

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION BY SENATE

FLOOR AMENDMENT

No. 1

(Date)

Mr./Madame President:

I move to amend _Senate_____ Bill No. 610, Page 21, Line 21,

as follows:

By inserting new SECTIONS 11 to read as per attached, by renumbering subsequent sections, and by amending the title to conform.

Submitted by:

Senator Jim Wilson

Wilson-CD-FA-SB696
3/12/2009 1:21 PM

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2 SECTION ____ NEW LAW A new section of law to be codified in the Oklahoma
3 Statutes as Section 2-11-701 of Title 27A, unless there is created a duplication in numbering, reads

4 as follows:

5 This act shall be known and may be cited as the “Oklahoma Bottle Recycling Act”.

1 SECTION _____. NEW LAW A new section of law to be codified in the Oklahoma
2 Statutes as Section 2-11-702 of Title 27A, unless there is created a duplication in numbering, reads
3 as follows:

4 The Legislature hereby finds that beverage containers are a major source of nondegradable
5 litter in this state and that the collection and disposal of this litter and solid waste constitutes a great
6 financial burden for the citizens of this state; and, that, in addition to this unnecessary expenditure of
7 tax moneys, such litter unreasonably interferes with the enjoyment of life and property by our
8 citizens; and that the practice of littering is not compatible with previously adopted policies of the
9 state in regard to proper use and protection of our natural resources.

10 It is the intent of the Legislature to create incentives for the manufacturers, distributors,
11 dealers and consumers of beverage containers to reuse or recycle beverage containers thereby
12 removing the blight on the landscape caused by the disposal of these containers on the highways and
13 lands of the state and reducing the increasing costs of litter collection and disposal.

14 SECTION _____. NEW LAW A new section of law to be codified in the Oklahoma
15 Statutes as Section 2-11-703 of Title 27A, unless there is created a duplication in numbering, reads
16 as follows:

17 As used in the Oklahoma Bottle Recycling Act:

18 1. "Beverage" means any mineral waters, (but not including naturally sparkling mineral
19 waters), soda waters or any other carbonated beverage not containing alcohol that is commonly
20 known as a "soft drink" and any beer, ale or other malt beverage containing alcohol;

21 2. "Beverage container" means any airtight nonaluminous container containing less than two
22 (2) gallons of a beverage under pressure of carbonation;

23 3. "Biodegradable or photodegradable material" means material which is capable of being
24 broken down by bacteria or light;

1 4. "Consumer" means any person who purchases a beverage in a beverage container for final
2 use or consumption;

3 5. "Dealer" means any person who engages in the sale of beverages in beverage containers to
4 a consumer and shall include groups of retailers or retail chains;

5 6. "Department" shall mean the Department of Environmental Quality;

6 7. "Deposit" means the sum paid to the distributor by the dealer or to the dealer by the
7 consumer when beverages are purchased in returnable beverage containers, and which is refunded
8 when the beverage container is returned;

9 8. "Distributor" means any person who engages in the sale of beverages in beverage
10 containers to a dealer including any manufacturer who engages in such sale;

11 9. "Manufacturer" means any person who bottles, cans, packs or otherwise fills beverage
12 containers for sale to distributors or dealers;

13 10. "On-premise sales" means sales transactions in which beverages are purchased by a
14 consumer for immediate consumption within the area under control of the dealer;

15 11. "Recyclable" means substances or products that can be recovered from the waste stream
16 and reused in total or in part for the same or other uses;

17 12. "Recycling" means the process of sorting, cleansing, treating and reconstituting discarded
18 materials for the purpose of reusing the materials in the same or altered form;

19 13. "Redemption center" means a store or other location where any person may, during
20 normal business hours, redeem the amount of the deposit for any empty beverage container for
21 which a deposit was required pursuant to this act;

22 14. "Refund" means the sum, equal to the deposit, that is given to the consumer or the dealer
23 or both in exchange for empty returnable beverage containers; and

24 15. "Returnable beverage container" means a beverage container for which a refund or equal
25 value is payable upon return, whether such container is refillable or not. This definition and this

1 subchapter shall not apply to any beverage container which is capable of containing 64 or more
2 ounces of beverage.

3 SECTION _____. NEW LAW A new section of law to be codified in the Oklahoma
4 Statutes as Section 2-11-704 of Title 27A, unless there is created a duplication in numbering, reads
5 as follows:

6 A. Any beverage in a beverage container sold or offered for sale in this state shall be in a
7 returnable beverage container.

8 B. A dealer shall not procure beverages in beverage containers from distributors who refuse to
9 accept from the dealer any returnable beverage containers of the kind, size and brand sold by the
10 distributor and pay to the dealer the refund value of the beverage container.

11 C. Dealers shall inform consumers that beverages are sold in returnable beverage containers
12 by placing a sign, or a shelf label, or both, in close proximity to any sales display of beverages in
13 returnable containers. Such a sign or label shall indicate the amount of deposit required for each
14 container and that all containers are returnable. If the dealer participates in a redemption center, the
15 location of that center shall be posted.

16 D. No person under twenty-one (21) years of age shall return any beverage container, the use
17 of which has been to contain beer, ale or other malt beverage containing alcohol, to any redemption
18 center, which also, as part of its business, is engaged in the selling of alcoholic beverages.

19 SECTION _____. NEW LAW A new section of law to be codified in the Oklahoma
20 Statutes as Section 2-11-705 of Title 27A, unless there is created a duplication in numbering, reads
21 as follows:

22 A. The manufacturer or the distributor shall set the amount of the deposit required and may
23 develop a schedule of deposits varying according to the size of the container involved. A deposit of
24 not less than five cents (\$0.05) shall be paid by the consumer on each beverage container sold at the

1 retail level and refunded to the consumer upon return of the empty beverage container to a dealer or
2 a redemption center.

3 B. A deposit shall not be required for on-premise sales if the empty beverage containers are
4 returned to the distributor.

5 SECTION _____. NEW LAW A new section of law to be codified in the Oklahoma
6 Statutes as Section 2-11-706 of Title 27A, unless there is created a duplication in numbering, reads
7 as follows:

8 A. Every beverage container sold or offered for sale in this state shall clearly indicate by
9 embossing or imprinting on the normal product label, or in the case of a metal beverage container on
10 the top of the container, the word "Oklahoma" and the refund value of the container in not less than
11 one-quarter inch type size.

12 B. This section shall not apply to beverage containers which are certified as refillable by the
13 distributor and which have deposit notations permanently printed or embossed on the container.

14 SECTION _____. NEW LAW A new section of law to be codified in the Oklahoma
15 Statutes as Section 2-11-707 of Title 27A, unless there is created a duplication in numbering, reads
16 as follows:

17 A. Any dealer, distributor, manufacturer, person, or any combination thereof may establish a
18 redemption center subject to approval of the Department of Environmental Quality.

19 B. Application for approval of a redemption center shall be filed with the Department. The
20 application shall state the name and address of the person responsible for the establishment and
21 operation of the center, the kinds, sizes and brand names of beverage containers which will be
22 accepted and the addresses of dealers to be served.

23 C. The Department shall approve a redemption center if it finds that the center will provide a
24 convenient service to persons for the return of empty beverage containers. The order approving a
25 redemption center shall state the dealers to be served and the kinds, sizes and brand names of empty

1 beverage containers which the center shall accept. The order may contain such other provisions to
2 insure the redemption center will provide convenient service to the public as the Department may
3 determine.

4 D. The Department may review at any time approval of a redemption center. After written
5 notice to the person responsible for the establishment and operation of the redemption center and to
6 the dealers served by the center, the Department may, after hearing, withdraw approval of the center
7 if it finds there has not been compliance with the approval order or if the redemption center no
8 longer provides a convenient service to the public.

9 E. A redemption center may also accept for reuse or recycling materials other than beverage
10 containers.

11 SECTION _____. NEW LAW A new section of law to be codified in the Oklahoma
12 Statutes as Section 2-11-708 of Title 27A, unless there is created a duplication in numbering, reads
13 as follows:

14 A. A dealer shall accept from a consumer any empty beverage container of the kind, size and
15 brand sold by the dealer, and pay the consumer the refund on the appropriately labeled returnable
16 beverage container.

