

Amendment No. 343

Senate Amendment to Senate Bill No. 310	(BDR 40-752)
<b>Proposed by:</b> Senate Committee on Natural Resources	
<b>Amends:</b> Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will REMOVE the 2/3s majority vote requirement from S.B. 310.

ASSEMBLY ACTION			Initial and Date		SENATE ACTION			Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

RMB/HAC



Date: 4/21/2019

S.B. No. 310—Enacts provisions requiring the payment of deposits and refunds on certain beverage containers sold in this State. (BDR 40-752)





SENATE BILL NO. 310—SENATORS SCHEIBLE, PARKS, OHRENSCHALL, BROOKS;  
SPEARMAN AND WOODHOUSE

MARCH 18, 2019

JOINT SPONSORS: ASSEMBLYMEN MCCURDY,  
PETERS; AND NGUYEN

Referred to Committee on Natural Resources

SUMMARY—~~[Enacts provisions requiring the payment of deposits and refunds on certain beverage containers sold in this State.]~~ Authorizes the creation of pilot programs for recycling beverage containers. (BDR 40-752)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

AN ACT relating to programs for recycling; ~~[enacting provisions requiring]~~ authorizing the creation of pilot programs for recycling that include the payment of deposits and refunds on certain beverage containers sold in this State; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

~~[This]~~ Section 17.25 of this bill ~~[establishes]~~ authorizes the Director of the State Department of Conservation and Natural Resources to establish a pilot program for requiring deposits to be paid and then refunded on certain recyclable beverage containers sold in this State. [Under section 11 of this bill, every beverage container, with certain exceptions, has a refund value of 5 cents. Section 12 of this bill requires every beverage container sold in this State with a refund value to be clearly labeled with that refund value and with the word "Nevada" or the abbreviation "NV." Section 13 of this bill requires a consumer to deposit the refund value of each beverage container when purchasing a filled container and requires a dealer who receives that deposit to submit the amount of the deposit to the Director of the State Department of Conservation and Natural Resources for deposit in the Beverage Container Recycling Fund. Section 13 also authorizes a consumer to return the beverage container to a redemption center and requires the Division of Environmental Protection of the Department to adopt regulations for the certification of those redemption centers. Section 14 of this bill provides for paying the refund value of the empty beverage container to the consumer by a redemption center. Section 15 of this bill prohibits a person from attempting to return for a refund more than a certain number of empty beverage containers that the person knows or has reason to know were not originally sold in this State.] Section 17.5 of this bill authorizes the governing body of a city or the board of county commissioners of a county to establish a pilot program for requiring deposits to be paid and then refunded on certain recyclable beverage containers sold in the city or county, as applicable.

21 ~~Section 16~~ of this bill creates the Beverage Container Recycling Fund and requires the  
22 money in the Fund to be used for recycling and recycling promotion and education programs.  
23 ~~[Section 17 of this bill requires certain reports to be made to the Director of the Department~~  
24 ~~and section 18 of this bill requires the Division to adopt regulations necessary to carry out the~~  
25 ~~provisions of this bill.]~~

26 Section 18.5 of this bill requires the Director to submit a report to the Governor and  
27 the Director of the Legislative Counsel Bureau for transmittal to the 81st Session of the  
28 Legislature regarding any pilot programs for recycling established pursuant to the  
29 provisions of this bill.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 444A of NRS is hereby amended by adding thereto the  
2 provisions set forth as sections 2 to ~~[17.]~~ 17.5, inclusive, of this act.

3 **Sec. 2.** *As used in sections 2 to ~~[17.]~~ 17.5, inclusive, of this act, the words*  
4 *and terms described in sections 3 to 10, inclusive, of this act have the meanings*  
5 *ascribed to them in those sections.*

6 **Sec. 3.** *“Beverage” means beer and other malt beverages, bottled water,*  
7 *mineral water, soda water, bottled or canned tea, bottled or canned energy drinks,*  
8 *flavored water and any other carbonated or noncarbonated drinks intended for*  
9 *human consumption. The term does not include milk or wine.*

10 **Sec. 4.** *“Beverage container” means any sealable bottle, can, jar or carton*  
11 *that is primarily composed of glass, metal or plastic or any combination thereof*  
12 *and is produced for the purpose of containing a beverage for a single use.*

13 **Sec. 5.** *“Consumer” means a person who purchases a beverage in a*  
14 *beverage container for use or consumption with no intent to resell the beverage.*

15 **Sec. 6.** *“Dealer” means a person who engages in the sale of beverages in*  
16 *beverage containers. The term includes the operator of a vending machine that*  
17 *sells beverages.*

18 **Sec. 7.** ~~“Director” means the Director of the State Department of~~  
19 ~~Conservation and Natural Resources.]~~ (Deleted by amendment.)

