

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

3045

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La Costa Rickford
Operator's Signature

10/16/03
Date

2003 HOUSE JUDICIARY

HCR 3045

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Yolanda Richardson
Operator's Signature

10/6/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR 3045

House Judiciary Committee

Conference Committee

Hearing Date 2-17-03

Tape Number	Side A	Side B	Meter #
1	xx		8.9-43.5
1		xx	10-14
Committee Clerk Signature <i>Al Penrose</i>			

Minutes: 13 members present.

Chairman DeKrey: We will open the hearing on HCR 3045.

Rep. Dave Monson: Introduced the bill. The time has come to clean up and start recycling. We are hated around the world as being the most wasteful country. I don't like that stigma. We need to do something to keep our landfills from filling up. You might say we don't have a problem in ND, but we do. Our landfills are filling up. We need a study to see if there is a way to recycle more efficiently. I believe putting a deposit on the containers, may cause problems for the consumer, beverage people, retailers, say we don't want to be bothered with this. But we have to be bothered at the front end when we sell it or at the back end when we dump it in a waste fill someplace.

Rep. Wrangham: In your studies, would it increase the product price to start this recycling.

Rep. Monson: It really shouldn't increase the cost at all - you would get your deposit back.

Rep. Wrangham: But doesn't it cost more to recycle. Where are we going to put the returns.

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House Judiciary Committee
Bill/Resolution Number HCR 3045
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Rep. Monson: You set the level of the deposit to cover the costs of recycling. We're not going to make money, but we shouldn't lose money either.

Rep. Delmore: This would be a mandate for consumers and retailers. Why mandate this, if people voluntarily recycle, it is much more effective. I think there will be an increase in costs. Somebody is going to have to pay for these costs.

Rep. Monson: You have the option of returning it or not. I don't see it as a mandate.

Rep. Delmore: I do have to pay the deposit fee upfront when I buy it. It is a mandate. I do this voluntarily now. Why do I have to pay for it.

Rep. Klemin: I realize this may reduce litter, but once it gets to the retailer and there is no market for the plastic, what do they do with it then.

Rep. Monson: It wouldn't have to be a retailer, we could have state collection centers to collect the returned bottles.

Rep. Klemin: Is it your intent that all plastic containers be included?

Rep. Monson: I don't want to make any recommendations, just want to look at the situation and study it. Are there ways to make this happen without being a mandate, without being a burden on the retailers.

Rep. Boehning: How are other states handling this.

Rep. Monson: We would have to study that, I don't have comprehensive enough information. We need to study this issue. There are all kinds of problems associated with this issue.

Rep. Onstad: I can't question the benefits of recycling, but haven't we had bills before that have been defeated.

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Rep. Monson: In 1993, we passed legislation that called for a 40% reduction in the amount of waste that goes to the landfills. We are falling really short of that number.

Rep. Kingsbury: What are the costs to the state, are there other sites that are recycling.

Rep. Monson: There aren't that many recycle spots, a lot of them have closed.

Rep. Galvin: How will this impact the border states, SD, MN, or MT.

Rep. Monson: I don't know.

Rep. Delmore: It isn't just Grand Forks that was going to bring garbage to that site, there are other cities that come to Grand Forks that would have to be taken as well.

Rep. Monson: That's true.

Rep. Boehning: We're down to 13 or 15 sites. We should study this problem.

Chairman DeKrey: Thank you. Further testimony in support?

Bernie Boser-Vinje: Support (see attached testimony).

Chairman DeKrey: Thank you. Further testimony in support.

Mary Christenson, Dakota Resource Council: Support (see attached testimony).

Rep. Wrangham: Who was to monitor and enforce this 1993 law?

Ms. Christenson: I don't know, maybe the Health Department.

Rep. Onstad: To follow up on the 1993 law, they must have implemented some programs at that point to try and comply with this rule. Is there something they did that they felt didn't work.

Ms. Christenson: They haven't got the level of waste down, tires cause a huge problem.

Chairman DeKrey: Thank you. Any further testimony in support? Opposition?

