

Senate Bill 634

Sponsored by Senator BROWN, Representative BERGER; Senator COURTNEY, Representative READ

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Creates Bottle Bill Board. Transfers duties of Oregon Liquor Control Commission relating to beverage container collection and refund to board.

Expands type of beverage containers subject to deposit provisions. Increases deposit amount. Allows redemption center to refuse to accept certain beverage containers. Requires manufacturer to register labels with Bottle Bill Board and that such labels bear Universal Product Code.

Requires manufacturer to send deposits for beverage containers to board to be deposited in Bottle Bill Deposit Fund. Requires manufacturer to pay handling fee to Bottle Bill Board. Creates Bottle Bill Deposit Fund. Continuously appropriates moneys in fund to board. Directs board to return refund value of beverage container and handling fee to redemption center that pays refund value to consumer.

Appropriates moneys to board from General Fund for initial costs.

A BILL FOR AN ACT

1
2 Relating to beverage containers; creating new provisions; amending ORS 459.992, 459A.700,
3 459A.705, 459A.710, 459A.715, 459A.720, 459A.735, 459A.740 and 471.501; repealing ORS 459A.725
4 and 459A.730; and appropriating money.

5 **Be It Enacted by the People of the State of Oregon:**

6 **SECTION 1. Sections 2 to 6 of this 2007 Act are added to and made a part of ORS 459A.700**
7 **to 459A.740.**

8 **SECTION 2. (1) There is established the Bottle Bill Board consisting of seven members**
9 **appointed by the Governor.**

10 **(2) The term of office of each member is four years, but a member serves at the pleasure**
11 **of the Governor. Before the expiration of the term of a member, the Governor shall appoint**
12 **a successor whose term begins on January 1 next following. A member is eligible for reap-**
13 **pointment. If there is a vacancy for any cause, the Governor shall make an appointment to**
14 **become immediately effective for the unexpired term.**

15 **(3) The members of the board shall be persons who are well informed on matters relating**
16 **to recycling markets, the beverage industry, local governments, environmental advocacy,**
17 **solid waste collection and disposal or retail beverage sales. In making appointments to the**
18 **board, the Governor shall appoint:**

19 **(a) One member representing dealers;**

20 **(b) One member representing redemption centers;**

21 **(c) Two members representing solid waste, disposal or recycling professionals;**

22 **(d) One member representing manufacturers;**

23 **(e) One member representing the Department of Environmental Quality; and**

24 **(f) One member representing the public.**

25 **(4) The appointment of a member to the board is subject to confirmation by the Senate**
26 **in the manner prescribed in ORS 171.562 and 171.565.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (5) A member of the board is entitled to compensation and expenses as provided in ORS
2 292.495.

3 **SECTION 3.** Notwithstanding the term of office specified by section 2 of this 2007 Act,
4 of the members first appointed to the Bottle Bill Board:

5 (1) Two shall serve for terms ending January 1, 2009.

6 (2) Two shall serve for terms ending January 1, 2010.

7 (3) Three shall serve for terms ending January 1, 2011.

8 **SECTION 4.** (1) The Bottle Bill Board shall select one of its members as chairperson and
9 another as vice chairperson, for such terms and with duties and powers necessary for the
10 performance of the functions of the offices as the board determines.

11 (2) A majority of the members of the board constitutes a quorum for the transaction of
12 business.

13 (3) The vote of a majority of the quorum is necessary for official action.

14 **SECTION 5.** The Bottle Bill Board shall meet at least once every three months at a place,
15 day and hour determined by the board. The board shall also meet at other times and places
16 specified by the call of the chairperson or of a majority of the members of the board.

17 **SECTION 6.** (1) The Bottle Bill Board shall have the following duties:

18 (a) Ensuring convenient opportunities for recycling beverage containers in Oregon;

19 (b) Certifying redemption centers and establishing redemption convenience zones;

20 (c) Administering the collection and return of beverage container deposits and refunds;

21 (d) Promoting the development of markets for the recycling of beverage containers; and

22 (e) Promoting education for the public about recycling and litter reduction opportunities
23 in Oregon.

