

Senate Bill 1009

Sponsored by Senator HASS; Senator ATKINSON (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits use of plastic bags as checkout bags. Allows Department of Environmental Quality to impose civil penalty. Repeals statute requiring retail establishments that offer plastic bags to customers to also offer paper bags.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to plastic bags; creating new provisions; amending ORS 459.235 and 459A.115; repealing
3 ORS 459A.695; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

SECTION 1. (1) As used in this section:

5
6 (a) "Checkout bag" means a bag that is provided by a retail establishment to a customer
7 at the cash register.

8 (b) "Retail establishment" means any store in Oregon that sells or offers for sale goods
9 at retail.

10 (c) "Reusable bag" means a bag with handles that is specifically designed and manufac-
11 tured for multiple reuse and is made of:

12 (A) Cloth or other machine washable fabric; or

13 (B) Durable plastic that is at least 2.25 mils thick.

14 (2)(a) The use of plastic bags as checkout bags in Oregon is prohibited.

15 (b) Paragraph (a) of this subsection does not preclude a retail establishment from:

16 (A) Making reusable bags available for sale to customers.

17 (B) Offering paper bags, or any other bag as specified by rule by the Environmental
18 Quality Commission, as checkout bags to customers for purchases made at the retail estab-
19 lishment.

20 (3) The Environmental Quality Commission may adopt rules necessary to implement this
21 section.

22 **SECTION 2. (1) The Department of Environmental Quality may impose a civil penalty on
23 a person for a violation of section 1 of this 2010 Act.**

24 (2) A civil penalty imposed under this section may not exceed \$_____.

25 (3) Civil penalties described in this section shall be imposed in the manner provided in
26 ORS 183.745.

27 **SECTION 3. ORS 459A.695 is repealed.**

28 **SECTION 4. ORS 459.235 is amended to read:**

29 459.235. (1) Applications for permits shall be on forms prescribed by the Department of Envi-
30 ronmental Quality. An application shall contain a description of the existing and proposed operation

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 and the existing and proposed facilities at the site, with detailed plans and specifications for any
 2 facilities to be constructed. The application shall include a recommendation by each local govern-
 3 ment unit having jurisdiction and such other information the department deems necessary in order
 4 to determine whether the site and solid waste disposal facilities located thereon and the operation
 5 will comply with applicable requirements.

6 (2) The Environmental Quality Commission shall establish a schedule of fees for disposal site
 7 permits. The permit fees contained in the schedule shall be based on the anticipated cost of filing
 8 and investigating the application, of issuing or denying the requested permit and of an inspection
 9 program to determine compliance or noncompliance with the permit.

10 (3) In addition to the fees imposed under subsection (2) of this section, the commission shall
 11 establish a schedule of permit fees for the purpose of implementing this section and ORS 90.318,
 12 182.375, 279A.125, 279A.155, 279B.025, 279B.240, 279B.270, 279B.280, 459.005, 459.015, 459.247, 459.418,
 13 459.995, 459A.005, 459A.010, 459A.020, 459A.030 to 459A.055, 459A.070, 459A.110, 459A.115, 459A.475,
 14 459A.480, 459A.500 to 459A.685[, 459A.695] and 459A.750. The fees shall be based on the amount of
 15 solid waste received at the disposal site.

16 (4) Notwithstanding any other fee or surcharge imposed under ORS 459.005 to 459.437 or
 17 459A.005 to 459A.120, for the disposal of solid waste, in order to encourage the use of suitable ma-
 18 terial other than virgin material for daily cover at a disposal site, the only fee that may be charged
 19 for the disposal of substitute material that is also used for daily cover is the permit fee established
 20 under this section.

21 **SECTION 5.** ORS 459A.115 is amended to read:

22 459A.115. (1) From January 1, 1992, to December 31, 1993, the schedule of fees as established
 23 by the Environmental Quality Commission under ORS 459A.110 (1) is increased by 35 cents per ton.
 24 The portion of the fees attributable to the 35 cents per ton increase shall be deposited into the
 25 General Fund and credited to an account of the Department of Environmental Quality. Such moneys
 26 are continuously appropriated to the department to implement the provisions of this section and
 27 ORS 459.005, 459.015, 459.235, 459.247, 459.418, 459.995, 459A.005, 459A.010, 459A.020, 459A.030 to
 28 459A.055, 459A.070, 459A.110, 459A.500 to 459A.685[, 459A.695] and 459A.750.

29 (2) Beginning January 1, 1994, the schedule of fees as established by the commission under ORS
 30 459A.110 is increased by 31 cents per ton and shall be deposited into the General Fund and credited
 31 to an account of the department. Such moneys are continuously appropriated to the department to
 32 implement the provisions described in subsection (1) of this section, excluding ORS 459.418.

33 **SECTION 6.** (1) Except as provided in subsection (2) of this section, sections 1 and 2 of
 34 this 2010 Act, the repeal of ORS 459A.695 by section 3 of this 2010 Act and the amendments
 35 to ORS 459.235 and 459A.115 by sections 4 and 5 of this 2010 Act become operative on January
 36 1, 2012.

37 (2) The Environmental Quality Commission may adopt rules before the operative date
 38 specified in subsection (1) of this section, or take any other action before the operative date
 39 specified in subsection (1) of this section, that is necessary to implement, on or after the
 40 operative date specified in subsection (1) of this section, sections 1 and 2 of this 2010 Act, the
 41 repeal of ORS 459A.695 by section 3 of this 2010 Act and the amendments to ORS 459.235 and
 42 459A.115 by sections 4 and 5 of this 2010 Act.

43 **SECTION 7.** This 2010 Act being necessary for the immediate preservation of the public
 44 peace, health and safety, an emergency is declared to exist, and this 2010 Act takes effect
 45 on its passage.

