

- SUBJECT:** Allowing prosecutors to investigate illegal sale of plastic crates
- COMMITTEE:** Business and Industry — favorable, without amendment
- VOTE:** 8 ayes — Deshotel, Elkins, Giddings, Keffer, S. Miller, Orr, Quintanilla, S. Turner
- 0 nays
- 3 absent — Christian, England, Gattis
- WITNESSES:** For — (*Registered, but did not testify*, Chuck Girard, PepsiCo; Lee Lockard, Coca-Cola Enterprises; David Sords, Texas Beverage Association)
- Against — None
- BACKGROUND:** The 80th Legislature enacted HB 1871 by Giddings, which created requirements and penalties for the illegal sale of bulk merchandise containers.
- A violation of the requirement to gather and record transaction information is subject to a civil penalty of \$10,000 per violation. Falsely documenting a transaction in an effort to skirt the provisions of the statute is subject to a civil penalty of \$30,000 for each violation.
- DIGEST:** HB 2128 would allow the attorney general or prosecutor to investigate instances of illegal plastic container sale. The bill would also permit the attorney general or prosecutor to recover expenses associated with investigating an instance of illegal plastic container sale.
- The bill would take effect September 1, 2009.
- NOTES:** A related bill, HB 2127 by Giddings, which would establish a class C misdemeanor for unlawful purchase of plastic containers for recycling, passed the House by 142-0 on May 1 and has been referred to the Senate Business and Commerce Committee.