

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Natural Resources, Fish, and Wildlife to which was
3 referred House Bill No. 63 entitled “An act relating to the time frame for return
4 of unclaimed beverage container deposits” respectfully reports that it has
5 considered the same and recommends that the bill be amended by striking out
6 all after the enacting clause and inserting in lieu thereof the following:

7 Sec. 1. 10 V.S.A. § 1530 is amended to read:

8 § 1530. ABANDONED BEVERAGE CONTAINER DEPOSITS; DEPOSIT
9 TRANSACTION ACCOUNT; BEVERAGE REDEMPTION FUND

10 (a) As used in this section, “deposit initiator” means the first distributor or
11 manufacturer to collect the deposit on a beverage container sold to any person
12 within the State.

13 (b) A deposit initiator shall open a separate interest-bearing account to be
14 known as the deposit transaction account in a Vermont branch of a financial
15 institution. The deposit initiator shall keep the deposit transaction account
16 separate from all other revenues and accounts.

17 (c) Beginning on October 1, 2019, each deposit initiator shall deposit in its
18 deposit transaction account the refund value established by section 1522 of this
19 title for all beverage containers sold by the deposit initiator. The deposit
20 initiator shall deposit the refund value for each beverage container in the
21 deposit transaction account ~~not more than three business days after the date on~~

1 ~~which the beverage container is sold~~ on or before the 15th day of the calendar
2 month succeeding the month in which the deposit was collected. All interest,
3 dividends, and returns earned on the deposit transaction account shall be paid
4 directly to the account. The deposit initiator shall pay all refunds on returned
5 beverage containers from the deposit transaction account.

6 (d) Beginning on January 1, 2020, and quarterly thereafter, every deposit
7 initiator shall report to ~~the Secretary of Natural Resources and the~~
8 Commissioner of Taxes concerning transactions affecting the deposit
9 initiator's deposit transaction account in the preceding quarter. The deposit
10 initiator shall submit the report on a form provided by the Commissioner of
11 Taxes. The report shall include:

12 (1) the balance of the deposit transaction account at the beginning of the
13 preceding quarter;

14 (2) the number of beverage containers sold in the preceding quarter and
15 the number of beverage containers returned in the preceding quarter;

16 (3) the amount of beverage container deposits received by the deposit
17 initiator and deposited into the deposit transaction account;

18 (4) the amount of refund payments made from the deposit transaction
19 account in the preceding quarter;

20 (5) ~~any income earned on the deposit transaction account in the~~
21 ~~preceding quarter;~~

1 ~~(6)~~ any other transactions, withdrawals, or service charges on the deposit
2 transaction account from the preceding quarter; and

3 ~~(7)~~(6) any additional information required by the Commissioner of
4 Taxes.

5 (e)(1) On or before January 1, 2020, and quarterly thereafter, each deposit
6 initiator shall remit from its deposit transaction account to the Commissioner
7 of Taxes any abandoned beverage container deposits from the preceding
8 quarter. The deposit initiator shall remit the abandoned beverage container
9 deposits on or before the 15th day of the month following the end of the
10 quarter. The amount of abandoned beverage container deposits for a quarter is
11 the amount equal to the amount of deposits that should be in the deposit
12 transaction account less the sum of:

13 (A) income earned on amounts on the deposit transaction account
14 during that quarter; and

15 (B) the total amount of refund value paid out by the deposit initiator
16 for beverage containers during that quarter.

17 (2) In any calendar quarter, the deposit initiator may submit to the
18 Commissioner of Taxes a request for reimbursement of refunds paid under this
19 chapter that exceed the funds that are or should be in the deposit initiator's
20 deposit transaction account. The Commissioner of Taxes shall pay a request

1 for reimbursement under this subdivision from the funds remitted to the
2 Commissioner under subdivision (1) of this subsection, provided that:

3 (A) the Commissioner determines that the funds in the deposit
4 initiator's deposit transaction account are insufficient to pay the refunds on
5 returned beverage containers; and

6 (B) a reimbursement paid by the Commissioner to the deposit
7 initiator shall not exceed the amount paid by the deposit initiator under
8 subdivision (1) of this subsection (e) during the preceding 12 months less
9 amounts paid to the initiator pursuant to this subdivision (2) during that same
10 12-month period.

11 (f) The Secretary of Natural Resources may prohibit the sale of a beverage
12 that is sold or distributed in the State by a deposit initiator who fails to comply
13 with the requirements of this chapter. The Secretary may allow the sale of a
14 beverage upon the deposit initiator's coming into compliance with the
15 requirements of this chapter.

16 (g) Data reported to the Commissioner of Taxes by a deposit initiator under
17 this section shall be confidential business information exempt from public
18 inspection and copying under 1 V.S.A. § 317(c)(9), provided that the
19 Commissioner of Taxes may use and disclose such information in summary or
20 aggregated form that does not directly or indirectly identify individual deposit
21 initiators.

1 Sec. 2. EFFECTIVE DATE

2 This act shall take effect on passage.

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9 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE