July 10, 2017

The Honorable Tulensa W. Palik
Speaker
Eleventh Kosrae State Legislature
Tofol, Kosrae FM 96944

Dear Mr. Speaker,

Kulo nu sin God ke moul lasr. Paing kom a members ke Sroasr Masap kewa.

Wangin pusra yok nuke sripa yok lun L.B. No. 11-53, L.D.3. Oinge, nga fulela iusen len 30 la in eis comments nuka, wangin pa, panang oru el putatyang nuke pusren masap su orala Kosrae State Law No. 11-116, su sifwa u fwak mu:

TO AMEND TITLE 11 OF THE KOSRAE STATE CODE BY ADDING A NEW CHAPTER 19 “CONTROL OF PLASTIC WASTES” TO PROHIBIT THE USE OF PLASTIC BAGS IN THE SALE OR DISTRIBUTION OF MERCHANDISE; AND FOR OTHER PURPOSES.

Certified copy ke masap se inge pa attached nuke letter luk

Kulo ma lulap.

Lyndon H. Jackson
Governor
State of Kosrae

[Signature]
May 4, 2017

The Honorable Lyndon H. Jackson
Governor
State of Kosrae
Federated States of Micronesia 96944

Dear Governor Jackson,

I have the honor to transmit herewith for your consideration and action L.B. No. 11-53, L.D. 3; TO AMEND TITLE 11 OF THE KOSRAE STATE CODE BY ADDING A NEW CHAPTER 19 "CONTROL OF PLASTIC WASTES" TO PROHIBIT THE USE OF PLASTIC BAGS IN THE SALE OR DISTRIBUTION OF MERCHANDISE; AND FOR OTHER PURPOSES; which passed the Legislature, Thirteenth Special Session, by two-thirds of the members of the Legislature, a quorum is present.

Respectfully yours,

[Signature]

Andy J. Andrew
Chief Clerk
Kosrae State Legislature

Enclosures:
LEGISLATIVE BILL No. 11-53, L.D.3

ELEVENTH KOSRAE STATE LEGISLATURE
THIRTEENTH SPECIAL SESSION
MAY 4, 2017

A BILL FOR AN ACT

TO AMEND TITLE 11 OF THE KOSRAE STATE CODE BY ADDING A NEW CHAPTER 19 "CONTROL OF PLASTIC WASTES" TO PROHIBIT THE USE OF PLASTIC BAGS IN THE SALE OR DISTRIBUTION OF MERCHANDISE; AND FOR OTHER PURPOSES.

INTRODUCED BY: Senator Alokoa Jb. Sigrah

DATE: August 19, 2015

ACTION BY THE LEGISLATURE

PASSED FIRST READING: August 5, 2015

REFERRED TO: SCR No. 11-91

PASSED SECOND READING: May 25, 2017

Andy J. Andrew
Chief Clerk
Kosrae State Legislature
We hereby certify that the foregoing Bill has passed Second and Final Readings in the Legislature, Thirteenth Special Session, 2017, by two-thirds of the members of the Legislature, a quorum is present.

Tulensa W. Palik
Speaker
Eleventh Kosrae State Legislature

Andy J. Andrew
Chief Clerk
Kosrae State Legislature
A BILL FOR AN ACT

To amend Title 11 of the Kosrae State Code by adding a new Chapter 19, entitled “Control of Plastic Wastes” to prohibit the use of plastic bags in the sale or distribution of merchandise; and for other purposes.

BE IT ENACTED BY THE KOSRAE STATE LEGISLATURE

Section 1. Purpose and Findings. The purpose of this act is to codify and provide control for the use of plastic waste in the State of Kosrae. The plastic bags provided by businesses, whether wholesale or retail, to contain merchandise purchase by consumers at those establishments are often discarded into the environment after a single use. These plastic bags have an estimated decay life of 1,000 years. A public policy of the State of Kosrae is hereby declared to free itself of the insightly nuisance environmental hazards of plastic bag debris.

Section 3. Amendment. Title 11 of the Kosrae State Code is hereby amended by adding a new Chapter 19 to read as follows:

"CHAPTER 19: Control of Plastic Waste"

Section 11.1901. Short Title. This act shall be known as the “Control of Plastic Wastes Act of 2017”.

Section 11.1902. Definition. Except as provided in Section 11.1904 of this chapter “plastic bags” means a carryout bag that is less than 5.0 mils thick and made primarily of thermoplastic synthetic polymeric material which is provided by a wholesale or retail business to a customer at the point sale and incidental to the purchase of other goods.

Section 11.1903. Prohibition regarding plastic bags.
(1) Except as provided in Section 11.1904 of this Chapter, no person selling or distributing any merchandise within the state, whether wholesale or retail, shall offer or provide any form of plastic bag to hold or contain such merchandise for the convenience of the customer.

(2) Any person who violates this section shall be fined not more than $100 for each offense.

Section 11.1904. Exception. The ban on plastic bag imposed by Section 11.1903 shall not apply to:

(1) The original packaging materials in which the merchandise is enclosed upon manufacture, fabrication or preparation, inclusive of sanitary wrapping that is directly applied to fresh or frozen food product prepared by local business as approved by Kosrae Island Resource Management Authority (KIRMA) in a manner prescribed by KIRMA in its regulations issued pursuant to this Chapter.

(2) Plastic bags used exclusively to carry chilled or frozen merchandise sole by the merchant, such as refrigerated meats and vegetables and freezer ice cream and ice cubes, irrespective of whether individual chilled or commodity are also originally packaged in plastic as described in Subsection (1) of this section.

(3) Plastic bags certified by KIRMA to be fully biodegradable within five years of their manufacture; and

(4) Durable plastic bag with a material thickness of at least five mil and sack
and satchel made of composite materials, which bag, sack or satchel, is certified by KIRMA to be convertible to continuous and rigorous use for household or business purposes for at least five years from the date of manufacture.

Section 11.1904. Rules and Regulation. KIRMA shall make, promulgate and amend such rules and regulations necessary to implement and enforce this Chapter. All such rules and regulations, upon approval of the Governor, shall have the force and effect of law.”

Section 3. Effective Date. This act shall takes effect upon the approval of the Governor or upon its becoming law without such approval. Enforcement of Chapter 19 shall not take effect until one year after this act becoming law.


Tulensa W. Palik
Speaker, Eleventh Kosrae State Legislature

Attested by:
Chief Clerk
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2 Lyndon H. Jackson  
   Governor, State of Kosrae

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5 Date: ______________