

ETC&I / W&M

A BILL FOR AN ACT

To amend the Kosrae State Code by repealing Subchapter A of Chapter 6 of Title 19 in its entirety; and for other purposes.

BE IT ENACTED BY THE KOSRAE STATE LEGISLATURE

1           Section 1. Purpose. The purpose of this Act is to amend the Kosrae State Code by  
2   repealing Subchapter A of Chapter 6 of Title 19.

3           Section 2. Amendment. Title 19, Chapter 6, Subchapter A of the Kosrae State  
4   Code is hereby repealed:

5                           ~~“Subchapter A—Kosrae Recycling Program~~

6                           ~~Section 19.601. Recycling Program Established. This Chapter establishes a~~  
7   ~~recycling program for the State of Kosrae whereby the State of Kosrae shall from time to~~  
8   ~~time appoint a recycling agent to collect such waste materials as are designated by~~  
9   ~~regulation and to the extent possible dispose of such material by sale and shipment from~~  
10 ~~Kosrae.~~

11                          ~~(1) The recycling program shall be, to the maximum extent, self-~~  
12   ~~sustaining so that the collection of Recycling Deposit Fees and the~~  
13   ~~sale of designated waste materials will be sufficient to fund the~~  
14   ~~continued collection and removal of waste material from Kosrae.~~

15                          ~~Section 19.602. Recycling Agent—As of the effective date of this chapter, the~~  
16   ~~Recycling Agent for the State of Kosrae is KIRMA.~~

1                   (1) ~~— A Recycling Agent shall hold its appointment until such time as a~~  
2   ~~new Recycling Agent is nominated and appointed by the Governor.~~

3                   (2) ~~— A Recycling Agent may only be appointed by the Governor~~  
4   ~~following the Legislature's consent by resolution to the nomination~~  
5   ~~by the Governor.~~

6                   (3) ~~— A Recycling Agent may contract with a Recycling Operator to~~  
7   ~~operate the recycling program.~~

8                   Section 19.603. Regulation. ~~The Administrator shall promulgate rules and~~  
9                   ~~regulations, guidelines, programs, and operating principles as may be deemed proper and~~  
10                   ~~necessary in the light of government policies and objectives of this Chapter.~~

11                   (1) ~~— The rules and regulations, guidelines, programs, and operating~~  
12   ~~principles shall be in writing and shall be designated as the~~  
13   ~~Recycling Program Regulations.~~

14                   (2) ~~— Before taking effect, the Recycling Program Regulations must be~~  
15   ~~approved by resolution by the Legislature.~~

16                   (3) ~~— Amendments to the Recycling Program Regulations must be~~  
17   ~~approved by resolution by the Legislature.~~

18                   Section 19.604. Recycling Deposit Fee. ~~A recycling deposit fee in an amount~~  
19                   ~~specified by the Recycling Program Regulations shall be charged upon all items~~

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1 ~~designated by the Recycling Program Regulations arriving or manufactured in the State of~~  
2 ~~Kosrae and shall be collected pursuant to procedures and regulations established under~~  
3 ~~this Title.~~

4 (1) ~~The Recycling Deposit Fee is not a tax on imports.~~

5 (2) ~~The Recycling Deposit Fee shall be paid by the person or entity~~  
6 ~~importing or manufacturing the designated items.~~

7 (3) ~~The Recycling Deposit Fee shall not apply to those items imported~~  
8 ~~to Kosrae that are intended for re-export, items manufactured in~~  
9 ~~Kosrae for eventual export, or items imported to Kosrae for~~  
10 ~~transshipment to a destination outside of Kosrae.~~

11 ~~Section 19.605. Recycling Fund.~~ A Recycling Fund has been established pursuant  
12 to Title 10, Section 10.205 (1)(d) of the Kosrae State Code.

13 (1) ~~There shall be paid into the Recycling Fund~~

14 (a) ~~Any money appropriated by the Kosrae State Legislature fro the~~  
15 ~~purposes of the Fund; and~~

16 (b) ~~All monies collected as a Recycling Deposit Fee under this~~  
17 ~~Chapter or Recycling Program Regulations; and~~

18 (c) ~~Any other money lawfully available to the Fund.~~

1                   (2) ~~There shall be paid out of the Recycling Fund:~~

2                               (a) ~~The amount of any expenditure by the State on the costs of~~  
3                               ~~recovering waste materials.~~

4                   ~~Section 19.606. Payments by Recycling Agent.~~ ~~The Recycling Agent or~~  
5 ~~Recycling Operator shall make such payments to persons or entities for those items~~  
6 ~~designated by the Recycling Program Regulations a may be from time to time items specified~~  
7 ~~in the Recycling Program Regulations.~~

8                   ~~Section 19.607. Reimbursements to Recycling Agent or Recycling Operator.~~ ~~The~~  
9 ~~Division of Finance and Administration shall process and provide reimbursement from the~~  
10 ~~Recycling Fund to the Recycling Agent or Operator within five (5) working days of the~~  
11 ~~written request for funds supported by any requirements specified by the Recycling~~  
12 ~~Program Regulations.~~

13                   ~~Section 19.608. Reporting.~~

14                   ~~The Administrator shall, on or before August 1 of each year, submit to the Kosrae~~  
15 ~~State Legislature and the Governor:~~

16                               (1) ~~A statement showing the estimated income and expenditure of the~~  
17                               ~~Recycling Fund for the current financial year; and~~

18                               (2) ~~Estimates of the income and expenditure of the Recycling Fund for~~  
19                               ~~the next financial year;~~



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1                   (3) — The Administrator shall, on or before February 1 of each year,  
2                   submit a report to the Kosrae State Legislature and the Governor  
3                   dealing generally with the operations of the Recycling Fund during  
4                   the preceding financial year and containing the audited statement of  
5                   account for the financial year.

6                   Section 19.609. Recycling Offenses. Any person who:

7                   (1) — Willfully refuses, or without reasonable excuse neglects or fails to  
8                   pay a Recycling Deposit Fee; or

9                   (2) — Willfully, with the intent to defraud, claims or takes the benefit of  
10                  any exemption from the Recycling Deposit Fee without being  
11                  entitled to that benefit; or

12                  (3) — In circumstances not falling within either of the preceding  
13                  subsections, contravenes provisions of this Chapter or any  
14                  regulations made under this Chapter; shall be in violation of the  
15                  offense of Cheating under Title 13, Section 13.404 of the Kosrae  
16                  State Code.

17                  Section 19.610. Civil proceedings. Without prejudice to any criminal prosecution,  
18                  any Recycling Deposit Fee which remains unpaid after it has become due for payment

TWELFTH KOSRAE STATE LEGISLATURE  
SIXTEENTH SPECIAL SESSION, APRIL 2021

L.B. No. 12-234

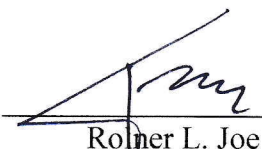
1 shall be recoverable by the State, from the person liable to pay the Recycling Deposit Fee,  
2 as a civil debt.”

3 Section 3. Effective Date. This act takes effect upon the approval of the  
4 Governor or upon its becoming law without such approval.

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7 Date: 5/20/21

Introduced by:   
Roger L. Joe