A bill for an act

relating to environment; requiring a deposit on beverage containers; requiring labeling of beverage containers; providing for refunds of the deposit on containers returned; requiring payment of unclaimed deposits; appropriating money; amending Minnesota Statutes 2006, section 13.7411, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 115A.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2006, section 13.7411, subdivision 4, is amended to read:

Subd. 4. **Waste management.** (a) **Transfer station data.** Data received by a county or district from a transfer station under section 115A.84, subdivision 5, are classified under that section.

(b) **Solid waste records.** Records of solid waste facilities received, inspected, or copied by a county pursuant to section 115A.882 are classified pursuant to section 115A.882, subdivision 3.

(c) **Customer lists.** Customer lists provided to counties or cities by solid waste collectors are classified under section 115A.93, subdivision 5.

(d) **Beverage container reporting.** Data received by the Pollution Control Agency under section 115A.1355 are classified under that section.

Sec. 2. **[115A.1350] DEFINITIONS.**

Subdivision 1. **Scope.** For the purposes of section 115A.1350 to 115A.1357, the following terms have the meanings given.

Subd. 2. **Beverage.** "Beverage" means:

(1) any soft drink, soda water, carbonated or uncarbonated natural or mineral water, juice, tea, or coffee;

(2) beer, ale, or other malt liquor;

(3) distilled spirits, wine, or mixed wine; and

(4) other drinks in liquid form intended for human consumption.

Subd. 3. **Beverage container.** "Beverage container" means an airtight metal, glass, or plastic container, or a container composed of a combination of these materials, that, when sold or offered for sale, contains one gallon or less of a beverage.

Subd. 4. **Distilled spirits.** "Distilled spirits" has the meaning given in section 340A.101, subdivision 9.

Subd. 5. **Distributor.** "Distributor" means a person who sells beverages in beverage containers to a retailer in this state, including a manufacturer who engages in such sales.

Subd. 6. **Malt liquor.** "Malt liquor" has the meaning given in section 340A.101, subdivision 16.

Subd. 7. **Manufacturer.** "Manufacturer" means a person who places beverages in beverage containers for eventual sale to consumers.

Subd. 8. **Mixed wine.** "Mixed wine" means a drink containing less than seven percent alcohol by volume, consisting of wine and plain, sparkling, or carbonated water and other nonalcoholic ingredients.

Subd. 9. **Retailer.** "Retailer" means a person who sells beverages in beverage containers to a consumer for consumption of the beverage.

Subd. 10. **Unclaimed bottle deposits.** "Unclaimed bottle deposits" means the difference between the dollar value of the total deposits collected by a distributor or manufacturer on beverage containers sold in this state and the total refunds paid for beverage containers redeemed by the distributor or manufacturer within this state.

Subd. 11. **Wine.** "Wine" has the meaning given in section 340A.101, subdivision 29.

Sec. 3. **[115A.1351] BEVERAGE CONTAINER LABELING.**

(a) After January 1, 2009, no beverage container may be sold or offered for sale in the state unless it clearly indicates by embossing or imprinting on the product label, or in the case of a metal beverage container, on top of the container, the word "Minnesota" or the letters "MN" and the refund value of the container in type at least one-eighth inch in height, or an alternate indication as may be approved by the commissioner. The names or abbreviations of other states with container deposit legislation comparable to that in sections 115A.1350 to 115A.1357 may be indicated on the container.

(b) The commissioner may allow beverage containers containing distilled spirits or wine to be affixed with a continuous adhesive sticker to indicate the information required in paragraph (a), provided the size, placement, and adhesive qualities are as approved by the commissioner.

(c) This section does not apply to permanently labeled beverage containers.

Sec. 4. **[115A.1353] BEVERAGE CONTAINERS; REFUND VALUE.**

(a) A refund value of not less than ten cents must be paid by a consumer on each beverage container sold in this state by a retailer.

(b) The refund value must be paid to a consumer upon return of an empty beverage container upon which a refund value has been paid:

(1) by a retailer, provided that the beverage container is of a kind, size, and brand offered for sale by the retailer; or

(2) by an operator of a redemption center licensed under section 115A.1354.