La Costa Richardson
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Tom Woodmansee, ND Grocers Association and ND Marketers and Midwest Coca-Cola:

Opposed. In the past 14 sessions, this issue has been discussed 10 times, and each time it has met the same result, a Do Not Pass. This would be a problem for the retailers on the health issue alone. Where would they put the returned cans and bottles.

Rep. Bernstein: Wouldn't it be put to rest if this issue were studied.

Mr. Woodmansee: You have an excellent point there. It probably would, but this issue just keeps coming back and back, etc.

Rep. Kingsbury: You mentioned the health issue, what was done earlier when the stores would take back bottles, wasn't it a health issue then.

Mr. Woodmansee: I believe the bottlers dropped off and picked up the bottles. Unless someone picks up the bottles and cans on a regular basis, it can be a health issue.

Rep. Delmore: Would you see an increase in cost in price.

Mr. Woodmansee: I can't see how it wouldn't raise the price. Someone has to pick them up.

Rep. Onstad: Do the groups you are representing have any suggestions to this problem.

Mr. Woodmansee: I don't. I am hoping that Mr. McQuade can address that, . . . s been involved on the recycling end.

Chairman DeKrey: Thank you. Further testimony in opposition?

Sam McQuade, Jr., President of McQuade Distributing: Opposed (see attached testimony). I believe this is the 12th time in 14 sessions that this has been brought up since the early '70s. This has been rejected each time, but keeps coming back.

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Chairman DeKrey: Many bills before the legislation this year will be restricting the public's access to certain things, such as cold tablets, locking nurse tanks, etc. which will be minor inconveniences, aren't we getting into the business of people.

Mr. McQuade: Yes, recycling is not as effective as before. Consumers don't want to recycle, an imposition on the consumer.

Rep. Onstad: What suggestions do you have.

Mr. McQuade: I don't have the answer to that. We stopped recycling plastic, because it was losing money and there wasn't anyplace for it to go. We sold that part of the business. Just can't make any money, so everyone goes out of business.

Chairman DeKrey: Thank you. Any further testimony in opposition? We will close the hearing.

(Reopened later in the same session)

Chairman DeKrey: What are the committee's wishes in regard to HCR 3045.

Rep. Delmore: I move a Do Not Pass.

Rep. Wrangham: Seconded.

13 YES 0 NO 0 ABSENT DO NOT PASS - CONSENT CARRIER: Rep. Klemin

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La Costa Richardson

10/16/03

Date

Date: 2/17/03
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 3045

House Judiciary Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By Rep. Delmore Seconded By Rep. Wrangham

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	✓		Rep. Delmore	✓	
Vice Chairman Maragos	✓		Rep. Eckre	✓	
Rep. Bernstein	✓		Rep. Onstad	✓	
Rep. Boehning	✓				
Rep. Galvin	✓				
Rep. Grande	✓				
Rep. Kingsbury	✓				
Rep. Klemin	✓				
Rep. Kretschmar	✓				
Rep. Wrangham	✓				

Total (Yes) 13 No 0

Absent 0

Floor Assignment Consent Calendar - Rep. Klemin

If the vote is on an amendment, briefly indicate intent:

Loiseta Rickford 10/16/03
Operator's Signature Date

REPORT OF STANDING COMMITTEE (410)
February 17, 2003 11:40 a.m.

Module No: HR-30-2899
Carrier: Klein
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
HCR 3045: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO NOT PASS
and BE PLACED ON THE CONSENT CALENDAR (13 YEAS, 0 NAYS, 0 ABSENT
AND NOT VOTING). HCR 3045 was placed on the Tenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-30-2899

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2003 TESTIMONY

HCR 3045

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10/16/03
Date

Dakota Resource Council
P.O. Box 1095, Dickinson, ND 58602-1095
701-483-2851; www.drcinfo.com

HB 3045 Testimony
House Judiciary Committee
February 17, 2003

Chairman DeKrey and Members of the Committee,

Support

This resolution is very timely as, in 1993, the legislature passed SB 2049 which called for at least a 40% reduction in volume of municipal waste in state landfills by 2000. The state fell approximately 50% short of this goal.

