By: Delegates Morhaim, Bobo, McIntosh, and Montgomery
Introduced and read first time: February 4, 2005
Assigned to: Environmental Matters

A BILL ENTITLED

AN ACT concerning

Environment - Statewide Computer Recycling Program

FOR the purpose of establishing the Statewide Computer Recycling Program in the Department of the Environment; requiring the Office of Recycling in the Department of the Environment to administer the Program; authorizing, on or after a certain date, computer manufacturers to submit to the Department a certain environmental compliance plan; requiring the Department, upon certain determinations, to certify and renew the certification of a manufacturer's plan; establishing a State Computer Recycling fee; requiring, on or before a certain date, the Department to establish the fee in regulation; requiring, on or after a certain date, retailers to collect the fee on the sale of certain computers; providing for the administration of the fee; establishing the Statewide Computer Recycling Fund to support the development of computer recycling systems throughout the State; requiring the Department to adopt certain regulations; defining certain terms; and generally relating to the Statewide Computer Recycling Program.

BY repealing and reenacting, with amendments,
Article - Environment
Section 9-1702(d)
Annotated Code of Maryland (1996 Replacement Volume and 2004 Supplement)

BY adding to
Article - Environment
Section 9-1727 through 9-1731 to be under the new part "Part IV. Statewide Computer Recycling Program"
Annotated Code of Maryland (1996 Replacement Volume and 2004 Supplement)

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

9-1702.

(d) The Office shall:

(1) Assist the counties in developing an acceptable recycling plan required under § 9-1703 of this subtitle and § 9-505 of this title, including technical assistance to the local governments;

(2) Coordinate the efforts of the State to facilitate the implementation of the recycling goals at the county level; [and]

(3) Review all recycling plans submitted as part of a county plan as required under § 9-505 of this title and advise the Secretary on the adequacy of the recycling plan; AND

(4) ADMINISTER THE STATEWIDE COMPUTER RECYCLING PROGRAM UNDER PART IV OF THIS SUBTITLE.

9-1725. RESERVED.

9-1726. RESERVED.

PART IV. STATEWIDE COMPUTER RECYCLING PROGRAM.

9-1727.

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

(B) (1) "COMPUTER" MEANS A DESKTOP COMPUTER, PERSONAL COMPUTER, OR LAPTOP COMPUTER.

(2) "COMPUTER" DOES NOT INCLUDE:

(I) A PERSONAL DIGITAL ASSISTANT DEVICE; OR

(II) A COMPUTER PERIPHERAL DEVICE, INCLUDING:

1. A MOUSE OR OTHER SIMILAR POINTING DEVICE;

2. A PRINTER; OR

3. A DETACHABLE KEYBOARD.

(C) "MANUFACTURER" MEANS THE CORPORATION OR OTHER LEGAL ENTITY THAT IS THE BRAND OWNER OR IMPORTER OF A COMPUTER SOLD IN THE STATE.

(D) "RECYCLING SYSTEM" MEANS THE COLLECTION, PACKAGING, TRANSPORTATION, AND RECYCLING OF A COMPUTER THAT HAS BEEN DISCARDED.
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1 9-1728.

2 (A)  ON OR AFTER JANUARY 1, 2006, A MANUFACTURER MAY SUBMIT AN
3 ENVIRONMENTAL COMPLIANCE PLAN FOR COMPUTERS TO THE DEPARTMENT.

4 (B)  THE ENVIRONMENTAL COMPLIANCE PLAN SHALL INCLUDE:

5 (1)  A DESCRIPTION OF THE ACTIONS TAKEN AND PLANNED BY THE
6 MANUFACTURER TO DESIGN ITS COMPUTERS SO THAT THE COMPUTER IS:

7 (I)  EASILY BROKEN DOWN INTO RECYCLABLE COMPONENTS; AND
8 (II)  CONTAINS THE LEAST ACHIEVABLE AMOUNT OF HAZARDOUS
9 MATERIALS;

10 (2)  A DESCRIPTION OF ANY COMPUTER RECYCLING OR REUSE EFFORTS
11 CONDUCTED OR SUPPORTED BY THE MANUFACTURER, INCLUDING RECYCLING
12 CONTRACTS WITH BUSINESSES LOCATED IN THE STATE; AND

13 (3)  ANY INFORMATION REQUIRED BY THE DEPARTMENT IN
14 REGULATION.

15 (C) (1)  AFTER REVIEW OF THE MANUFACTURER’S ENVIRONMENTAL
16 COMPLIANCE PLAN, IF THE DEPARTMENT DETERMINES THAT IMPLEMENTATION BY
17 THE MANUFACTURER OF THE PLAN WILL SIGNIFICANTLY REDUCE THE AMOUNT OF
18 COMPUTER WASTE ENTERING THE SOLID WASTE STREAM, THE DEPARTMENT SHALL
19 CERTIFY THE MANUFACTURER’S PLAN.

20 (2)  A CERTIFICATION GRANTED OR RENEWED UNDER THIS SECTION IS
21 VALID FOR 2 YEARS.

22 (3) (I)  PRIOR TO THE EXPIRATION OF THE CERTIFICATION, A
23 MANUFACTURER MAY APPLY TO THE DEPARTMENT FOR A CERTIFICATION
24 RENEWAL.

