
By: **Delegates Morhaim, Bobo, McIntosh, and Montgomery**

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Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 25, 2005

CHAPTER _____

1 AN ACT concerning

2 **Environment - Statewide Computer Recycling Pilot Program**

3 FOR the purpose of authorizing a county to address methods for the separate
 4 collection and recycling of computers in a certain recycling plan; requiring
 5 certain reductions in a county's solid waste stream attributable to the
 6 implementation of certain methods to count towards certain required
 7 reductions; establishing the Statewide Computer Recycling Pilot Program in the
 8 Department of the Environment; requiring the Office of Recycling in the
 9 Department of the Environment to administer the Program; ~~authorizing~~
 10 ~~requiring~~, on or after a certain ~~date~~, dates, certain computer manufacturers to
 11 submit to the Department a certain ~~environmental compliance plan~~; ~~requiring~~
 12 ~~the Department, upon certain determinations, to certify and renew the~~
 13 ~~certification of a manufacturer's plan~~; ~~establishing a State Computer Recycling~~
 14 ~~fee~~; ~~requiring, on or before a certain date, the Department to establish the fee in~~
 15 ~~regulation~~; ~~requiring, on or after a certain date, retailers to collect the fee on the~~
 16 ~~sale of certain computers~~; ~~providing for the administration of the fee~~;
 17 ~~establishing the Statewide Computer Recycling Fund to support the~~
 18 ~~development of computer recycling systems throughout the State~~ registration
 19 and fee; establishing a computer manufacturer registration fee; requiring the
 20 fee to be deposited into the State Recycling Trust Fund; providing for the
 21 administration of the Fund; requiring certain balances in the Fund to revert to
 22 the General Fund; authorizing certain expenditures from the Fund; requiring,
 23 on or before a certain date, the Department to conduct a certain study regarding
 24 the disposal and recycling of cathode ray tubes and review the effectiveness of
 25 the Program established by this Act and submit a certain report to certain
 26 committees; providing for the termination of certain provisions of this Act;
 27 requiring the Department to adopt certain regulations; defining certain terms;
 28 and generally relating to the Statewide Computer Recycling Pilot Program.

1 BY repealing and reenacting, with amendments,
 2 Article - Environment
 3 Section 9-1701, 9-1702(d), 9-1703, and 9-1707(f)
 4 Annotated Code of Maryland
 5 (1996 Replacement Volume and 2004 Supplement)

6 BY adding to
 7 Article - Environment
 8 Section 9-1727 through ~~9-1731~~ 9-1730, inclusive, to be under the new part
 9 "Part IV. Statewide Computer Recycling Pilot Program"
 10 Annotated Code of Maryland
 11 (1996 Replacement Volume and 2004 Supplement)

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

14 **Article - Environment**

15 9-1701.

16 (a) In this subtitle the following words have the meanings indicated.

17 (b) "Compost" means the product of composting in accordance with the
 18 standards established by the Secretary of Agriculture under § 6-221 of the
 19 Agriculture Article.

20 (c) "Composting" means the controlled biological decomposition of organic
 21 waste material in accordance with the standards established by the Secretary under
 22 this title.

23 (D) (1) "COMPUTER" MEANS A DESKTOP PERSONAL COMPUTER OR LAPTOP
 24 COMPUTER, INCLUDING THE COMPUTER MONITOR.

25 (2) "COMPUTER" DOES NOT INCLUDE:

26 (I) A PERSONAL DIGITAL ASSISTANT DEVICE;

27 (II) A COMPUTER PERIPHERAL DEVICE, INCLUDING:

28 1. A MOUSE OR OTHER SIMILAR POINTING DEVICE;

29 2. A PRINTER; OR

30 3. A DETACHABLE KEYBOARD.

31 (E) "COMPUTER TAKEBACK PROGRAM" MEANS A PROGRAM, ESTABLISHED BY
 32 A COMPUTER MANUFACTURER, FOR THE COLLECTION AND RECYCLING,
 33 REFURBISHING, OR REUSE OF A COMPUTER LABELED WITH THE NAME OF THE
 34 MANUFACTURER OR THE MANUFACTURER'S BRAND LABEL, INCLUDING:

1 (1) PROVIDING, AT NO COST TO THE RETURNER, A METHOD OF
2 RETURNING A COMPUTER TO THE MANUFACTURER, INCLUDING POSTAGE PAID
3 MAILING PACKAGES OR DESIGNATED COLLECTION POINTS THROUGHOUT THE
4 STATE;

5 (2) CONTRACTING WITH A RECYCLER, LOCAL GOVERNMENT, OTHER
6 MANUFACTURER, OR ANY OTHER PERSON; OR

7 (3) ANY OTHER PROGRAM APPROVED BY THE DEPARTMENT.

8 [(d)] (F) "Director" means the Director of the Office of Recycling.

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

11 [(e)] (H) (1) "Natural wood waste" means tree and other natural vegetative
12 refuse.

13 (2) "Natural wood waste" includes tree stumps, brush and limbs, root
14 mats, logs, and other natural vegetative material.

15 [(f)] (I) (1) "Natural wood waste recycling facility" means a facility where
16 recycling services for natural wood waste are provided.

17 (2) "Natural wood waste recycling facility" does not include a collection
18 or processing facility operated by:

19 (i) A nonprofit or governmental organization located in the State;
20 or

21 (ii) A single individual or business that provides recycling services
22 for its own employees or for its own recyclable materials generated on its own
23 premises.

24 [(g)] (J) "Office" means the Office of Recycling within the Department.

25 [(h)] (K) "Recyclable materials" means those materials that:

26 (1) Would otherwise become solid waste for disposal in a refuse disposal
27 system; and

28 (2) May be collected, separated, or processed and returned to the
29 marketplace in the form of raw materials or products.

30 [(i)] (L) (1) "Recycling" means any process in which materials that would
31 otherwise become solid waste are collected, separated, or processed and returned to
32 the marketplace in the form of raw materials or products.

33 (2) "Recycling" includes composting.

1 [(j)] (M) "Recycling services" means the services provided by persons engaged
2 in the business of recycling, including the collection, processing, storage, purchase,
3 sale, or disposition of recyclable materials.

4 [(k)] (N) "Resource recovery facility" means a facility in existence as of
5 January 1, 1988 that:

6 (1) Processes solid waste to produce valuable resources, including steam,
7 electricity, metals, or refuse-derived fuel; and

8 (2) Achieves a volume reduction of at least 50 percent of its solid waste
9 stream.

10 [(l)] (O) (1) "Solid waste stream" means garbage or refuse that would,
11 unless recycled, be disposed of in a refuse disposal system located in this State.

12 (2) "Solid waste stream" does not include:

13 (i) Hospital waste;

14 (ii) Rubble;

15 (iii) Scrap material;

16 (iv) Land clearing debris;

17 (v) Sewage sludge; or

18 (vi) Waste generated by a single individual or business and disposed
19 of in a facility dedicated solely for that entity's waste.

20 [(m)] (P) "White goods" includes:

21 (1) Refrigerators;

22 (2) Stoves;

23 (3) Washing machines;

24 (4) Dryers;

25 (5) Water heaters; and

26 (6) Air conditioners.

27 [(n)] (Q) (1) "Yard waste" means organic plant waste derived from
28 gardening, landscaping, and tree trimming activities.

29 (2) "Yard waste" includes leaves, garden waste, lawn cuttings, weeds,
30 and prunings.

1 9-1702.

2 (d) The Office shall:

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

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

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

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

13 9-1703.

14 (a) Each county shall submit a recycling plan to the Secretary for approval
15 when the county submits its county plan to the Secretary in accordance with the
16 provisions of § 9-505 of this title.

17 (b) In preparing the recycling plan as required in § 9-505 of this title, the
18 county shall address:

19 (1) Methods to meet the solid waste stream reduction;

20 (2) The feasibility of source separation of the solid waste stream
21 generated within the county;

22 (3) The recyclable materials to be separated;

23 (4) The strategy for the collection, processing, marketing, and disposition
24 of recyclable materials, including the cost-effective use of recycling centers;

25 (5) Methods of financing the recycling efforts proposed by the county;

26 (6) Methods for the separate collection and composting of yard waste;

27 (7) The feasibility of a system for the composting of mixed solid wastes;

28 (8) The feasibility of a system for the collection and recycling of white
29 goods;

30 (9) The separate collection of other recyclable materials; and

31 (10) Any other alternative methods of recycling that will attain or exceed
32 the solid waste stream reduction goals determined by the county.