20 **Sec. 8.** ~~“Distributor” means a person who engages in the sale of beverages~~  
21 ~~in beverage containers to a dealer.]~~ (Deleted by amendment.)

22 **Sec. 9.** ~~“Division” means the Division of Environmental Protection of the~~  
23 ~~State Department of Conservation and Natural Resources.]~~ (Deleted by  
24 amendment.)

25 **Sec. 10.** *“Redemption center” means a facility that is certified by the*  
26 ~~[Division]~~ Director of the State Department of Conservation and Natural  
27 Resources pursuant to the regulations adopted pursuant to section ~~[13.]~~ 17.25 of  
28 this act to accept beverage containers from consumers.

29 **Sec. 11.** ~~[1. Except as otherwise provided in subsection 2, every beverage~~  
30 ~~container sold or offered for sale in this State has a refund value of 5 cents.~~

31 ~~2. The following beverage containers do not have a refund value:~~

32 ~~—(a) A beverage container sold by a distributor for use by a common carrier in~~  
33 ~~the conduct of interstate passenger service; and~~

34 ~~—(b) A beverage container sold by a distributor for use by a gaming~~  
35 ~~establishment, saloon, restaurant or resort that demonstrates to the satisfaction of~~  
36 ~~the State Environmental Commission that~~

37 ~~—(1) Of the beverage containers sold or given away by the gaming~~  
38 ~~establishment, saloon, restaurant or resort, a percentage not less than that~~

~~determined by the Division pursuant to subsections 3 and 4 contain beverages that will be consumed on the premises; and~~

~~— (2) The gaming establishment, saloon, restaurant or resort has on the premises a program for recycling beverage containers.~~

~~— 3. The Division shall adopt regulations prescribing the method for determining the percentage of beverage containers sold or given away by a gaming establishment, saloon, restaurant or resort required for the exemption pursuant to paragraph (b) of subsection 2.~~

~~— 4. The regulations adopted pursuant to subsection 3 must provide for consideration by the Division of the size and nature of the gaming establishment, saloon, restaurant or resort and the purposes of sections 2 to 17, inclusive, of this act.~~ (Deleted by amendment.)

~~Sec. 12. [A beverage container with a refund value must not be sold in this State unless the beverage container is clearly labeled:~~

~~— 1. With the refund value of the beverage container; and~~

~~— 2. With the word "Nevada" or the abbreviation "NV."]~~ (Deleted by amendment.)

~~Sec. 13. [1. For every filled beverage container that a consumer purchases from a dealer, the consumer shall deposit the refund value of the beverage container with the dealer.~~

~~— 2. Not later than 10 days after the end of each month, a dealer that receives a deposit from a consumer pursuant to subsection 1 shall submit the amount of the deposit to the Director for deposit pursuant to the provisions of section 16 of this act.~~

~~— 3. A consumer who deposits the refund value of a beverage container pursuant to subsection 1 may return the beverage container to a redemption center pursuant to section 14 of this act.~~

~~— 4. The Division shall adopt regulations concerning the issuance and renewal of certificates for redemption centers and the administration and enforcement of the provisions of sections 2 to 17, inclusive, of this act. The regulations must include, without limitation, provisions setting forth:~~

~~— (a) The requirements for the issuance and renewal of those certificates;~~

~~— (b) The fees, if any, for the issuance and renewal of those certificates;~~

~~— (c) The manner in which deposits, refunds of deposits and reimbursements for refunds of deposits paid by redemption centers must be made from the Beverage Container Recycling Fund created by section 16 of this act; and~~

~~— (d) Any other requirements specified by the Division to carry out the provisions of sections 2 to 17, inclusive, of this act.]~~ (Deleted by amendment.)

~~Sec. 14. [1. Except as otherwise provided in subsections 2 and 3, a redemption center shall:~~

~~— (a) Accept from any person during normal business hours any empty beverage container of the type, size and brand sold by a dealer in this State; and~~

~~— (b) Pay the person the refund value of each empty beverage container so returned.~~

~~— 2. A redemption center may refuse to accept a beverage container which contains material foreign to the normal contents of the beverage container other than water, soap or any similar cleaning material or solution.~~

~~— 3. A redemption center may refuse to accept empty beverage containers that the redemption center reasonably believes were not originally sold in this State as filled beverage containers.]~~ (Deleted by amendment.)