24 (2) In accordance with the applicable provisions of ORS chapter 183, the board may adopt
25 rules necessary for the administration of ORS 459A.700 to 459A.740. Specifically, the board
26 may adopt rules:

27 (a) Establishing guidelines, procedures and standards for the certification of redemption
28 centers, including:

29 (A) The method of applying for certification;

30 (B) Criteria for certifying and decertifying a redemption center;

31 (C) Building or receptacle requirements for redemption centers; and

32 (D) Minimum hours of operation of redemption centers.

33 (b) Establishing fees for the application for certification of a redemption center.

34 (c) Establishing criteria and guidelines for the establishment of redemption convenience
35 zones.

36 (d) Setting handling fees paid by manufacturers pursuant to section 25 of this 2007 Act.
37 In setting handling fees the board shall consider factors including, but not limited to, the
38 material type of the beverage container, the recycling rate for each type of material and the
39 costs associated with providing a convenient service to persons for the return of beverage
40 containers.

41 (3) The board shall report biennially to the Legislative Assembly on the operation of the
42 recycling of beverage containers in Oregon.

43 **SECTION 7.** The duties, functions and powers of the Oregon Liquor Control Commission
44 relating to beverage containers and the implementation of ORS 459A.700 to 459A.740 are im-
45 posed upon, transferred to and vested in the Bottle Bill Board.

1 **SECTION 8.** (1) The Oregon Liquor Control Commission shall:

2 (a) Deliver to the Bottle Bill Board all records and property within the jurisdiction of the
3 Oregon Liquor Control Commission that relate to the duties, functions and powers trans-
4 ferred by section 7 of this 2007 Act; and

5 (b) Transfer to the Bottle Bill Board those employees engaged primarily in the exercise
6 of the duties, functions and powers transferred by section 7 of this 2007 Act.

7 (2) The Bottle Bill Board shall take possession of the records and property, and shall take
8 charge of the employees and employ them in the exercise of the duties, functions and powers
9 transferred by section 7 of this 2007 Act, without reduction of compensation but subject to
10 change or termination of employment or compensation as provided by law.

11 (3) The Governor shall resolve any dispute between the Oregon Liquor Control Commis-
12 sion and the Bottle Bill Board relating to transfers of records, property and employees under
13 this section, and the Governor's decision is final.

14 **SECTION 9.** (1) The unexpended balances of amounts authorized to be expended by the
15 Oregon Liquor Control Commission for the biennium beginning July 1, 2007, from revenues
16 dedicated, continuously appropriated, appropriated or otherwise made available for the pur-
17 pose of administering and enforcing the duties, functions and powers transferred by section
18 7 of this 2007 Act are appropriated and transferred to and are available for expenditure by
19 the Bottle Bill Board for the biennium beginning July 1, 2007, for the purpose of adminis-
20 tering and enforcing the duties, functions and powers transferred by section 7 of this 2007
21 Act.

22 (2) The expenditure classifications, if any, established by Acts authorizing or limiting
23 expenditures by the Oregon Liquor Control Commission remain applicable to expenditures
24 by the Bottle Bill Board under this section.

25 **SECTION 10.** The transfer of duties, functions and powers to the Bottle Bill Board by
26 section 7 of this 2007 Act does not affect any action, proceeding or prosecution involving or
27 with respect to such duties, functions and powers begun before and pending at the time of
28 the transfer, except that the Bottle Bill Board is substituted for the Oregon Liquor Control
29 Commission in the action, proceeding or prosecution.

30 **SECTION 11.** (1) Nothing in sections 7 to 13 of this 2007 Act relieves a person of a li-
31 ability, duty or obligation accruing under or with respect to the duties, functions and powers
32 transferred by section 7 of this 2007 Act. The Bottle Bill Board may undertake the collection
33 or enforcement of any such liability, duty or obligation.