17 B. A dealer may refuse to refund deposits on beverage containers if a redemption center or
18 centers are established in the vicinity which serve the public need.

19 C. A dealer or redemption center may refuse to refund deposits on beverage containers which
20 are broken, or unclean, or not empty. Such dealer or center may refuse to accept beverage
21 containers from any person who attempts to return one hundred twenty (120) or more containers at
22 the same time, or within a one week period.

23 D. A dealer or a redemption center upon redeeming beverage containers shall be reimbursed
24 by the manufacturer or distributor of such beverage containers in an amount which is at least twenty
25 percent (20%) of the deposit returned to the consumer in addition to the refund.

1 SECTION _____. NEW LAW A new section of law to be codified in the Oklahoma
2 Statutes as Section 2-11-709 of Title 27A, unless there is created a duplication in numbering, reads
3 as follows:

4 A. State informational material such as travel pamphlets, road maps and similar publications
5 submitted for printing on or after January 1, 2010, shall bear information relating to this subchapter.
6 This information shall take the form of a standard public statement relating to the deposit law,
7 urging travelers to avoid littering.

8 B. The Department of Education and any other state agency distributing public education
9 materials shall incorporate information on this act in educational material which it normally
10 distributes to primary and secondary educational institutions within the state, urging an end to
11 littering.

12 SECTION _____. NEW LAW A new section of law to be codified in the Oklahoma
13 Statutes as Section 2-11-710 of Title 27A, unless there is created a duplication in numbering, reads
14 as follows:

15 No beverage shall be sold or offered for sale at retail in this state:

16 1. In a metal container designed and constructed so that part of the container is detachable in
17 opening the container;

18 2. In containers connected to each other with plastic rings or similar devices which are not
19 classified by the Department of Environmental Quality as biodegradable, photodegradable or
20 recyclable; or

21 3. In a glass beverage container which is not recyclable or refillable.

22 SECTION _____. NEW LAW A new section of law to be codified in the Oklahoma
23 Statutes as Section 2-11-711 of Title 27A, unless there is created a duplication in numbering, reads
24 as follows:

1 A. Any person violating the Oklahoma Bottle Recycling Act or any rule duly promulgated
2 thereunder, shall be punishable as follows:

3 1. If the violation has been completed, by a civil penalty imposed by the district court of the
4 county where the violation occurred of not less than Two Hundred Fifty Dollars (\$250) nor more than
5 One Thousand Dollars (\$1,000.00) for each completed violation; if the violation has been completed
6 and there is a substantial likelihood that it will reoccur, the Executive Director of the Department of
7 Environmental Quality may also seek a permanent or preliminary injunction or temporary
8 restraining order in the district court; or

9 2. If the violation is continuing, the Executive Director may seek a monetary penalty as
10 provided in paragraph 1 of this subsection. If the violation is continuing or is threatening to begin,
11 the Executive Director may also seek a temporary restraining order or permanent injunction in the
12 district court. In his or her discretion, the Executive Director may endeavor by conciliation to obtain
13 compliance with all requirements of this act. Conciliation shall be giving written notice to the
14 responsible party:

- 15 a. specifying the complaint,
- 16 b. proposing a reasonable time for its correction,
- 17 c. advising that a hearing on the complaint may be had if requested by a date
18 stated in the notice, and
- 19 d. notifying that a proposed correction date will be ordered unless a hearing is
20 requested. If no hearing is requested on or before the date stated in the notice,
21 the Executive Director may order that the correction be fully implemented by
22 the proposed date or may, on his or her own initiative, convene a hearing, in
23 which the Executive Director shall publicly hear and consider any relevant
24 submission from the responsible party as otherwise provided by law.

1 B. The Executive Director of the Department shall have the authority to enforce this
2 subchapter.

3 SECTION _____. NEW LAW A new section of law to be codified in the Oklahoma
4 Statutes as Section 2-11-712 of Title 27A, unless there is created a duplication in numbering, reads
5 as follows:

6 The Board of Environmental Quality is authorized to promulgate any rules necessary to
7 implement the provisions of this act.

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