

Enrolled
House Bill 3704

Sponsored by COMMITTEE ON RULES

CHAPTER

AN ACT

Relating to distributor cooperatives; and declaring an emergency.

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

SECTION 1. Section 2 of this 2010 Act is added to and made a part of ORS 459A.700 to 459A.740.

SECTION 2. (1) Two or more distributors or importers may establish a distributor cooperative for the purposes of:

(a) Collecting the refund value of beverage containers as established by ORS 459A.705 from distributors or importers and refunding to dealers the amount the dealers paid for the refund value of empty beverage containers;

(b) Paying the refund value as established by ORS 459A.705 for beverage containers sold in this state; and

(c) Processing beverage containers sold in this state.

(2) A distributor cooperative established under this section must service a majority of the dealers in this state.

(3) If a distributor cooperative is established, a dealer that uses the distributor cooperative to redeem and process beverage containers sold in this state is not required to return beverage containers to a distributor or importer that does not participate in the distributor cooperative, provided that the dealer or the distributor cooperative provides an accounting to the distributor or importer of the beverage containers by brand and kind that were distributed by the distributor or importer and subsequently redeemed by the dealer or distributor cooperative.

(4) Upon receipt of the accounting required by subsection (3) of this section, a distributor or importer that does not participate in the distributor cooperative must pay the refund value of the redeemed beverage containers specified in the accounting to the dealer or distributor cooperative that provided the accounting.

(5)(a) For purposes of this subsection, beverage container return rate is calculated by dividing the number of beverage containers returned in Oregon during the calendar year by the number of beverage containers sold for a refund value during the calendar year.

(b) By July 1 of each calendar year, a distributor cooperative shall provide the Oregon Liquor Control Commission with a report that lists, in aggregate form for all distributors and importers that participate in the distributor cooperative, the previous calendar year's beverage container return rate, calculated separately for aluminum, glass and plastic containers.

(c) By July 1 of each calendar year, a distributor or importer that does not participate in a distributor cooperative shall provide the commission with a report that lists the distributor's or the importer's beverage container return rate for the previous calendar year, calculated separately for aluminum, glass and plastic containers.

SECTION 3. The first reports to the Oregon Liquor Control Commission under section 2 (5) of this 2010 Act must be filed no later than July 1, 2010, for calendar year 2009.

SECTION 4. This 2010 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2010 Act takes effect on its passage.

Passed by House February 18, 2010

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Chief Clerk of House

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Speaker of House

Passed by Senate February 22, 2010

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President of Senate

Received by Governor:

.....M.,....., 2010

Approved:

.....M.,....., 2010

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Governor

Filed in Office of Secretary of State:

.....M.,....., 2010

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Secretary of State