(c) A retailer or an operator of a licensed redemption center is not required to accept and redeem a beverage container that:

(1) is broken;

(2) contains residue other than water, the beverage it originally contained, or dust;

(3) is damaged to the extent that the brand on the container cannot be identified; or

(4) was not purchased in this state.

(d) A manufacturer or distributor must accept for redemption from a retailer that sells its beverage containers or from an operator of a licensed redemption center any beverage container of a kind, size, and brand sold by the manufacturer or distributor, unless the beverage container meets the requirements of paragraph (c), and must pay the retailer or operator of a licensed redemption center the refund value established in paragraph (a) for each beverage container accepted for redemption, plus one cent per beverage container.

(e) A retailer may, but is not required to, accept empty beverage containers from a person due a refund exceeding $25 on any one day.

Sec. 5. **[115A.1354] REDEMPTION CENTERS.**

(a) Any person may establish a redemption center, subject to the approval of the commissioner, at which any person may return empty beverage containers and receive payment of the containers' refund value.

(b) Application for approval of a redemption center must be made on a form prescribed by the commissioner.

(c) The commissioner must approve a request to establish a redemption center if the commissioner determines that the redemption center provides a convenient service to persons for the return of empty beverage containers. The approval of the commissioner for a redemption center must state the kind and brand names of empty beverage containers that the redemption center must accept.

(d) The commissioner may review approval of a request to establish a redemption center at any time and may, after public hearing, withdraw approval of a redemption center if the commissioner finds that the redemption center has not been in compliance with the commissioner's original approval or if the redemption center no longer provides a convenient service to the public.

Sec. 6. **[115A.1355] REPORTING REQUIREMENT.**

Subdivision 1. **Report.** Beginning January 1, 2010, and each year thereafter, a distributor or manufacturer must file a report with the agency, on a form prescribed by the commissioner, stating the dollar value of both the total deposits collected on beverage containers sold in this state and the total refunds paid for beverage containers redeemed by the distributor or manufacturer within this state.

Subd. 2. **Data.** Data reported under subdivision 1 by an individual distributor or manufacturer are classified as nonpublic data, as defined in section 13.02, subdivision 9, except that the agency may release the data in summary form in which individual distributors or manufacturers are not identified and from which neither their identities nor any other characteristic that could uniquely identify an individual distributor or manufacturer is ascertainable.

Sec. 7. **[115A.1356] UNCLAIMED BOTTLE DEPOSITS.**

Subdivision 1. **Payment.** Not later than March 1, 2009, and each year thereafter, a distributor or manufacturer must pay to the commissioner the unclaimed bottle deposits for the previous year.

Subd. 2. **Enforcement.** (a) The Department of Revenue must enforce the obligation to pay the amount of money reflecting unclaimed bottle deposits owed to the state. The audit, assessment, appeal, collection, enforcement, disclosure, and other administrative provisions of chapters 270B, 270C, and 289A that apply to the taxes imposed under chapter 297A apply to unclaimed bottle deposits owed to the state. To enforce this subdivision, the commissioner of revenue may grant extensions to pay, and impose and abate penalties and interest on, unclaimed bottle deposits in the manner provided in chapters 270C and 289A as if the unclaimed bottle deposits were a tax imposed under chapter 297A.

Subd. 3. **Nonpublic data.** The Department of Revenue may disclose nonpublic data to the agency only when necessary for the efficient and effective administration of the activities regulated under sections 115A.1350 to 115A.1357. Any data disclosed by the department to the agency retains the classification it had when in the possession of the department.

Subd. 4. **Creation of account; appropriations; deposits.** (a) The unclaimed bottle deposits account is established in the environmental fund. The commissioner of revenue must deposit receipts collected under subdivision 1 in the account. Any interest earned on the account must be credited to the account. Money in the account at the end of a fiscal year remains in the account and does not cancel to the general fund.

(b) Money in the account is annually appropriated to the agency for the purpose of implementing sections 115A.1350 to 115A.1357.

(c) The commissioner shall deposit all remaining revenues in the account as follows:

(1) ... percent to the environmental fund; and

(2) ... percent to the remediation fund.

Sec. 8. **[115A.1357] RULES.**

The commissioner may adopt rules necessary to implement sections 115A.1351 to 115A.1356.

Sec. 9. **EFFECTIVE DATE.**

Sections 1 to 8 are effective the day following final enactment.