEMABLE
3 BEVERAGE CONTAINERS FOR SCRAP MATERIALS; AND

4 (2) UNREDEEMED DEPOSITS.

5 (B) FUNDING FOR THE PROGRAM SHALL BE ALLOCATED AS FOLLOWS:

6 (1) 2.875 CENTS PER REDEEMED BEVERAGE CONTAINER SHALL GO
7 TO THE SERVICE FOR OPERATION AND ADMINISTRATION OF THE PROGRAM;

8 (2) 0.125 CENTS SHALL:

9 (I) DURING THE FIRST 3 YEARS OF THE PROGRAM, GO TO
10 DISTRIBUTORS FOR COSTS ASSOCIATED WITH COMPLYING WITH THE PROGRAM;
11 AND

12 (II) DURING THE FOURTH AND SUBSEQUENT YEARS OF THE
13 PROGRAM, BE ALLOCATED IN A MANNER THAT THE SERVICE DETERMINES IS
14 APPROPRIATE FOR THE SUSTAINABILITY OF THE PROGRAM; AND

15 (3) ANY REMAINING UNREDEEMED FUNDS SHALL BE ALLOCATED IN
16 ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION.

17 (C) OF THE MONEY COLLECTED UNDER SUBSECTION (B)(1) OF THIS
18 SECTION, UP TO $15,000,000 SHALL GO TO THE SERVICE FOR REPAYMENT OF ITS
19 INITIAL CAPITAL INVESTMENT IN THE PROGRAM.

20 (D) REVENUES FROM UNREDEEMED DEPOSITS COLLECTED UNDER
21 SUBSECTION (B)(3) OF THIS SECTION AND FROM THE SALE OF SCRAP MATERIALS
22 SHALL, AFTER COSTS FOR OPERATION AND ADMINISTRATION OF THE PROGRAM
23 HAVE BEEN MET, BE ALLOCATED AS FOLLOWS:

24 (1) DURING THE FIRST 3 YEARS OF THE PROGRAM:

25 (I) UP TO $27,000,000 TO COUNTIES AND MUNICIPAL
26 CORPORATIONS FOR DOCUMENTED LOSSES CLAIMED BY CURBSIDE COLLECTION
27 PROGRAMS AND MATERIAL RECYCLING FACILITIES AND VERIFIED BY THE SERVICE;

1 (II) UP TO $15,000,000 FOR COUNTIES AND MUNICIPAL
2 CORPORATIONS TO ADDRESS TOTAL MAXIMUM DAILY LOAD ISSUES AS MANDATED
3 BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY; AND

4 (III) UP TO $21,000,000 TO THE DEPARTMENT FOR COMMUNITY
5 GRANTS FOR LITTER REDUCTION AND ENVIRONMENTAL PROGRAMS;

6 (2) UP TO $2,000,000 ANNUALLY TO THE CHESAPEAKE BAY TRUST
7 FOR ENVIRONMENTAL GRANTS;

8 (3) $250,000 TO THE DEPARTMENT FOR ASSISTANCE WITH THE
9 IMPLEMENTATION OF THE PROGRAM; AND

10 (4) ANY REMAINING FUNDS TO THE RESERVE REDEEMABLE
11 BEVERAGE CONTAINER RECYCLING FUND ESTABLISHED UNDER § 9–1740 OF THIS
12 PART.

13 9–1740.

14 (A) IN THIS SECTION, "FUND" MEANS THE RESERVE REDEEMABLE
BEVERAGE CONTAINER RECYCLING FUND.

16 (B) THERE IS A RESERVE REDEEMABLE BEVERAGE CONTAINER
17 RECYCLING FUND.

18 (C) THE PURPOSE OF THE FUND IS TO:

19 (1) MAINTAIN A RESERVE TO ENSURE THE VIABILITY OF THE
20 PROGRAM; AND

21 (2) PROVIDE FUNDING FOR LITTER REDUCTION AND
22 ENVIRONMENTAL PROGRAMS.

23 (D) THE STATE TREASURER SHALL ADMINISTER THE FUND.

24 (E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT
25 SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

26 (2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,
27 AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

28 (F) THE FUND CONSISTS OF:

1 (1) UNREDEEMED DEPOSITS;

2 (2) INVESTMENT EARNINGS;

3 (3) ANNUAL SURPLUS FROM THE OPERATION OF THE PROGRAM; AND

4 (4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR
5 THE BENEFIT OF THE FUND.

6 (G) (1) THE FUND MAY BE USED ONLY FOR IMPLEMENTATION,
7 OPERATION, AND SUSTAINABILITY OF THE PROGRAM.