1 (C) (1) IN PREPARING THE RECYCLING PLAN AS REQUIRED UNDER § 9-505
2 OF THIS TITLE, THE COUNTY MAY ADDRESS METHODS FOR THE SEPARATE
3 COLLECTION AND RECYCLING OF COMPUTERS, INCLUDING EFFORTS BY THE
4 COUNTY TO ESTABLISH PARTNERSHIPS WITH COMPUTER MANUFACTURERS,
5 RECYCLERS, RETAILERS, OR OTHER LOCAL GOVERNMENTS FOR THE COLLECTION
6 AND RECYCLING OF COMPUTERS.

7 (2) IF A COUNTY ELECTS TO ADDRESS METHODS FOR THE SEPARATE
8 COLLECTION AND RECYCLING OF COMPUTERS IN ITS RECYCLING PLAN, ANY
9 REDUCTION IN THE COUNTY'S SOLID WASTE STREAM ATTRIBUTABLE TO THE
10 IMPLEMENTATION OF THE METHODS SHALL COUNT TOWARDS THE COUNTY'S
11 REQUIRED REDUCTION THROUGH RECYCLING OF THE SOLID WASTE STREAM UNDER
12 § 9-505 OF THIS TITLE.

13 [(c)] (D) A county that achieves a reduction of at least 5 percent in the volume
14 of its waste through the utilization of 1 or more resource recovery facilities in
15 operation as of January 1, 1988 shall be considered to have achieved a reduction by
16 recycling of 5 percent of its solid waste stream.

17 [(d)] (E) In preparing a recycling plan, a county may not calculate a tax or
18 mandatory deposit on any beverage container that is enacted by a county or
19 municipality to achieve the recycling goals required under § 9-505 of this title.

20 [(e)] (F) For the purpose of determining weight, the Department may not
21 preclude the use of portable weigh scales.

22 9-1707.

23 (f) (1) There is a State Recycling Trust Fund.

24 (2) The Fund shall consist of [net proceeds from the]:

25 (i) [Newsprint] THE NEWSPRINT recycling incentive fee; [and]

26 (ii) [Telephone] THE TELEPHONE directory recycling incentive fee
27 collected under § 9-1709 of this subtitle;

28 (III) THE COMPUTER MANUFACTURER REGISTRATION FEE
29 COLLECTED UNDER § 9-1728 OF THIS SUBTITLE;

30 (IV) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;
31 AND

32 (V) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR
33 THE BENEFIT OF THE FUND.

34 (3) THE SECRETARY SHALL ADMINISTER THE FUND.

35 (4) THE TREASURER SHALL HOLD THE FUND SEPARATELY AND THE
36 COMPROLLER SHALL ACCOUNT FOR THE FUND.

1 (5) AT THE END OF EACH FISCAL YEAR, ANY UNSPENT OR
2 UNENCUMBERED BALANCE IN THE FUND SHALL REVERT TO THE GENERAL FUND OF
3 THE STATE IN ACCORDANCE WITH § 7-302 OF THE STATE FINANCE AND
4 PROCUREMENT ARTICLE.

5 [~~(4)~~] (6) [The] IN ACCORDANCE WITH THE STATE BUDGET, THE Fund
6 shall be used only:

7 (i) To provide grants to the counties to be used by the counties to
8 develop and implement local recycling plans; [and]

9 (II) TO PROVIDE GRANTS TO COUNTIES THAT HAVE ADDRESSED
10 METHODS FOR THE SEPARATE COLLECTION AND RECYCLING OF COMPUTERS IN
11 ACCORDANCE WITH § 9-1703(C)(1) OF THIS SUBTITLE;

12 (III) TO PROVIDE GRANTS TO MUNICIPALITIES TO BE USED BY THE
13 MUNICIPALITIES TO IMPLEMENT LOCAL COMPUTER RECYCLING PROGRAMS; AND

14 [~~(ii)~~] (IV) To carry out the purposes of the Office of Recycling under
15 this subtitle.

16 (7) (I) THE TREASURER SHALL INVEST THE MONEY IN THE FUND IN
17 THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

18 (II) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE
19 CREDITED TO THE GENERAL FUND OF THE STATE.

20 9-1725. RESERVED.

21 9-1726. RESERVED.

22 PART IV. STATEWIDE COMPUTER RECYCLING PILOT PROGRAM.

23 9-1727.

24 (A) THIS SECTION APPLIES TO A MANUFACTURER THAT MANUFACTURED AN
25 AVERAGE OF MORE THAN 1,000 COMPUTERS PER YEAR IN THE IMMEDIATELY
26 PRECEDING 3-YEAR PERIOD.