34 (2) The rights and obligations of the Oregon Liquor Control Commission legally incurred
35 under contracts, leases and business transactions executed, entered into or begun before the
36 operative date of section 7 of this 2007 Act accruing under or with respect to the duties,
37 functions and powers transferred by section 7 of this 2007 Act are transferred to the Bottle
38 Bill Board. For the purpose of succession to these rights and obligations, the Bottle Bill
39 Board is a continuation of the Oregon Liquor Control Commission and not a new authority.

40 **SECTION 12.** Notwithstanding the transfer of duties, functions and powers by section 7
41 of this 2007 Act, the rules of the Oregon Liquor Control Commission with respect to such
42 duties, functions or powers that are in effect on the operative date of section 7 of this 2007
43 Act continue in effect until superseded or repealed by rules of the Bottle Bill Board. Refer-
44 ences in such rules of the Oregon Liquor Control Commission to the Oregon Liquor Control
45 Commission or an officer or employee of the Oregon Liquor Control Commission are con-

1 sidered to be references to the Bottle Bill Board or an officer or employee of the Bottle Bill
2 Board.

3 **SECTION 13.** Whenever, in any uncodified law or resolution of the Legislative Assembly
4 or in any rule, document, record or proceeding authorized by the Legislative Assembly, in
5 the context of the duties, functions and powers transferred by section 7 of this 2007 Act,
6 reference is made to the Oregon Liquor Control Commission, or an officer or employee of
7 the Oregon Liquor Control Commission, whose duties, functions or powers are transferred
8 by section 7 of this 2007 Act, the reference is considered to be a reference to the Bottle Bill
9 Board or an officer or employee of the Bottle Bill Board who by this 2007 Act is charged with
10 carrying out such duties, functions and powers.

11 **SECTION 14.** ORS 459A.700 is amended to read:

12 459A.700. As used in ORS [459.992 (3) and (4) and] 459A.700 to 459A.740, unless the context re-
13 quires otherwise:

14 (1) "Beverage" means [beer or other malt beverages and mineral waters, soda water and similar
15 carbonated soft drinks] **a drink** in liquid form and intended for human consumption, **other than**
16 **milk, medicine or flavorings.**

17 (2) "Beverage container" means [the] **an** individual, separate, sealed glass, metal or plastic bot-
18 tle, can, jar, or carton [containing a beverage] **that:**

19 **(a) Holds more than seven fluid ounces and less than one gallon; and**

20 **(b) Contains a beverage.**

21 [(3) "Commission" means the Oregon Liquor Control Commission.]

22 [(4)] (3) "Consumer" means every person who purchases a beverage in a beverage container for
23 use or consumption.

24 [(5)] (4) "Dealer" means every person in this state who engages in the **retail** sale of beverages
25 in beverage containers to a consumer[, or means a redemption center certified under ORS 459A.735].

26 [(6)] (5) "Distributor" means every person who engages in the sale of beverages in beverage
27 containers to a dealer in this state including any manufacturer who engages in such sales.

28 [(7)] (6) "In this state" means within the exterior limits of the State of Oregon and includes all
29 territory within these limits owned by or ceded to the United States of America.

30 [(8)] (7) "Manufacturer" means every person bottling, canning or otherwise filling beverage
31 containers for sale to distributors [or], dealers **or consumers in Oregon.**

32 **(8) "Redemption center" means a place that provides a convenient service to persons for**
33 **the return of empty beverage containers.**

34 [(9) "Place of business of a dealer" means the location at which a dealer sells or offers for sale
35 beverages in beverage containers to consumers.]

36 [(10) "Use or consumption" includes the exercise of any right or power over a beverage incident to
37 the ownership thereof, other than the sale or the keeping or retention of a beverage for the purposes
38 of sale.]

39 **SECTION 15.** ORS 459A.705 is amended to read:

40 459A.705. [(1) Except as provided in subsection (2) of this section,] Every beverage container sold
41 **at retail** or offered for **retail** sale **to a consumer** in this state shall have a **deposit value of 10**
42 **cents and a** refund value of [not less than five] **10** cents.

43 [(2) Every beverage container certified as provided in ORS 459A.725, sold or offered for sale in this
44 state, shall have a refund value of not less than two cents.]