25 (II)  THE APPLICATION FOR RENEWAL SHALL INCLUDE:

26 1.  DETAILS OF THE MANUFACTURER’S IMPLEMENTATION OF
27 THE ORIGINAL ENVIRONMENTAL COMPLIANCE PLAN; AND

28 2.  ANY INFORMATION REQUIRED BY THE DEPARTMENT IN
29 REGULATION.

30 9-1729.

31 (A)  THERE IS A STATE COMPUTER RECYCLING FEE.

32 (B)  THE FEE SHALL BE:

33 (1)  ON OR BEFORE JULY 1, 2006, ESTABLISHED IN REGULATION BY THE
34 DEPARTMENT AT A LEVEL THAT ENSURES FUNDING SUFFICIENT TO IMPLEMENT
AND OPERATE THE STATEWIDE COMPUTER RECYCLING PROGRAM ESTABLISHED UNDER THIS PART;

(2) ON OR AFTER JULY 1, 2006, IF THE COMPUTER'S MANUFACTURER DOES NOT HAVE A CERTIFIED ENVIRONMENTAL COMPLIANCE PLAN FOR COMPUTERS, IMPOSED ON THE FIRST SALE OF A NEW COMPUTER BY A RETAILER TO A CONSUMER IN THE STATE; AND

(3) COLLECTED BY THE RETAILER AT THE TIME OF THE SALE.

(C) ON OR BEFORE THE 21ST DAY OF THE MONTH THAT FOLLOWS THE MONTH IN WHICH THE SALE WAS MADE, THE RETAILER SHALL SUBMIT TO THE COMPTROLLER OF THE TREASURY:

(1) AN ACCOUNTING, UNDER PENALTIES OF PERJURY, OF ANY FEES COLLECTED UNDER THIS SECTION; AND

(2) ANY FEES COLLECTED, LESS THE ADMINISTRATIVE COSTS AUTHORIZED UNDER SUBSECTION (D) OF THIS SECTION.

(D) A RETAILER WHO TIMELY SUBMITS AN ACCOUNTING OF THE FEES COLLECTED AND PAID IS ALLOWED, FOR THE EXPENSE OF ADMINISTERING THE COLLECTION AND PAYMENT OF THE FEES, A CREDIT EQUAL TO 1.2% OF THE GROSS AMOUNT OF THE STATE COMPUTER RECYCLING FEES THAT THE RETAILER IS TO PAY TO THE COMPTROLLER.

(E) IF THE AMOUNT OF THE STATE COMPUTER RECYCLING FEE IS SEPARATELY STATED IN A RETAIL SALE, THE FEE IS NOT SUBJECT TO ANY TAX UNDER TITLE 11 OF THE TAX - GENERAL ARTICLE.

(F) AT THE END OF EACH QUARTER, THE COMPTROLLER SHALL FORWARD ALL STATE COMPUTER RECYCLING FEES TO THE STATEWIDE COMPUTER RECYCLING FUND, LESS THE COSTS OF ADMINISTRATION.

9-1730.

(A) THERE IS A STATEWIDE COMPUTER RECYCLING FUND.

(B) THE PURPOSE OF THE FUND IS TO SUPPORT THE DEVELOPMENT OF COMPUTER RECYCLING SYSTEMS THROUGHOUT THE STATE.

(C) THE DEPARTMENT SHALL ADMINISTER THE FUND.

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

(2) THE TREASURER SHALL HOLD THE FUND SEPARATELY AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(E) THE FUND CONSISTS OF:
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1. (1) Revenues distributed to the fund under § 9-1729 of this part;

2. (2) Money appropriated in the state budget to the fund; and

3. (3) Any other money from any other source accepted for the benefit of the fund.

4. (F) In accordance with the state budget, the fund may be used only for:

5. (1) Costs incurred in conducting public outreach to educate the public on:

6. (I) The importance of recycling computers; and

7. (II) Sites where computers may be recycled;

8. (2) For activities related to computer recycling programs, including research, planning, monitoring, public education, and market development, and for associated administrative costs; and

9. (3) To provide grants to local governments for costs related to the implementation of county or regional computer recycling systems.

10. (G) (1) The treasurer shall invest the money in the fund in the same manner as other state money may be invested.

11. (2) Any investment earnings of the fund shall be credited to the general fund of the state.

12. (H) (1) Subject to § 2-1246 of the state government article, the department shall provide the standing committees of the Maryland General Assembly with primary jurisdiction over the provisions of this part with a status report on the fund on or before November 1 of each year.

13. (2) The report shall include an accounting of all money expended for each of the purposes specified in subsection (F) of this section.

14. 9-1731.

15. The secretary shall adopt regulations that:

16. (1) Establish procedures for the submission and criteria for the certification of a manufacturer’s environmental compliance plan submitted under § 9-1728 of this subtitle;
(2) ESTABLISH PROCEDURES FOR THE APPLICATION FOR AND CRITERIA
FOR THE AWARDING OF GRANTS UNDER § 9-1730 OF THIS SUBTITLE; AND

(3) CARRY OUT THE PROVISIONS OF THIS PART.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
July 1, 2005.