

**PROPOSED AMENDMENTS TO
SENATE BILL 117**

1 On page 1 of the printed bill, line 2, delete “and” and delete “459A.737”
2 and insert “459A.735 and 459A.737; and declaring an emergency”.

3 Delete lines 4 through 29 and delete page 2 and insert:

4 **“SECTION 1. The beverage container redemption center approved**
5 **by the Oregon Liquor Control Commission as a pilot project pursuant**
6 **to ORS 459A.737 before the effective date of this 2013 Act is deemed**
7 **approved by the commission for the purposes of ORS 459A.737, as**
8 **amended by section 2 of this 2013 Act.**

9 **“SECTION 2. ORS 459A.737 is amended to read:**

10 “459A.737. (1)(a) Pursuant to the provisions of ORS 459A.735, the Oregon
11 Liquor Control Commission:

12 **“(A)** Shall approve one beverage container redemption center [*pilot*
13 *project*] in a city having a population of less than 300,000, operated by a
14 distributor cooperative serving a majority of the dealers in this state[.]; **and**

15 **“(B) May approve one or more additional beverage container re-**
16 **demption centers.**

17 **“(b)** Notwithstanding any other provision of ORS 459A.700 to 459A.740,
18 [*the*] a beverage container redemption center [*operated under the pilot*
19 *project*]:

20 **“(A)** May not refuse to accept and to pay the refund value of up to
21 [300] **350** individual empty beverage containers, as established by ORS
22 459A.705, returned by any one person during one day[.];

1 “(B) Must provide hand counting of up to 50 individual empty
2 beverage containers returned by any one person during one day for the
3 refund value established by ORS 459A.705;

4 “(C) May provide drop off service for at least 125 individual empty
5 beverage containers returned by any one person during one day for the
6 refund value established by ORS 459A.705, and may provide an ac-
7 counting mechanism by which the person may redeem the refund
8 value of the beverage containers at a later date; and

9 “(D) May provide other services as determined necessary by the
10 person responsible for the operation of the beverage container re-
11 demption center.

12 “(2)(a) For each beverage container redemption center, the commis-
13 sion shall specify **up to** two convenience zones [*for the pilot project*]. The
14 first convenience zone shall be the sector within [*the one and one-half mile*
15 *radius*] **a radius of not more than two miles** around the beverage con-
16 tainer redemption center [*pilot project, and*]. The second convenience zone
17 shall be the sector [*within the three mile radius*] **beginning at the border**
18 **of the first convenience zone and continuing to a radius of not more**
19 **than three and one-half miles** around the beverage container redemption
20 center [*pilot project*]. **The convenience zones shall be based to the**
21 **greatest extent practicable upon the proposals submitted as part of the**
22 **application for approval of the redemption center under ORS 459A.735.**

23 “(b) All dealers doing business within the first convenience zone that oc-
24 cupy a space of 5,000 or more square feet in a single area may participate
25 in, [*and*] be served by[,] **and be charged the cost of participation in** the
26 [*pilot project*] **beverage container redemption center** and, if such a dealer
27 participates in, [*and*] is served by[,] **and pays the cost of participation in**
28 the [*pilot project*] **redemption center**, the dealer may, notwithstanding any
29 other provision of ORS 459A.700 to 459A.740, refuse to accept and to pay the
30 refund value of empty beverage containers.

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

10 “(d) All dealers doing business within either convenience zone that oc-
11 cupy a space of less than 5,000 square feet in a single area may, notwith-
12 standing any other provision of ORS 459A.700 to 459A.740, refuse to accept
13 and to pay the refund value of more than 24 individual empty beverage con-
14 tainers returned by any one person during one day.

15 “(e)(A) Any dealer doing business in either convenience zone that occu-
16 pies a space of 5,000 or more square feet in a single area that does not par-
17 ticipate in, and is not served by, the *[pilot project]* **beverage container**
18 **redemption center** may not refuse to accept and to pay the refund value
19 of up to *[300]* **350** individual empty beverage containers, as established by
20 ORS 459A.705, returned by any one person during one day and must provide
21 services *[similar]* **equivalent** to those provided by the **redemption center**
22 **under subsection (1)(b) of this section** *[pilot project]*, including hand
23 counting *[of individual empty beverage containers that are returned for the*
24 *refund value established by ORS 459A.705]* **and drop off service.**

25 “(B) **In addition to complying with the requirements specified in**
26 **subparagraph (A) of this paragraph, a dealer described in subpara-**
27 **graph (A) of this paragraph must:**

28 “(i) **Post in each area where beverage containers are received a**
29 **clearly visible and legible sign that contains the list of services that**
30 **must be provided by the dealer; and**

1 “(ii) Provide two automated reverse vending machines capable of
2 processing metal, plastic and glass beverage containers, or one auto-
3 mated reverse vending machine capable of processing metal, plastic
4 and glass beverage containers for each 500,000 beverage containers sold
5 by the dealer in the previous calendar year, whichever is greater.