45 **SECTION 16.** ORS 459A.710 is amended to read:

1 459A.710. Except as provided in ORS 459A.715:

2 (1) A *[dealer shall]* **redemption center** may not refuse to accept from any person any empty
 3 beverage containers of the kind, size and brand sold by *[the]* a dealer, or refuse to pay to that person
 4 the refund value of a beverage container as established by ORS 459A.705.

5 *[(2) A distributor shall not refuse to accept from a dealer any empty beverage containers of the*
 6 *kind, size and brand sold by the distributor, or refuse to pay the dealer the refund value of a beverage*
 7 *container as established by ORS 459A.705.]*

8 **(2) A redemption center must ensure that all empty beverage containers for which it**
 9 **pays a beverage container refund are recycled.**

10 **SECTION 17.** ORS 459A.715 is amended to read:

11 459A.715. (1) A *[dealer]* **redemption center** may refuse to accept from any person, *and a dis-*
 12 *tributor may refuse to accept from a dealer,*] any empty beverage container that does not state
 13 thereon a refund value as established by ORS 459A.705.

14 (2) A *[dealer]* **redemption center** may refuse to accept and to pay the refund value of:

15 *[(a) Empty beverage containers if the place of business of the dealer and the kind and brand of*
 16 *empty beverage containers are included in an order of the Oregon Liquor Control Commission ap-*
 17 *proving a redemption center under ORS 459A.735.]*

18 *[(b)]* (a) Any beverage container visibly containing or contaminated by a substance other than
 19 water, residue of the original contents or ordinary dust.

20 *[(c)]* (b) More than 144 individual beverage containers returned by any one person during one
 21 day.

22 *[(d)]* (c) Any beverage container that is damaged to the extent that the brand appearing on the
 23 container cannot be identified.

24 (3) In order to refuse containers under subsection (2)(a), (b)[,] **or** (c) *[or (d)]* of this section, the
 25 *[dealer]* **redemption center** must post in each area where containers are received a clearly visible
 26 and legible sign containing the following information:

28 NOTICE:

30 Oregon Law allows a *[dealer]* **redemption center** to refuse to accept:

31 1. Beverage containers visibly containing or contaminated by a substance other than water,
 32 residue of the original contents or ordinary dust;

33 2. More than 144 individual beverage containers from any one person during one day; or

34 3. Beverage containers that are damaged to the extent that the brand appearing on the con-
 35 tainer cannot be identified.
 36

37
 38
 39 **(4) If a dealer has not applied to the Bottle Bill Board and received certification as a re-**
 40 **demption center, a dealer must post a clear and conspicuous sign of at least 10 inches by 15**
 41 **inches at each public entrance to the dealer’s place of business that specifies the name and**
 42 **address of the nearest redemption center.**

43 **SECTION 18.** ORS 459A.720 is amended to read:

44 459A.720. (1) Every beverage container sold or offered for sale in this state by a dealer shall
 45 clearly indicate by embossing or by a stamp, or by a label or other method securely affixed to the

1 beverage container, the refund value of the container.

2 [(2) Subsection (1) of this section shall not apply to glass beverage containers designed for
3 beverages having a brand name permanently marked thereon which, on October 1, 1972, had a refund
4 value of not less than five cents.]

5 [(3)] (2) [No person shall] **A person may not** sell or offer for sale at retail in this state any
6 metal beverage container so designed and constructed that a part of the container is detachable in
7 opening the container without the aid of a can opener.

8 [(4)] (3) [On or after March 1, 1979, no person shall] **A person may not** sell or offer for sale at
9 retail in this state, in addition to beverages as defined in ORS 459A.700 (1), any beverage in liquid
10 form intended for human consumption in any beverage container so designed and constructed that
11 a metal part of the container is detachable in opening the container through use of a metal ring or
12 tab without the aid of a can opener. However, nothing in this subsection shall prohibit the sale of
13 a container the only detachable part of which is a piece of pressure sensitive tape.

14 [(5)] (4) [No person shall] **A person may not** sell or offer for sale at retail in this state metal
15 beverage containers connected to each other by a separate holding device constructed of plastic
16 rings or other material [which] **that** will not decompose by photobiodegradation, chemical degrada-
17 tion, or biodegradation within 120 days of disposal.