27 (B) ON OR AFTER JANUARY 1, 2006, A MANUFACTURER MAY NOT SELL OR
28 OFFER FOR SALE TO ANY PERSON IN THE STATE A NEW COMPUTER UNLESS:

29 (1) THE COMPUTER IS LABELED WITH THE NAME OF THE
30 MANUFACTURER OR THE MANUFACTURER'S BRAND LABEL; AND

31 (2) THE MANUFACTURER HAS REGISTERED WITH AND SUBMITTED A
32 REGISTRATION FEE TO THE DEPARTMENT AS PROVIDED UNDER THIS PART.

33 9-1728.

34 (A) A COMPUTER MANUFACTURER'S REGISTRATION SHALL INCLUDE:

1 (1) THE BRAND NAMES UNDER WHICH THE MANUFACTURER SELLS OR
2 OFFERS FOR SALE COMPUTERS IN THE STATE;

3 (2) WHETHER THE MANUFACTURER HAS IMPLEMENTED A COMPUTER
4 TAKEBACK PROGRAM;

5 (3) IF THE MANUFACTURER HAS IMPLEMENTED A COMPUTER
6 TAKEBACK PROGRAM;

7 (I) A TOLL-FREE NUMBER OR WEBSITE ADDRESS THAT PROVIDES
8 INFORMATION ABOUT THE TAKEBACK PROGRAM, INCLUDING A DETAILED
9 DESCRIPTION OF HOW A PERSON MAY RETURN A COMPUTER FOR RECYCLING,
10 REFURBISHING, OR REUSE; AND

11 (II) ONE YEAR AFTER THE IMPLEMENTATION OF THE PROGRAM
12 AND EACH YEAR THEREAFTER, A REPORT ON THE IMPLEMENTATION OF THE
13 PROGRAM DURING THE PRIOR YEAR, INCLUDING:

14 1. THE TOTAL WEIGHT OF THE COMPUTERS RECEIVED BY
15 THE PROGRAM FROM MARYLAND DURING THE PRIOR YEAR;

16 2. THE TOTAL NUMBER OF COMPUTERS FROM MARYLAND
17 RECYCLED, REFURBISHED, AND REUSED DURING THE PRIOR YEAR; AND

18 3. THE PROCESSES AND METHODS USED TO RECYCLE,
19 REFURBISH, OR REUSE THE COMPUTERS RECEIVED FROM MARYLAND; AND

20 (4) ANY ADDITIONAL INFORMATION REQUIRED BY THE DEPARTMENT IN
21 REGULATION.

22 (B) THE REGISTRATION SHALL:

23 (1) BE SUBMITTED TO THE DEPARTMENT BY JANUARY 1 OF EACH YEAR;
24 AND

25 (2) IF THE MANUFACTURER HAS IMPLEMENTED A COMPUTER
26 TAKEBACK PROGRAM, BE UPDATED PRIOR TO ANY SIGNIFICANT CHANGE IN THE
27 PROGRAM.

28 (C) THE COMPUTER MANUFACTURER REGISTRATION FEE IS:

29 (1) \$5,000 FOR THE INITIAL REGISTRATION BY THE MANUFACTURER;

30 (2) (I) \$5,000 FOR EACH SUBSEQUENT ANNUAL REGISTRATION BY A
31 MANUFACTURER THAT DID NOT HAVE AN IMPLEMENTED COMPUTER TAKEBACK
32 PROGRAM IN THE PRIOR YEAR; OR

33 (II) \$500 FOR EACH SUBSEQUENT ANNUAL REGISTRATION BY A
34 MANUFACTURER THAT HAD AN IMPLEMENTED COMPUTER TAKEBACK PROGRAM IN
35 THE PRIOR YEAR;

1 (3) SUBMITTED TO THE DEPARTMENT BY JANUARY 1 OF EACH YEAR;

2 AND

3 (4) PAID INTO THE STATE RECYCLING TRUST FUND.

4 (D) (1) THE DEPARTMENT SHALL:

5 (I) REVIEW THE REGISTRATION SUBMITTED UNDER THIS
6 SECTION; AND

7 (II) IF THE REGISTRATION DOES NOT MEET THE REQUIREMENTS
8 OF THIS SECTION AND THE REGULATIONS ADOPTED BY THE DEPARTMENT UNDER
9 THIS SUBTITLE, NOTIFY THE MANUFACTURER OF THE INSUFFICIENCY.

