

A BILL FOR AN ACT

To repeal Title 9, Chapter 22 of the Kosrae State Code in its entirety and to propose new coding for Title 9, Chapter 22 to establish and regulate the Kosrae Recycling Program and to amend Title 10, Section 205(1)(d) to conform the regulation of the Kosrae Recycling Program with the new Title 9, Chapter 22; and for other purposes.

BE IT ENACTED BY THE KOSRAE STATE LEGISLATURE:

Section 1. Purpose. In order to protect the environment of the State of Kosrae it is vital that a program be established that will ensure the recycling and removal from Kosrae of much of the material that is currently treated as waste and deposited in landfills or otherwise disposed of as trash, it is necessary to establish by law a state recycling program that will allow for the collection and removal from Kosrae of waste products in a self-sustaining manner.

Section 2. Repeal. Title 9, Chapter 22 of the Kosrae State Code is hereby repealed.

Section 3. New Coding. New Coding is proposed for Title 9, Chapter 22 of the Kosrae State Code to read as follows:

“Chapter 22. Kosrae Recycling Program

Section 9.2201. Recycling Program Established. This Chapter establishes a recycling program for the State of Kosrae whereby the State of Kosrae shall from time to time appoint a recycling agent to collect such waste materials as are designated by regulation and to the extent possible dispose of such material by sale and shipment from Kosrae.

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

Section 9.2202. Recycling Agent. As of the effective date of this Chapter, the Recycling Agent for the State of Kosrae is the Kosrae Island Resources Management

Authority (KIRMA).

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

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

Section 9.2203. Regulation. The Kosrae Island Resource Management Authority shall promulgate rules and regulations, guidelines, programs, and operating principles as may be deemed proper and necessary in the light of government policies and objectives of this Chapter.

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

(2) Before taking effect, the Recycling Program Regulations must be approved by resolution of the Legislature.

(3) Amendments to the Recycling Program Regulations must be approved by resolution of the Legislature.

Section 9.2204. Recycling Deposit Fee. A recycling deposit fee in an amount specified by the Recycling Program Regulations shall be charged upon all items designated by the Recycling Program Regulations arriving in the State of Kosrae.

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

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

(3) The Recycling Deposit Fee shall not apply to those items imported to Kosrae that are intended for re-export, or items imported to Kosrae for transshipment to a destination outside of Kosrae.

Section 9.2205. Recycling Fund. A Recycling Fund has been established pursuant to Title 10, Section 10.205 (1) (d) of the Kosrae State Code.

(1) There shall be paid into the Recycling Fund

(a) Any money appropriated by the Kosrae State Legislature for the purposes of the Fund; and

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

(c) Any other money lawfully available to the Fund

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

(a) The amount of any expenditure by the State on the costs of recovering waste materials; and

(b) The amount of any advances made to the Recycling Agent for the payment of Deposits.

Section 9.2206. Payments by Recycling Agent. The Recycling Agent shall make such payments to persons or entities for those items designated by the Recycling Program Regulations as may be from time to time specified in the Recycling Program Regulations.

Section 9.2207. Advances to Recycling Agent. The Division of Finance and Administration shall process and provide advances from the Recycling Fund to the Recycling Agent within one working day of the written request for funds supported by any requirements specified by the Recycling Program Regulations.

Section 9.2208. Reporting. The Director of KIRMA shall, on or before August 1 of each year, submit to the Kosrae State Legislature and the Governor

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

(2) estimates of the income and expenditure of the Recycling Fund for

the next financial year.

(3) The Director of KIRMA shall, on or before February 1 of each year, submit a report to the Kosrae State Legislature and the Governor dealing generally with the operations of the Recycling Fund during the preceding financial year and containing the audited statement of accounts for that financial year.

Section 9.2209. Offenses. Any person who

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

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

(3) In circumstances not falling within either of the preceding subsections, contravenes provisions of this Chapter or any regulations made under this Chapter;

shall be in violation of the offense of Cheating under Title 13, Section 13.404 of the Kosrae State Code.

Section 9.2210. Civil proceedings. Without prejudice to any criminal prosecution, any Recycling Deposit Fee which remains unpaid after it has become due for payment shall be recoverable by the State, from the person liable to pay the Recycling Deposit Fee, as a civil debt.”

Section 4. Amendment. Title 10, Section 205(1)(d) is hereby amended to read as follows:

“Section 10.205. The Revenue Fund

(1) The Revenue Fund contains all monies received by the Government pursuant to a law imposing a tax, duty or tariff, and all other revenues and reimbursements from a fine, fee, license, interest, rent, or Government service, and other

Government collection or collections by a government for the Government's benefit. A person who receives monies pursuant to this section transmits the monies within seven days of receipt to the Division of Finance and Budget for deposit in the Revenue Fund except that:

(d) The Division of Finance and Budget retains in a Recycling Fund all monies collected pursuant to Title 9, Chapter 22, and follows the Recycling Program Regulations for the disbursement of Recycling Fund monies for the refund of Recycling Deposit Fees, and the maintenance of a recycling program;”

Section 5. Effective Date. This act takes effect upon approval by the Governor or upon its becoming law without such approval.

Date: August 14, 2006

Introduced by: /s/
John Martin