18 (5)(a) **A manufacturer shall register with the Bottle Bill Board the different labels on**
19 **beverage containers that the manufacturer offers for sale in Oregon and for which the**
20 **manufacturer is required to obtain a deposit.**

21 (b) **The label on all beverage containers must bear a Universal Product Code that is**
22 **specific to the State of Oregon, in order to identify the beverage container as offered for sale**
23 **exclusively in Oregon and as a means of preventing the refund of beverages containers not**
24 **purchased in Oregon.**

25 (c) **A manufacturer must register the labels on forms prescribed by the Bottle Bill Board**
26 **and the registration must include the label of each combination of beverage and beverage**
27 **container offered for sale in Oregon by the manufacturer.**

28 (d) **A manufacturer must renew the registration for the label of a beverage container if**
29 **the label is revised by a change in the Universal Product Code or if the container on which**
30 **the label appears is changed in size, composition or color.**

31 **SECTION 19.** ORS 459A.735 is amended to read:

32 459A.735. (1) To facilitate the return of empty beverage containers and to serve dealers of
33 beverages, any person may establish a redemption center, subject to the approval of the [*Oregon*
34 *Liquor Control Commission*] **Bottle Bill Board**, at which any person may return empty beverage
35 containers and receive payment of the refund value of such beverage containers.

36 (2) Application for approval of a redemption center shall be filed with the [*commission*] **board**.
37 The application shall state the name and address of the person responsible for the establishment and
38 operation of the redemption center[, *the kind and brand names of the beverage containers which will*
39 *be accepted at the redemption center*] and the names and addresses of the dealers [*to be served by the*
40 *redemption center*] **within a one-mile radius, or other area as determined by the board, of the**
41 **proposed center**. The application shall include such additional information as the [*commission*]
42 **board** may require.

43 [(3) *The commission shall approve a redemption center if it finds the redemption center will provide*
44 *a convenient service to persons for the return of empty beverage containers. The order of the commis-*
45 *sion approving a redemption center shall state the dealers to be served by the redemption center and*

1 *the kind and brand names of empty beverage containers which the redemption center must accept. The*
 2 *order may contain such other provisions to insure the redemption center will provide a convenient*
 3 *service to the public as the commission may determine.]*

4 **(3) The board may approve and certify a redemption center if the board finds that the**
 5 **redemption center:**

6 **(a) Will provide a convenient service to persons for the return of empty beverage con-**
 7 **tainers;**

8 **(b) Submits a plan of operation that is approved by the board;**

9 **(c) Agrees to comply with all requirements of the board pertaining to siting, location,**
 10 **maintenance, hours and types of recycling allowed; and**

11 **(d) Agrees to comply with all auditing and financial obligations established by rule by the**
 12 **board.**

13 (4) The [commission] **board** may review at any time approval of a redemption center. After
 14 written notice to the person responsible for the establishment and operation of the redemption cen-
 15 ter, and to the dealers served by the redemption center, the [commission] **board** may, after hearing,
 16 [withdraw approval of] **decertify** a redemption center if the [commission] **board** finds there has not
 17 been compliance with its order approving the redemption center, or if the redemption center no
 18 longer provides a convenient service to the public.

19 **(5) Nothing in this section prohibits a dealer from applying for certification as a re-**
 20 **demption center.**

21 **SECTION 20.** ORS 459A.740 is amended to read:

22 459A.740. The procedures for certification or [withdrawal] **decertification** provided for in ORS
 23 [459A.725 to] 459A.735 shall be in accordance with ORS chapter 183.

24 **SECTION 21.** ORS 459.992 is amended to read:

25 459.992. (1) The following are Class A misdemeanors:

26 (a) Violation of rules or ordinances adopted under ORS 459.005 to 459.105 and 459.205 to 459.385.

27 (b) Violation of ORS 459.205.

28 (c) Violation of ORS 459.270.

29 (d) Violation of ORS 459A.080.