10 (2) WITHIN 60 DAYS AFTER RECEIPT OF A NOTICE OF INSUFFICIENCY,
11 THE MANUFACTURER SHALL SUBMIT A REVISED REGISTRATION THAT ADDRESSES
12 THE INSUFFICIENCIES NOTED BY THE DEPARTMENT.

13 9-1729.

14 THE DEPARTMENT MAY ADOPT REGULATIONS NECESSARY TO IMPLEMENT THE
15 PROVISIONS OF THIS SUBTITLE, INCLUDING THE REQUIRED COMPONENTS OF A
16 COMPUTER TAKEBACK PROGRAM.

17 9-1730.

18 THE PROVISIONS AND PENALTIES OF § 9-342 OF THIS TITLE SHALL BE USED
19 AND SHALL APPLY TO ENFORCE VIOLATIONS OF THIS PART.

20 PART IV. STATEWIDE COMPUTER RECYCLING PROGRAM.

21 9-1727.

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

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

25 (2) "COMPUTER" DOES NOT INCLUDE:

26 (I) A PERSONAL DIGITAL ASSISTANT DEVICE; OR

27 (II) A COMPUTER PERIPHERAL DEVICE, INCLUDING:

28 1. A MOUSE OR OTHER SIMILAR POINTING DEVICE;

29 2. A PRINTER; OR

30 3. A DETACHABLE KEYBOARD.

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

3 ~~(D) "RECYCLING SYSTEM" MEANS THE COLLECTION, PACKAGING,~~
4 ~~TRANSPORTATION, AND RECYCLING OF A COMPUTER THAT HAS BEEN DISCARDED.~~

5 ~~9-1728.~~

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

8 ~~(B) THE ENVIRONMENTAL COMPLIANCE PLAN SHALL INCLUDE:~~

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

11 ~~(I) EASILY BROKEN DOWN INTO RECYCLABLE COMPONENTS; AND~~

12 ~~(II) CONTAINS THE LEAST ACHIEVABLE AMOUNT OF HAZARDOUS~~
13 ~~MATERIALS;~~

14 ~~(2) A DESCRIPTION OF ANY COMPUTER RECYCLING OR REUSE EFFORTS~~
15 ~~CONDUCTED OR SUPPORTED BY THE MANUFACTURER, INCLUDING RECYCLING~~
16 ~~CONTRACTS WITH BUSINESSES LOCATED IN THE STATE; AND~~

17 ~~(3) ANY INFORMATION REQUIRED BY THE DEPARTMENT IN~~
18 ~~REGULATION.~~

19 ~~(C) (1) AFTER REVIEW OF THE MANUFACTURER'S ENVIRONMENTAL~~
20 ~~COMPLIANCE PLAN, IF THE DEPARTMENT DETERMINES THAT IMPLEMENTATION BY~~
21 ~~THE MANUFACTURER OF THE PLAN WILL SIGNIFICANTLY REDUCE THE AMOUNT OF~~
22 ~~COMPUTER WASTE ENTERING THE SOLID WASTE STREAM, THE DEPARTMENT SHALL~~
23 ~~CERTIFY THE MANUFACTURER'S PLAN.~~

24 ~~(2) A CERTIFICATION GRANTED OR RENEWED UNDER THIS SECTION IS~~
25 ~~VALID FOR 2 YEARS.~~

26 ~~(3) (I) PRIOR TO THE EXPIRATION OF THE CERTIFICATION, A~~
27 ~~MANUFACTURER MAY APPLY TO THE DEPARTMENT FOR A CERTIFICATION~~
28 ~~RENEWAL.~~

29 ~~(II) THE APPLICATION FOR RENEWAL SHALL INCLUDE:~~

30 ~~1. DETAILS OF THE MANUFACTURER'S IMPLEMENTATION OF~~
31 ~~THE ORIGINAL ENVIRONMENTAL COMPLIANCE PLAN; AND~~

32 ~~2. ANY INFORMATION REQUIRED BY THE DEPARTMENT IN~~
33 ~~REGULATION.~~

1 ~~9-1729.~~

2 (A) ~~THERE IS A STATE COMPUTER RECYCLING FEE.~~

3 (B) ~~THE FEE SHALL BE:~~

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

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

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

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

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

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

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

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

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

31 ~~9-1730.~~

32 (A) ~~THERE IS A STATEWIDE COMPUTER RECYCLING FUND.~~

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

35 (C) ~~THE DEPARTMENT SHALL ADMINISTER THE FUND.~~

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

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

5 ~~(E) THE FUND CONSISTS OF:~~

6 ~~(1) REVENUES DISTRIBUTED TO THE FUND UNDER § 9-1729 OF THIS~~
7 ~~PART;~~

8 ~~(2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND; AND~~

9 ~~(3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE~~
10 ~~BENEFIT OF THE FUND.~~