~~Sec. 15. [A person shall not offer to return at one time to a redemption center more than 250 empty beverage containers that the person knows or has~~

~~reason to know were not originally sold in this State as filled beverage containers.] (Deleted by amendment.)~~

Sec. 16. 1. The Beverage Container Recycling Fund is hereby created in the State Treasury as a special revenue fund.

2. All money received by a dealer pursuant to subsection 1 of section 17.25 of this act must be deposited in the State Treasury for credit to the Fund. ~~[The Director may apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of sections 2 to 17, inclusive, of this act. Any money so received must be deposited in the State Treasury for credit to the Fund.]~~

3. The Fund is a continuing fund without reversion. The money in the Fund must be invested as the money in other state funds is invested. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund. Claims against the Fund must be paid as other claims against the State are paid.

4. The Director of the Department of Taxation shall administer the Fund. The money in the Fund, after deducting any costs incurred by the ~~[Division]~~ Department of Taxation or the State Department of Conservation and Natural Resources in administering the provisions of sections 2 to ~~17.1~~ 17.5, inclusive, of this act, must be used ~~[by the Division]~~ solely for recycling programs and programs promoting recycling and education concerning recycling.

5. The Director of the Department of Taxation, in cooperation with the Director of the State Department of Conservation and Natural Resources, may adopt any regulations necessary to carry out the provisions of this section.

Sec. 17. ~~[Not later than the 10th day of each month, each dealer and redemption center shall, as applicable, report to the Director, in the manner prescribed by the Director:~~

~~1. The amount deposited with the dealer pursuant to section 13 of this act during the immediately preceding month;~~

~~2. The amount refunded to a consumer pursuant to section 14 of this act during the immediately preceding month; and~~

~~3. Any other information required by the Director.] (Deleted by amendment.)~~

Sec. 17.25. 1. The Director of the State Department of Conservation and Natural Resources may:

(a) Establish a pilot program for recycling that requires a dealer to collect and remit a deposit for each beverage sold in a recyclable beverage container in this State and offers a refund equal to the deposit amount to any consumer that returns the beverage container to a redemption center for recycling.

(b) Enter into an agreement with the governing body of a city or the board of county commissioners of a county for the governing body or board, as applicable, to establish a pilot program for recycling that requires a dealer to collect and remit a deposit for each beverage sold in a recyclable beverage container in the city or county, as applicable, and offers a refund equal to the deposit amount to any consumer that returns the beverage container to a redemption center for recycling.

(c) Apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of sections 2 to 17.5, inclusive, of this act. Any money so received must be deposited in the State Treasury for credit to the Beverage Container Recycling Fund created by section 16 of this act.

(d) Adopt regulations to carry out any pilot program created pursuant to this section, including, without limitation, regulations:

(1) Establishing the deposit amount for a beverage container;

(2) Providing for the certification of redemption centers; and  
(3) Setting forth the types of beverage containers included in the program.

2. The Director shall exempt beverage containers sold or provided by a resort hotel, as defined in NRS 463.01865, from any pilot program established pursuant to this section.

Sec. 17.5. 1. The governing body of a city or the board of county commissioners of a county may establish by ordinance a pilot program for recycling that requires a dealer to collect and remit a deposit for each beverage sold in a recyclable beverage container in the city or county, as applicable, and offers a refund equal to the deposit amount to any consumer that returns the beverage container to a redemption center for recycling.

2. A governing body that has established a pilot program pursuant to subsection 1 shall exempt beverage containers sold or provided by a resort hotel, as defined in NRS 463.01865, from the program.

3. Any deposits collected from a dealer as part of a pilot program established pursuant to subsection 1 must be accounted for separately in the city or county fund, as applicable.

Sec. 18. ~~[The Division of Environmental Protection of the State Department of Conservation and Natural Resources shall, on or before December 31, 2020, adopt any regulations required or necessary to carry out the provisions of this act.]~~  
(Deleted by amendment.)

Sec. 18.5. On or before January 31, 2021, the Director of the State Department of Conservation and Natural Resources shall submit a report to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the 81st Session of the Legislature regarding the pilot programs for recycling, if any, established pursuant to section 17.25 or 17.5 of this act. The report must include, without limitation:

1. The number of beverage containers returned for a refund;

2. The number of beverage containers returned for a refund as a percentage of the total number of beverage containers sold in the jurisdiction; and

3. Recommendations for legislation, if any.

Sec. 19. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On ~~[January]~~ July 1, ~~[2021,]~~ 2019, for all other purposes.