30 (e) Violation of ORS 459.272.

31 (2) Each day a violation referred to by subsection (1) of this section continues constitutes a
 32 separate offense. Such separate offenses may be joined in one indictment or complaint or information
 33 in several counts.

34 [(3) Violation of ORS 459A.705, 459A.710 or 459A.720 is a Class A misdemeanor.]

35 [(4) In addition to the penalty prescribed by subsection (3) of this section, the Oregon Liquor Con-
 36 trol Commission or the State Department of Agriculture may revoke or suspend the license of any
 37 person who willfully violates ORS 459A.705, 459A.710 or 459A.720, who is required by ORS chapter
 38 471 or 635, respectively, to have a license.]

39 **SECTION 22.** ORS 471.501 is amended to read:

40 471.501. Nothing in this chapter prevents a brewery licensed under ORS 471.220 or a brewery-
 41 public house licensed under ORS 471.200 from establishing a refund value for malt beverage con-
 42 tainers under the provisions of ORS 459A.705 that is in excess of [five] **10** cents per container for
 43 the purpose of encouraging purchasers to return the containers directly to the brewery or
 44 brewery-public house. A refund value in excess of [five] **10** cents per container may be paid under
 45 this section only to persons who are not licensed under this chapter and who return the containers

1 directly to the brewery or brewery-public house.

2 **SECTION 23.** Sections 24 to 28 of this 2007 Act are added to and made a part of ORS
3 459A.700 to 459A.740.

4 **SECTION 24.** (1) Each manufacturer shall pay to the Bottle Bill Board an amount equal
5 to the deposit value of each beverage container sold in Oregon.

6 (2) Payment by the manufacturer shall be made on or before the 20th day of the month
7 following the month during which the beverage container was sold.

8 (3) If the board is unable to collect the deposits owed under this section, the board may
9 request that the Director of the Department of Revenue and the Department of Revenue
10 have authority to collect the deposits in the same manner provided for the collection of in-
11 come taxes by ORS chapters 305 and 314.

12 (4) The board may request tax information and financial records necessary to perform
13 audits and examinations to verify deposit-related information submitted by manufacturers.
14 All information received pursuant to this subsection is confidential and exempt from public
15 disclosure under ORS 192.410 to 192.505.

16 (5) All moneys received by the board under this section shall be deposited into the Bottle
17 Bill Deposit Fund established in section 28 of this 2007 Act.

18 **SECTION 25.** (1) As used in this section, "handling fee" means an amount that is sepa-
19 rate from the deposit value of each beverage container that the manufacturer pays to the
20 Bottle Bill Board pursuant to section 24 of this Act, that is paid by the manufacturer to the
21 Bottle Bill Board, not to exceed 3.5 cents for each beverage container sold by the manufac-
22 turer in this state.

23 (2) A redemption center that has paid the refund value of a beverage container to a
24 person returning a beverage container to a redemption center may file a claim with the
25 Bottle Bill Board for a return of the refund value plus the handling fee set by the board.

26 (3) A claim shall be filed on or before the 20th day of the month following the month of
27 payment of the refund value. The claim shall contain the information and be in a form re-
28 quired by the board by rule. The claim shall be substantiated by any documentation or in-
29 formation that is required by the board. The board may for good cause extend the time for
30 making a claim under this section. If a claim is not filed or if an extension is not granted,
31 a refund may not be paid by the board for the period in question.

32 (4) Upon examination of a claim, the board may allow, adjust or deny the claim. If the
33 claim is allowed in whole or in part, the board shall refund the amount allowed to the re-
34 demption center that filed the claim. The claim shall be paid out of the Bottle Bill Deposit
35 Fund established in section 28 of this 2007 Act.

36 (5) The board may request that the Director of the Department of Revenue and the De-
37 partment of Revenue have authority to utilize the provisions of ORS chapters 305 and 314
38 relating to audit and examination of returns, determinations of deficiencies, assessments and
39 claims for refund and the related procedures to determine the accuracy and veracity of
40 claims made under this section.

