

**SENATE MINORITY REPORT
AMENDMENTS TO
B-ENGROSSED HOUSE BILL 3145**

May 23

President Courtney:

A minority of your Committee on Environment and Natural Resources, to whom was referred B-engrossed House Bill 3145, having had the same under consideration, respectfully reports it back with the recommendation that it do pass with the following amendments:

1 On page 1 of the printed B-engrossed bill, line 2, delete “, 459A.705 and”.

2 In line 3, delete “471.501”.

3 Delete lines 5 through 24 and delete pages 2 through 4 and insert:

4

5

“BEVERAGE CONTAINERS

6

7

“SECTION 1. ORS 459A.700 is amended to read:

8

“459A.700. As used in ORS 459.992 (3) and (4) and 459A.700 to 459A.740, unless the context requires otherwise:

9

10 “(1) ‘Beverage’ [*means water and flavored water, beer or other malt beverages and mineral waters,*
11 *soda water and similar carbonated soft drinks in liquid form and intended for human consumption*]
12 **means a fluid described in section 2 of this 2011 Act.**

13 “(2)[(a)] ‘Beverage container’ [*means an individual, separate, sealed glass, metal or plastic bottle*
14 *or can containing a beverage in a quantity less than or equal to three fluid liters*] **means a container**
15 **described in section 2 of this 2011 Act.**

16 “[*(b) ‘Beverage container’ does not include cartons, foil pouches and drink boxes.*]

17 “(3) ‘Commission’ means the Oregon Liquor Control Commission.

18 “(4) ‘Consumer’ means every person who purchases a beverage in a beverage container for use
19 or consumption.

20 “(5) ‘Dealer’ means every person in this state who engages in the sale of beverages in beverage
21 containers to a consumer, or means a redemption center certified under ORS 459A.735.

22 “(6) ‘Distributor’ means every person who engages in the sale of beverages in beverage con-
23 tainers to a dealer in this state including any manufacturer who engages in such sales.

24 “(7) ‘Importer’ means any dealer or manufacturer who directly imports beverage containers into
25 this state.

26 “(8) ‘In this state’ means within the exterior limits of the State of Oregon and includes all ter-
27 ritory within these limits owned by or ceded to the United States of America.

28 “(9) ‘Manufacturer’ means every person bottling, canning or otherwise filling beverage contain-
29 ers for sale to distributors, importers or dealers.

30 “(10) ‘Place of business of a dealer’ means the location at which a dealer sells or offers for sale
31 beverages in beverage containers to consumers.

32 “(11) ‘Use or consumption’ includes the exercise of any right or power over a beverage incident

1 to the ownership thereof, other than the sale or the keeping or retention of a beverage for the
2 purposes of sale.

3 “(12) ‘Water and flavored water’ means any beverage identified through the use of letters, words
4 or symbols on its product label as a type of water.

5 **“SECTION 2. (1) Except as provided in subsection (2) of this section, ORS 459A.700 to
6 459A.740 apply to any individual, separate, sealed glass, metal or plastic bottle or can, except
7 for cartons, foil pouches and drink boxes, that contains the following beverages, intended for
8 human consumption and in a quantity less than or equal to three fluid liters:**

9 **“(a) Water and flavored water;**

10 **“(b) Beer or other malt beverages; and**

11 **“(c) Mineral waters, soda water and similar carbonated soft drinks.**

12 **“(2) One year after the date on which the Oregon Liquor Control Commission determines
13 that at least 60 percent of the beverage containers returned for the refund value specified
14 in ORS 459A.705 are returned statewide to redemption centers approved under ORS 459A.735,
15 or on January 1, 2018, whichever comes first, ORS 459A.700 to 459A.740 apply to any individ-
16 ual, separate, sealed glass, metal or plastic bottle or can, except for cartons, foil pouches,
17 drink boxes and metal containers that require a tool to be opened, that contains:**

18 **“(a) The following beverages, intended for human consumption and in a quantity less
19 than or equal to three fluid liters:**

20 **“(A) Water and flavored water;**

21 **“(B) Beer or other malt beverages; and**

22 **“(C) Mineral waters, soda water and similar carbonated soft drinks.**

23 **“(b) Teas, coffees, fruit drinks, sport drinks and energy drinks in a quantity more than
24 or equal to four fluid ounces and less than or equal to one and one-half fluid liters.**

25
26 **“PILOT PROJECT**
27

28 **“SECTION 3. (1)(a) Pursuant to the provisions of ORS 459A.735, the Oregon Liquor Con-
29 trol Commission shall approve one beverage container redemption center pilot project in a
30 city having a population of less than 300,000, operated by a distributor cooperative serving a
31 majority of the dealers in this state.**

32 **“(b) Notwithstanding any other provision of ORS 459A.700 to 459A.740, the beverage con-
33 tainer redemption center operated under the pilot project may not refuse to accept and to
34 pay the refund value of up to 300 individual empty beverage containers, as established by
35 ORS 459A.705, returned by any one person during one day.**

36 **“(2)(a) The commission shall specify two convenience zones for the pilot project. The first
37 convenience zone shall be the sector within the one and one-half mile radius around the
38 beverage container redemption center pilot project, and the second convenience zone shall
39 be the sector within the three mile radius around the beverage container redemption center
40 pilot project.**

41 **“(b) All dealers doing business within the first convenience zone that occupy a space of
42 5,000 or more square feet in a single area may participate in, and be served by, the pilot
43 project and, if such a dealer participates in, and is served by, the pilot project, the dealer
44 may, notwithstanding any other provision of ORS 459A.700 to 459A.740, refuse to accept and
45 to pay the refund value of empty beverage containers.**

1 “(c) All dealers doing business within the second convenience zone that occupy a space
2 of 5,000 or more square feet in a single area may participate in, and be served by, the pilot
3 project and, if such a dealer participates in, and is served by, the pilot project, the dealer
4 may, notwithstanding any other provision of ORS 459A.700 to 459A.740, refuse to accept and
5 to pay the refund value of more than 24 individual empty beverage containers returned by
6 any one person during one day.

7 “(d) All dealers doing business within either convenience zone that occupy a space of less
8 than 5,000 square feet in a single area may, notwithstanding any other provision of ORS
9 459A.700 to 459A.740, refuse to accept and to pay the refund value of more than 24 individual
10 empty beverage containers returned by any one person during one day.

11 “(e) Any dealer doing business in either convenience zone that occupies a space of 5,000
12 or more square feet in a single area that does not participate in, and is not served by, the
13 pilot project may not refuse to accept and to pay the refund value of up to 300 individual
14 empty beverage containers, as established by ORS 459A.705, returned by any one person
15 during one day and must provide services similar to those provided by the pilot project, in-
16 cluding hand counting of individual empty beverage containers that are returned for the re-
17 fund value established by ORS 459A.705.

18 “(3) The commission may adopt all rules necessary to implement and administer the
19 provisions of this section.

20
21 **“MISCELLANEOUS**

22
23 “SECTION 4. Sections 2 and 3 of this 2011 Act are added to and made a part of ORS
24 459A.700 to 459A.740.

25
26 **“UNIT CAPTIONS**

27
28 “SECTION 5. The unit captions used in this 2011 Act are provided only for the conven-
29 ience of the reader and do not become part of the statutory law of this state or express any
30 legislative intent in the enactment of this 2011 Act.”.

31 /s/ Alan Olsen
32 Senator

33 /s/ Chuck Thomsen
34 Senator

35 _____