8 (2) MONEY IN THE FUND MAY NOT BE TRANSFERRED TO THE
9 GENERAL FUND OR A SPECIAL FUND OF THE STATE.

10 (3) MONEY IN THE FUND SHALL BE RELEASED AT LEAST ONE TIME
11 EACH YEAR.

12 (H) THE STATE TREASURER SHALL INVEST THE MONEY IN THE FUND IN
13 THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

14 (I) THE FUND SHALL BE INVESTED AND REINVESTED, AND ANY
15 INVESTMENT EARNINGS SHALL BE:

16 (1) PAID INTO THE FUND UNTIL THE FUND REACHES $30,000,000;
17 AND

18 (2) PAID OUT ANNUALLY FOR LITTER REDUCTION AND
19 ENVIRONMENTAL PROGRAMS FOR FUNDING IN THE RESERVE THAT EXCEEDS
20 $30,000,000.

21 9–1741.

22 (A) (1) ON OR AFTER JULY 1, 2017, THE LEGISLATIVE AUDITOR SHALL
23 AUDIT THE ACCOUNTS AND TRANSACTIONS OF THE PROGRAM AS PROVIDED IN §
24 2–1220 OF THE STATE GOVERNMENT ARTICLE.

25 (2) THE SERVICE MAY REQUEST AN AUDIT OF THE PROGRAM AT ANY
26 TIME.

27 (B) THE SERVICE SHALL PUBLISH ANNUALLY ON ITS WEB SITE AN UPDATE
28 ON THE PROGRAM, INCLUDING:

1 (1) THE BALANCE OF THE RESERVE REDEEMABLE BEVERAGE
2 CONTAINER RECYCLING FUND;

3 (2) REDEMPTION RATES;

4 (3) OPERATIONAL UPDATES;

5 (4) PUBLIC EDUCATION EFFORTS; AND

6 (5) ANY OTHER INFORMATION THAT THE SERVICE DETERMINES IS
7 NECESSARY TO PROVIDE THE PUBLIC WITH A COMPLETE OVERVIEW OF AND UPDATE
8 ON THE PROGRAM.

9 (C) (1) BEGINNING ON DECEMBER 31, 2020, AND EVERY 5 YEARS
10 THEREAFTER, THE SERVICE SHALL SUBMIT A REPORT TO THE GOVERNOR AND THE
11 LEGISLATIVE POLICY COMMITTEE OF THE GENERAL ASSEMBLY.

12 (2) THE SERVICE SHALL REPORT ON:

13 (I) PROGRAM MANAGEMENT AND ADMINISTRATION;

14 (II) PROGRAM FINANCES;

15 (III) FRAUD MITIGATION;

16 (IV) PROGRAM SUCCESSES AND CHALLENGES; AND

17 (V) ANY OTHER INFORMATION THAT THE SERVICE CONSIDERS
18 NECESSARY TO PROVIDE A COMPLETE OVERVIEW OF AND UPDATE ON THE
19 PROGRAM.

20 (3) THE LEGISLATIVE POLICY COMMITTEE SHALL HAVE 45 DAYS
21 AFTER RECEIPT OF THE REPORT TO INITIATE A REVIEW OF THE PROGRAM.

22 9–1742.

23 (A) A PERSON MAY NOT KNOWINGLY SELL OR ATTEMPT TO REDEEM IN THE
24 STATE A BEVERAGE CONTAINER THAT DOES NOT COMPLY WITH THE REQUIREMENTS
25 OF THIS PART.

(B) A PERSON WHO VIOLATES SUBSECTION (A) OF THIS SECTION IS GUILTY
27 OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING
28 $250.

1 **Article – Natural Resources**

2 3–105.

3 (a) The Service is responsible for carrying out the following general activities
4 subject to the limitations stated in this section.

5 **(G) EXECUTE THE POWERS AND PERFORM THE DUTIES SET FORTH IN TITLE**
6 **9, SUBTITLE 17, PART V OF THE ENVIRONMENT ARTICLE.**

7 **Article – State Finance and Procurement**

8 6–226.

9 (a) (2) (i) Notwithstanding any other provision of law, and unless
10 inconsistent with a federal law, grant agreement, or other federal requirement or with the
11 terms of a gift or settlement agreement, net interest on all State money allocated by the
12 State Treasurer under this section to special funds or accounts, and otherwise entitled to
13 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General
14 Fund of the State.

15 (ii) The provisions of subparagraph (i) of this paragraph do not apply
16 to the following funds:

17 84. the Economic Development Marketing Fund; [and]

18 85. the Military Personnel and Veteran–Owned Small
19 Business No–Interest Loan Fund; AND

20 **86. THE RESERVE REDEEMABLE BEVERAGE CONTAINER**
21 **RECYCLING FUND.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2016.