

*3rd Conference
Not accepted*

REPORT OF COMMITTEE OF CONFERENCE

To the Senate and House of Representatives:

The Committee of Conference to which were referred the disagreeing votes of the two Houses upon House bill entitled:

H.100. An act to prohibit the sale of beer, ale and carbonated beverages in disposable glass containers.

Respectfully report that they have met and considered the same and recommend that the Senate recede from its proposal of amendment and that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 32 V.S.A. Chapter 237 is added to read:

CHAPTER 237. NONRETURNABLE CONTAINER TAX

§ 10501. DEFINITIONS

For the purposes of this chapter:

(1) "Biodegradable material" means material which is capable of being broken down by bacteria into basic elements.

(2) "Consumer product" means every product for sale at retail to the consumer for his use or consumption including, but not limited to, foods, beverages, toilet articles, cleaning products, and tobacco products.

(3) "Container" means the individual, separate, bottle, can, jar or carton composed of glass, metal, paper, plastic or any combination of those materials containing a consumer product. This definition shall not include containers made of biodegradable material.

(4) "Distributor" means every person who engages in the sale of consumer products in containers to a dealer in this state including any manufacturer who engages in such sales.

(5) "Manufacturer" means every person bottling, canning, packing or otherwise filling containers for sale to distributors or dealers.

(6) "Recycling" means the process of sorting, cleansing, treating and reconstituting waste and other discarded materials for the purpose of reusing the materials in the same or altered form.

(7) "Beverage" means beer or other malt beverages and mineral waters, soda water and similar soft drinks in liquid form and intended for human consumption, whether or not carbonated, but does not include uncarbonated water, soups, fluid milk products, unadulterated, natural, reconstituted or frozen fruit, vegetable or meat juices, or liquids intended for medicinal purposes only.

§ 10502. IMPOSITION OF TAX ON NONRETURNABLE CONTAINERS

(a) There is levied and shall be collected a tax on all containers sold in the state intended for resale, use or consumption in this state at the following rates:

(1) Two mills for each carbonated beverage, beer, ale or other malt beverage container sold;

(2) One mill each on all other containers sold.

(b) The tax levied pursuant to this section shall be paid by every manufacturer or distributor to the commissioner of taxes. Whenever a retailer, group of retailers or retail chain contracts for, receives consignment of, or in any other manner acquires goods in containers outside of the state for sale, use or consumption in the state, the tax levied pursuant to this section shall be paid to the commissioner of taxes by such retailer, retail group or chain. The commissioner of taxes shall adopt and publish all forms and regulations necessary for the purposes of this chapter.

§ 10503. DEPOSIT IN LIEU OF TAX

(a) In lieu of payment of the tax levied pursuant to section 10502 of this title, any manufacturer or distributor of beverages as defined in section 10501(7) of this title may, and on and after July 1, 1974 shall require a deposit of not less than five cents to be paid by the consumer on each container sold at the retail level and refunded to him upon return of the empty container, provided however, that the governor may, by executive order ~~issued pursuant to the provisions of section 2002 of Title 9,~~ advance the effective date for the requirement of a deposit on such containers to a date not earlier than July 1, 1973.

(b) If a manufacturer or distributor elects to require a deposit pursuant to subsection (a) of this section, that manufacturer or distributor shall:

(1) Clearly label each container manufactured, sold, distributed or intended for distribution in the state with a statement indicating the amount of the deposit, and the name of this state, and

(2) Provide either that all retailers selling such containers and collecting and refunding deposits on such containers be reimbursed for those efforts by the manufacturer or distributor in an amount directly proportional to the quantity of containers sold as determined by the secretary of environmental conservation; or that the manufacturer or distributor establish, operate and maintain a sufficient number of facilities for the collection of containers sold or distributed by him in the state, at least one in each town, at locations determined by the secretary of environmental conservation with the approval of the legislative body of the town in which the facility is to be located. The secretary of environmental conservation shall have authority to promulgate rules and regulations necessary to implement this section.

§ 10504. ALLOCATION OF REVENUES

Of the revenues collected pursuant to section 10502 of this title:

- (1) The first \$1,000,000.00 shall be distributed each year to the towns on a per capita basis for use by them for operation and maintenance of sanitary landfills required pursuant to section 2201a of Title 24; and
- (2) The second \$1,000,000.00 shall be allocated each year to the secretary of the agency of environmental conservation to establish and operate solid waste recycling centers pursuant to section 2205 of Title 24; and
- (3) Any excess collected each year over \$2,000,000.00 shall be held in trust by the secretary of the agency of environmental conservation for retirement of any bonded debt incurred for municipal water pollution control facilities.

§ 10505. PENALTY

Any person who violates the provisions of this chapter shall be fined not more than \$1,000.00 for each violation.

Sec. 2. 24 V.S.A. § 2205 is added to read:

§ 2205. RECYCLING CENTERS

(a) The secretary of environmental conservation shall develop a state plan for the establishment and operation of solid waste recycling centers sufficient to meet the need for solid waste recycling throughout the state. In developing a state plan the secretary may establish pilot or demonstration projects for the purpose of determining equitable regions or methods for solid waste recycling. Pursuant to such plan the secretary shall establish and operate or contract for the establishment and operation of a solid waste recycling center within each

town, or within each administrative district created pursuant to section 4001 of Title 3, or within such other regions as he deems reasonable to efficiently utilize solid waste recycling facilities at locations determined by him with the approval of the legislative body of the town in which the facility is to be located. Each recycling center shall be used for the storage, processing and sale or disposal of solid waste. The secretary may purchase, lease or rent land or designate land owned by the state or any agency or department thereof for use as recycling centers.

(b) The secretary is authorized to contract in the name of the state for the service of independent contractors under bond or with an agency or department of the state or a town to operate the recycling centers or to collect solid waste and deliver it to a recycling center.

(c) The secretary shall promulgate rules pursuant to chapter 25 of Title 3 to implement the provisions of this section.

(d) The secretary shall make a special report to the General Assembly not later than January 15, 1974, detailing the progress and success of the state plan for meeting the need for solid waste recycling and his recommendations for legislative action to further assure achieving satisfactory solution of the solid waste problem in the state.


T. GARRY BUCKLEY

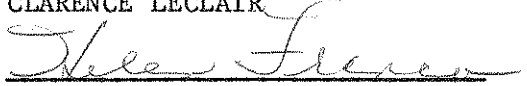

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