We would like to see this resolution amended to include a study that would identify the reasons why this goal was not met and make recommendations as to how we might meet this goal in the future.

Thank you

Mary Christensen
Staff, Dakota Resource Council

February 17, 2003

North Dakota House
Judiciary Committee

RE: Testimony AGAINST HCR3045 – to Study Forced Deposits on Beverage Containers

Honorable Committee Members:

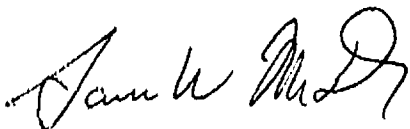
I believe this is the 12th time in 14 sessions since the early 70s that we in the beverage business have seen forced deposits either in bill form or as a study resolution. We simply cannot understand why it continues to haunt us as a solution to litter control, because the Legislature has consistently and overwhelmingly rejected it for many reasons including the following:

- A deposit law on beverage containers is discriminatory and addresses only one potential item in the litter or waste stream, representing only a very small percentage of either. What about all the other things found in ditches? Do you know that the worst single item of highway litter – outside of newspapers and fast food containers – is the plastic diaper!
- The start-up costs to create the infrastructure required of the North Dakota beverage industry, including all retailers, wholesalers, and suppliers, to accommodate such a law would be in the tens of millions for more storage, more equipment, more trucks burning expensive fuel, more personnel. And the last study on this that was done for North Dakota in the late 80s showed that the ANNUAL cost to maintain this system would be \$10 plus million! What would that cost be in today's dollars? And who will bear this cost? Consumers, who, at 10 cents per container, will see prices rise not just \$2.40/case, but more in the range of \$5.00, which has been the experience of states that implemented deposit laws in the distant past. What consumer today wants to see a case of pop or beer go up \$5.00?
- My company started the first recycling operation in North Dakota, which is still in business as Waste Management Recycling. Recyclers oppose deposit laws for one simple reason: IT PUTS THEM OUT OF BUSINESS! Aluminum can recycling is the only thing that keeps a recycler in business. Take that away by replacing it with another system in which a recycler cannot participate, the recycler is gone.

Forced deposit legislation is a dinosaur idea that simply is no longer accepted. No state has passed such legislation since the early 80s. In fact during this time over 2,000 container deposit proposals have been rejected by lawmakers. And most recently the city of Columbia, MO, voted their law out. The idea of forced deposits does not need to be studied. Twelve Legislatures have already studied and rejected it. Please vote "NO" on this resolution. Perhaps, at long last, this will be the final time that we must address this issue.

Thank you for your time and consideration.

Sincerely,



Sam W. McQuade, Jr.
President, McQuade Distributing
Box 1196
Bismarck, ND 58502
701-223-6850

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Operator's Signature

10/16/03
Date

HCR
3045

Mr Chairman + members of the
Committee, my name is Bernie Boser. Uinge
~~and I am~~ an ordinary citizen of this state.

I'd like to ~~make~~ ^{make} a couple of
personal comments ^{in support of} ~~about~~ this resolution. I'm
an avid walker. I walk 5 miles
a day, 5 days a week about
30 miles SE of Bismarck. I see
a lot of beauty around me every
day when I walk that stretch
of land... deer, pheasant, songbirds,
lots of things. I also see non-
game species... the kind that
humans carelessly toss out of their
vehicles. Things like beer bottles,
cans, diapers, fast-food ^{wrapper} waste,
and ^{win} some fishing tackle that has
^{unintentionally} bounced out of a boat. Many
years ago we traveled through
Vermont. I was amazed at how
incredibly clean the ditches were.
When I commented on this to a citizen
of that state, I was told that they
have a ^{beverage container} deposit fee. It showed!
And just as important, I feel
that if people get used to returning

containers for the deposit, maybe,
just maybe that mindset will
transfer to recycling ^{+ litter control} in general.
We need to educate people to
~~respect~~ respect the earth
and the people who live on it.
Container deposit fees will foster
a thought that perhaps other
things can be recycled. It's the
right thing to do.

Thank you. If you
have any questions, please ask and I'll
try to answer them.