41 **SECTION 26.** Claims for refund under section 25 of this 2007 Act may first be made with
42 respect to beverage containers for which a redemption center has paid the refund value on
43 or after June 1, 2008.

44 **SECTION 27.** (1) At the time the Bottle Bill Board certifies a redemption center under
45 ORS 459A.735, the board shall also establish the redemption convenience zone for the re-

1 redemption center. The zone shall include the area within a one-mile radius, or other area as
 2 determined by the board, of the redemption center. However, if the board determines that
 3 the redemption center:

4 (a) Has a capacity to conveniently serve an area outside the one-mile radius, or other
 5 area as determined by the board, of the redemption center, the board may enlarge the zone.

6 (b) Has a limited capacity and cannot conveniently serve the area within a one-mile ra-
 7 dius of the redemption center, or other area as determined by the board, the board may re-
 8 duce the zone to the area that the redemption center can serve.

9 (2) If a redemption convenience zone is modified under subsection (1) of this section, the
 10 board shall notify each dealer that may be affected by the enlargement or reduction of the
 11 zone.

12 **SECTION 28.** (1) The Bottle Bill Deposit Fund is established in the State Treasury, sep-
 13 arate and distinct from the General Fund.

14 (2) The Bottle Bill Deposit Fund shall consist of all moneys appropriated to the Bottle
 15 Bill Board by the Legislative Assembly and all moneys received by the board from gifts,
 16 grants, bequests or endowments or pursuant to section 24 of this 2007 Act. Interest on the
 17 moneys in the fund shall be credited to the fund.

18 (3) The moneys in the fund are continuously appropriated to the board for the following
 19 purposes:

20 (a) Payment of beverage container refunds and handling fees pursuant to section 25 of
 21 this 2007 Act.

22 (b) Payment of administrative costs of the board.

23 (c) Payment to a nongovernmental entity to carry out the purposes of ORS 459A.700 to
 24 459A.740.

25 (d) Other uses determined by the Bottle Bill Board to be necessary to carry out the
 26 purposes of ORS 459A.700 to 459A.740.

27 **SECTION 29.** (1) Violation of any provision of ORS 459A.700 to 459A.740, or of any rule
 28 adopted by the Bottle Bill Board under section 6 of this 2007 Act, is a Class A violation.

29 (2) The board may apply to any circuit court for an order compelling compliance with any
 30 rule adopted by the board under section 6 of this 2007 Act. If the court finds that the de-
 31 fendant is not complying with any rule so adopted, the court shall grant an injunction re-
 32 quiring compliance. The court, on motion and affidavits, may grant a preliminary injunction
 33 ex parte upon such terms as are just. The board need not give security before the issuance
 34 of any injunction under this section.

35 **SECTION 30.** (1) There is appropriated to the Bottle Bill Board, for the biennium begin-
 36 ning July 1, 2007, out of the General Fund, the amount of \$_____ for the purpose of car-
 37 rying out the provisions of ORS 459A.700 to 459A.740.

38 (2) When the board determines that moneys in sufficient amounts are available in the
 39 Bottle Bill Deposit Fund established in section 28 of this 2007 Act, but in no event later than
 40 June 30, 2010, the board shall reimburse the General Fund, without interest, in an amount
 41 equal to the amount from the General Fund appropriated and expended as provided in sub-
 42 section (1) of this section. The moneys used to reimburse the General Fund under this sub-
 43 section may not be considered as a budget item on which a limitation is otherwise fixed by
 44 law, but shall be in addition to any specific biennial appropriations or amounts authorized
 45 to be expended from continuously appropriated moneys for any biennial period.

1 **SECTION 31.** ORS 459A.725 and 459A.730 are repealed.

2 **SECTION 32.** Sections 1, 7 to 13 and 23 to 30 of this 2007 Act, the amendments to ORS
3 459.992, 459A.700, 459A.705, 459A.710, 459A.715, 459A.720, 459A.735, 459A.740 and 471.501 by
4 sections 14 to 22 of this 2007 Act and the repeal of ORS 459A.725 and 459A.730 by section 31
5 of this 2007 Act become operative on June 1, 2008.

6