6 “(C) The provisions of subparagraphs (A) and (B) of this paragraph
7 do not apply to a dealer described in subparagraph (A) of this para-
8 graph if the dealer sold fewer than 100,000 beverage containers in the
9 previous calendar year.

10 “(3) The provisions of subsection (2) of this section do not apply to
11 any dealer for which the driving distance from the place of business
12 of the dealer to the beverage container redemption center, calculated
13 using the shortest route, is more than two times the radius specified
14 for the second convenience zone or, if only one convenience zone is
15 specified by the commission, two times the radius specified for that
16 convenience zone.

17 “[(3)] (4) The commission may adopt all rules necessary to implement and
18 administer the provisions of this section.

19 “**SECTION 3.** ORS 459A.735 is amended to read:

20 “459A.735. (1) To facilitate the return of empty beverage containers and
21 to serve dealers of beverages, any person may establish a redemption center,
22 subject to the approval of the Oregon Liquor Control Commission, at which
23 any person may return empty beverage containers and receive payment of the
24 refund value of such beverage containers.

25 “(2) Application for approval of a redemption center shall be filed with
26 the commission. The application shall state the name and address of the
27 person responsible for the establishment and operation of the redemption
28 center, the kind of beverage containers that will be accepted at the redemp-
29 tion center, [and] the names and addresses of the dealers to be served by the
30 redemption center **and proposals for up to two convenience zones de-**

1 **scribed in ORS 459A.737.** The application shall include such additional in-
2 formation as the commission may require.

3 “(3) The commission shall approve a redemption center if it finds the re-
4 demption center will provide a convenient service to persons for the return
5 of empty beverage containers. The order of the commission approving a re-
6 demption center shall state the dealers to be served by the redemption center
7 and the kind of empty beverage containers that the redemption center must
8 accept. The order may contain such other provisions to ensure the redemp-
9 tion center will provide a convenient service to the public as the commission
10 may determine.

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

18 **“SECTION 4. No later than March 1 of each odd-numbered year, the**
19 **Oregon Liquor Control Commission shall submit a report to the Leg-**
20 **islative Assembly regarding beverage container redemption centers**
21 **approved pursuant to the provisions of ORS 459A.737. The report must**
22 **include, for the two previous calendar years:**

23 **“(1) The number of beverage containers that are returned for re-**
24 **fund value as a percentage of the total number of beverage containers**
25 **sold in this state.**

26 **“(2) The number of beverage container redemption centers operat-**
27 **ing in this state and the number of redemption centers for which ap-**
28 **plications are pending with the commission.**

29 **“(3) The number of beverage containers that are returned for re-**
30 **fund value in areas designated by the commission and the number of**

1 beverage containers returned for refund value in each area in the year
2 before the beverage container redemption center began operation.

3 “(4) The number of beverage containers that are returned for re-
4 fund value to beverage container redemption centers in this state and
5 the number of beverage containers that are returned for refund value
6 to dealers in this state.

7 **“SECTION 5.** Section 4 of this 2013 Act is repealed on January 2,
8 2022.

9 **“SECTION 6.** (1) The additional requirements for beverage con-
10 tainer redemption centers imposed by the amendments to ORS
11 459A.737 by section 2 of this 2013 Act apply to all beverage container
12 redemption centers, whether approved before, on or after the effective
13 date of this 2013 Act.

14 **“(2)** The amendments to ORS 459A.735 by section 3 of this 2013 Act
15 apply to applications for approval filed with the Oregon Liquor Control
16 Commission on or after the effective date of this 2013 Act.

17 **“SECTION 7.** This 2013 Act being necessary for the immediate
18 preservation of the public peace, health and safety, an emergency is
19 declared to exist, and this 2013 Act takes effect on its passage.”.

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