11 ~~(F) IN ACCORDANCE WITH THE STATE BUDGET, THE FUND MAY BE USED~~
12 ~~ONLY FOR:~~

13 ~~(1) COSTS INCURRED IN CONDUCTING PUBLIC OUTREACH TO EDUCATE~~
14 ~~THE PUBLIC ON:~~

15 ~~(i) THE IMPORTANCE OF RECYCLING COMPUTERS; AND~~

16 ~~(ii) SITES WHERE COMPUTERS MAY BE RECYCLED;~~

17 ~~(2) FOR ACTIVITIES RELATED TO COMPUTER RECYCLING PROGRAMS,~~
18 ~~INCLUDING RESEARCH, PLANNING, MONITORING, PUBLIC EDUCATION, AND MARKET~~
19 ~~DEVELOPMENT, AND FOR ASSOCIATED ADMINISTRATIVE COSTS; AND~~

20 ~~(3) TO PROVIDE GRANTS TO LOCAL GOVERNMENTS FOR COSTS RELATED~~
21 ~~TO THE IMPLEMENTATION OF COUNTY OR REGIONAL COMPUTER RECYCLING~~
22 ~~SYSTEMS.~~

23 ~~(G) (1) THE TREASURER SHALL INVEST THE MONEY IN THE FUND IN THE~~
24 ~~SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.~~

25 ~~(2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE CREDITED TO~~
26 ~~THE GENERAL FUND OF THE STATE.~~

27 ~~(H) (1) SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE~~
28 ~~DEPARTMENT SHALL PROVIDE THE STANDING COMMITTEES OF THE MARYLAND~~
29 ~~GENERAL ASSEMBLY WITH PRIMARY JURISDICTION OVER THE PROVISIONS OF THIS~~
30 ~~PART WITH A STATUS REPORT ON THE FUND ON OR BEFORE NOVEMBER 1 OF EACH~~
31 ~~YEAR.~~

32 ~~(2) THE REPORT SHALL INCLUDE AN ACCOUNTING OF ALL MONEY~~
33 ~~EXPENDED FOR EACH OF THE PURPOSES SPECIFIED IN SUBSECTION (F) OF THIS~~
34 ~~SECTION.~~

1 ~~9-1731.~~

2 ~~THE SECRETARY SHALL ADOPT REGULATIONS THAT:~~

3 ~~(1) ESTABLISH PROCEDURES FOR THE SUBMISSION AND CRITERIA FOR~~
4 ~~THE CERTIFICATION OF A MANUFACTURER'S ENVIRONMENTAL COMPLIANCE PLAN~~
5 ~~SUBMITTED UNDER § 9-1728 OF THIS SUBTITLE;~~

6 ~~(2) ESTABLISH PROCEDURES FOR THE APPLICATION FOR AND CRITERIA~~
7 ~~FOR THE AWARDING OF GRANTS UNDER § 9-1730 OF THIS SUBTITLE; AND~~

8 ~~(3) CARRY OUT THE PROVISIONS OF THIS PART.~~

9 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of the
10 Environment shall study and compare the environmental and public health impacts
11 of disposing of and recycling cathode ray tubes and review the effectiveness of the
12 Program established under Part IV of Subtitle 9 of the Environment Article in
13 diverting computers and computer monitors from disposal in landfills in the State
14 and, on or before December 1, 2008, report the findings to the Senate Education,
15 Health, and Environmental Affairs Committee and the House Environmental Matters
16 Committee in accordance with § 2-1246 of the State Government Article.

17 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
18 effect July 1, 2005. Section 1 of this Act shall remain effective for a period of 5 years
19 and 6 months and, at the end of December 31, 2010, with no further action required
20 by the General Assembly, Section 1 of this Act shall be abrogated and of no further
21 force and effect.

22 ~~SECTION 2.4.~~ AND BE IT FURTHER ENACTED, That this Act shall take
23 effect July 1, 2005.