

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. All interest, dividends, and returns~~
2 ~~earned on the deposit transaction account shall be paid directly to the account.~~
3 ~~The deposit initiator shall pay all refunds on returned beverage containers from~~
4 ~~the deposit transaction account.~~

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

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

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

15 ~~(3)~~ (2) the amount of beverage container deposits received by the
16 deposit initiator and deposited into the deposit transaction account;

17 ~~(4)~~ (3) the amount of refund payments made ~~from the deposit~~
18 ~~transaction account~~ in the preceding quarter; and

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

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

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

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

11 ~~(A) income earned on amounts on the deposit transaction account~~
12 ~~during that quarter; and~~

13 ~~(B) the total amount of refund value paid out by the deposit initiator~~
14 ~~for beverage containers during that quarter~~ the deposit initiator collected in the
15 quarter less the amount of the total refund value paid out by the deposit
16 initiator for beverage containers during the 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~~ amount of deposits collected in the quarter. The
21 Commissioner of Taxes shall pay a request for reimbursement under this

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

3 (A) the Commissioner determines that the ~~funds in the deposit~~
4 ~~initiator's deposit transaction account~~ deposits collected by the deposit initiator
5 are insufficient to pay the refunds on 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)~~(c) 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 ~~(d)~~(d) The Secretary of Natural Resources may prohibit the sale of a
12 beverage that is sold or distributed in the State by a deposit initiator who fails
13 to comply with the requirements of this chapter. The Secretary may allow the
14 sale of a beverage upon the deposit initiator's coming into compliance with the
15 requirements of this chapter.

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