

SENATE BILL NO. 22

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY SENATOR ELTON

Introduced: 1/21/09

Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act establishing a fee for disposable plastic bags distributed by retail sellers of**
2 **goods or services to purchasers to carry away or protect goods; establishing the Alaska**
3 **litter and marine debris reduction and recycling fund; and providing for an effective**
4 **date."**

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 * **Section 1.** AS 43.98 is amended by adding a new section to read:

7 **Sec. 43.98.035. Disposable plastic bag fees.** (a) Except as provided in (b) of
8 this section, a fee of \$0.15 is imposed for each disposable plastic bag, including a
9 grocery sack, dry-cleaning bag, take-out food bag, retail bag, membership or
10 wholesaler bag, and service station bag, given by a retail seller of goods or services to
11 a purchaser to carry away or protect goods purchased from, or serviced by, the retail
12 seller.

13 (b) The fee established in (a) of this section does not apply to a disposable
14 plastic bag that

1 (1) is used solely to contain a product with no other packaging,
2 including bulk grains, fruit, nuts, vegetables, or other food products;

3 (2) is used only to contain ice;

4 (3) is specifically designed for at least 1,000 reuses; or

5 (4) is for resale, if the purchaser provides the retail seller with a
6 certificate of use on a form prescribed by the department.

7 (c) A retail seller shall add the amount of the fees imposed by this section to
8 the total price of the goods or services subject to the fees. The retail seller shall state
9 the fees separately on any sales receipt, invoice, or other record of the sale or other
10 transfer of the disposable bags subject to this section.

11 (d) A retail seller shall collect the fees imposed by this section from the
12 purchaser. A retail seller subject to this section shall file with the department a return
13 on a form prescribed by the department and shall file the return and remit the fees not
14 later than 30 days after the last day of the calendar quarter of the sale for the fees
15 collected during the previous calendar quarter.

16 (e) A retail seller subject to this section shall keep a record of the number of
17 disposable bags and exempt bags the retail seller has purchased, been provided with,
18 or otherwise acquired, and a record of the amount paid on disposable bags subject to
19 this section that are provided to, or sold to, retail consumers on a quarterly basis. The
20 retail seller shall keep these records in the manner as prescribed under AS 43.99.010.

21 (f) The provisions of AS 43.05 and AS 43.10 apply to this section.

22 (g) Money collected by the department under this section shall be deposited
23 into the general fund and separately accounted for under AS 37.05.142. The annual
24 estimated balance in the account may be appropriated by the legislature to the Alaska
25 litter and marine debris reduction and recycling fund established under AS 46.06.035.

26 (h) In this section, "retail seller" means a person who, in a retail transaction,
27 sells goods, offers to sell goods, or provides services that affect goods.

28 * **Sec. 2.** AS 46.06 is amended by adding a new section to read:

29 **Sec. 46.06.035. Alaska litter and marine debris reduction and recycling**
30 **fund.** (a) There is established as a separate fund in the general fund the Alaska litter
31 and marine debris reduction and recycling fund. The fund consists of money

1 appropriated to the fund by the legislature.

2 (b) Money appropriated to the fund may be expended as specified in this
3 subsection without further appropriation. The department shall use the money in the
4 fund as follows:

5 (1) 50 percent of the annual estimated balance for grants under
6 AS 46.06.120 to establish and maintain local programs that provide for the reduction,
7 diversion, cleanup, disposal, and recycling of litter and marine debris, including
8 devices to prevent litter and marine debris from entering storm drain systems; grants
9 made under this paragraph may be made to municipalities and, in unincorporated
10 areas, to qualified nonprofit organizations;

11 (2) 10 percent of the annual estimated balance for grants under
12 AS 46.06.120 to nonprofit organizations for collection, coordination, and disposal of
13 litter and marine debris along state highway segments adjoining streams, rivers,
14 beaches, the ocean, and other environmentally sensitive areas;

15 (3) 10 percent of the annual estimated balance for grants under
16 AS 46.06.120 to public entities and nonprofit organizations for programs that promote
17 public awareness of, involvement in, and implementation of the abatement, cleanup,
18 disposal, and recycling of litter and marine debris in coastal land and water areas, and
19 in the ocean;

20 (4) 10 percent of the annual estimated balance for grants under
21 AS 46.06.120 for litter and marine debris cleanup programs in and around state parks,
22 historical sites, and other land maintained by the Department of Natural Resources;
23 grants under this paragraph may be provided to

24 (A) adopt-a-park programs of political subdivisions of the state;

25 (B) public entities and nonprofit organizations for programs
26 that promote public involvement in and the implementation of the abatement,
27 cleanup, disposal, and recycling of litter and marine debris in and around state
28 parks, historical sites, and other land maintained by the Department of Natural
29 Resources;

30 (5) 15 percent of the annual estimated balance to establish and conduct
31 an ongoing statewide information campaign by the department under AS 46.06.010(3)

1 to educate the public on the hazards and composition of litter and marine debris and on
2 the need to increase the recycling of disposable bags; and

3 (6) five percent of the annual estimated balance for the department to
4 pay for the administrative costs of implementing this section.

5 (c) An entity that receives money from the fund established by this section
6 shall provide information to the department that quantifies

7 (1) the amount and type of litter and marine debris removed;

8 (2) the methods of collecting, disposal, and recycling used;

9 (3) the amount of labor used, including both volunteer and paid; and

10 (4) the locations or geographic area from which litter or marine debris
11 is recovered.

12 (d) In this section, "fund" means the Alaska litter and marine debris reduction
13 and recycling fund established under (a) of this section.

14 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
15 read:

16 TRANSITION: DISPOSABLE PLASTIC BAG FEE. Notwithstanding
17 AS 43.98.035(a), enacted by sec. 1 of this Act, the fee imposed for certain disposable plastic
18 bags is

19 (1) \$0.05 on and after January 1, 2010, and before January 1, 2011;

20 (2) \$0.10 on and after January 1, 2011, and before January 1, 2012; and

21 (3) \$0.15 on and after January 1, 2012.

22 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
23 read:

24 TRANSITION: REGULATIONS. The Department of Revenue and the Department of
25 Environmental Conservation may proceed to adopt regulations to implement their respective
26 responsibilities under this Act. The regulations take effect under AS 44.62 (Administrative
27 Procedure Act), but not before the effective date of the statutes being implemented by the
28 regulations.

29 * **Sec. 5.** Section 4 of this Act takes effect immediately under AS 01.10.070(c).

30 * **Sec. 6.** Except as provided in sec. 5 of this Act, this Act takes effect January 1, 2010.