

HOUSE AMENDMENTS TO A-ENGROSSED SENATE BILL 707

By COMMITTEE ON ENERGY AND THE ENVIRONMENT

May 18

- 1 On page 1 of the printed A-engrossed bill, delete lines 5 through 22.
- 2 On page 2, delete lines 1 through 12 and insert:
- 3 “**SECTION 1.** ORS 459A.700 is amended to read:
- 4 “459A.700. As used in ORS 459.992 (3) and (4) and 459A.700 to 459A.740, unless the context re-
- 5 quires otherwise:
- 6 “(1) ‘Beverage’ means **water and flavored water**, beer or other malt beverages and mineral
- 7 waters, soda water and similar carbonated soft drinks in liquid form and intended for human con-
- 8 sumption.
- 9 “(2)(a) ‘Beverage container’ means *[the]* **an** individual, separate, sealed glass, metal or plastic
- 10 *[bottle, can, jar, or carton]* **bottle or can** containing a beverage **in a quantity less than or equal**
- 11 **to three fluid liters.**
- 12 “(b) ‘Beverage container’ **does not include cartons, foil pouches and drink boxes.**
- 13 “(3) ‘Commission’ means the Oregon Liquor Control Commission.
- 14 “(4) ‘Consumer’ means every person who purchases a beverage in a beverage container for use
- 15 or consumption.
- 16 “(5) ‘Dealer’ means every person in this state who engages in the sale of beverages in beverage
- 17 containers to a consumer, or means a redemption center certified under ORS 459A.735.
- 18 “(6) ‘Distributor’ means every person who engages in the sale of beverages in beverage con-
- 19 tainers to a dealer in this state including any manufacturer who engages in such sales.
- 20 “(7) ‘**Importer**’ means **any dealer or manufacturer who directly imports beverage con-**
- 21 **tainers into this state.**
- 22 “[7] (8) ‘In this state’ means within the exterior limits of the State of Oregon and includes all
- 23 territory within these limits owned by or ceded to the United States of America.
- 24 “[8] (9) ‘Manufacturer’ means every person bottling, canning or otherwise filling beverage
- 25 containers for sale to distributors, **importers** or dealers.
- 26 “[9] (10) ‘Place of business of a dealer’ means the location at which a dealer sells or offers for
- 27 sale beverages in beverage containers to consumers.
- 28 “[10] (11) ‘Use or consumption’ includes the exercise of any right or power over a beverage
- 29 incident to the ownership thereof, other than the sale or the keeping or retention of a beverage for
- 30 the purposes of sale.
- 31 “(12) ‘**Water and flavored water**’ means **any beverage identified through the use of let-**
- 32 **ters, words or symbols on its product label as a type of water.”.**
- 33 In line 16, delete “of” and insert “that contained” and before “sold” insert “of beverage”.
- 34 Delete lines 19 through 21 and insert:
- 35 “(b) A dealer that occupies a space of less than 5,000 square feet in a single area may refuse

1 to accept from any person any empty beverage containers of the kind, size and brand that the dealer
2 does not sell.”.

3 Delete lines 25 through 28 and insert:

4 “(3) The manufacturer, distributor or importer of any beverage sold in this state shall ensure
5 that all dealers or redemption centers in this state that redeem beverage containers are paid the
6 refund value for those beverage containers and that those beverage containers are collected from
7 the dealer or redemption center in a timely manner.”.

8 On page 5, delete lines 13 through 45 and insert:

9 **“SECTION 7. Any manufacturer, distributor or importer that fails to pay to a dealer or
10 redemption center the refund value of beverage containers and to collect beverage containers
11 as required by ORS 459A.710 (3) is liable to the dealer or redemption center for treble the
12 unpaid refund value and treble the collection costs incurred by the dealer or redemption
13 center for any beverage containers that were not collected as required.**

14 **“SECTION 8. (1) There is created the Bottle Bill Task Force, consisting of nine members
15 appointed as follows:**

16 **“(a) The President of the Senate shall appoint one member from among members of the
17 Senate.**

18 **“(b) The Speaker of the House of Representatives shall appoint one member from among
19 members of the House of Representatives.**

20 **“(c) The Governor shall appoint seven members based upon their ability to represent the
21 best interests of Oregon as a whole. No more than three members of the task force ap-
22 pointed by the Governor may receive or have previously received a substantial portion of
23 their own income or their family’s income from the beverage container industry.**

24 **“(2) The task force shall study and make recommendations on beverage container col-
25 lection and refund matters, including but not limited to:**

26 **“(a) Establishing and paying for redemption centers to redeem beverage containers;**

27 **“(b) Expanding the list of beverages to be included in the definition of ‘beverage’ in ORS
28 459A.700;**

29 **“(c) Increasing the refund value to be paid when redeeming beverage containers;**

30 **“(d) Limiting the redemption of beverage containers that are purchased out of state; and**

31 **“(e) Collecting and utilizing the refund value of unredeemed beverage containers.**

32 **“(3) A majority of the members of the task force constitutes a quorum for the trans-
33 action of business.**

34 **“(4) Official action by the task force requires the approval of a majority of the members
35 of the task force.**

36 **“(5) The Governor shall designate one member of the Bottle Bill Task Force to serve as
37 chairperson, who shall serve as chairperson at the pleasure of the Governor.**

38 **“(6) If there is a vacancy for any cause, the appointing authority shall make an appoint-
39 ment to become immediately effective.**

40 **“(7) The task force shall meet at times and places specified by the call of the chairperson
41 or of a majority of the members of the task force.**

42 **“(8) The task force may adopt rules necessary for the operation of the task force.**

43 **“(9) The task force shall submit a report, and shall include recommendations for legis-
44 lation, to the interim legislative committees on environment and natural resources on or
45 before November 1, 2008.**

1 **“(10) The Legislative Administrator shall provide staff support to the task force, with the**
2 **support of the Department of Environmental Quality.**

3 **“(11) Members of the task force are not entitled to compensation or reimbursement for**
4 **expenses and serve as volunteers on the task force.**

5 **“(12) All agencies of state government, as defined in ORS 174.111, are directed to assist**
6 **the task force in the performance of its duties and, to the extent permitted by laws relating**
7 **to confidentiality, to furnish such information and advice as the members of the task force**
8 **consider necessary to perform their duties.**

9 **“(13) For the purposes of this section, ‘beverage’ and ‘beverage container’ have the**
10 **meanings given those terms in ORS 459A.700.**

11 **“SECTION 9. Section 8 of this 2007 Act is repealed on July 1, 2009.”.**

12 On page 6, delete lines 1 through 11.

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