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Alaska State Legislature

HOUSE OF REPRESENTATIVES



REPRESENTATIVE FRAN ULMER

MEMORANDUM

April 5, 1992

TO: Senator Drue Pearce, Chair
Labor & Commerce Committee

FROM: Rep. Fran Ulmer

RE: CSHB 389 "An Act relating to recycling of lead acid
batteries."

I am requesting a hearing on this bill at your earliest convenience. I expect the bill to move out of the Community and Regional Affairs Committee today.

HB 389 is designed to help remove a highly toxic chemical (lead) from the environment. Every year thousands of lead acid batteries are disposed of improperly in Alaska, posing a significant health risk. HB 389 seeks to alleviate this problem by offering incentives to both the consumer and the distributor to recycle lead acid batteries.

The Senate CS for CSHB 389 (C&RA) includes several changes as a result of input from environmental, legal and industry interests concerned about the legislation. I believe the Senate CS makes this legislation more adaptable to the unique conditions regarding commerce and recycling of lead acid batteries in Alaska.

If enacted, HB 389 would:

- * require retailers and wholesalers to accept a used battery in exchange for a new one.
- * require that used batteries be in reasonably sound and clean condition when delivered for a refund.
- * allow for the assessment of a minimum \$5.00 "core charge" redeemable when a used battery is returned to the retailer or community recycling center.

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- * allow the retailer to keep the "core charge" if a used battery is not returned within 30 days.
- * require that notices be posted at the place of business informing consumers of the requirements, including the fees and the right to a refund.
- * provide for penalties under the state's Unfair Trade articles for noncompliance with the law.
- * provide an exemption from the statute if the sale occurs, or the battery is delivered to, an area where there are no transporters possessing an EPA Identification number under federal RCRA statutes.

Thank you for your prompt attention to this matter.

SUPPORT FOR CSHB 389

ALASKA MUNICIPAL LEAGUE
ALASKA BATTERY
ALASKA HEALTH PROJECT
KODIAK ISLAND BOROUGH
E & L AUTO, JUNEAU
AK ENVIRONMENTAL LOBBY
ALEUTIAN WEST CRSA
SW AK MUNICIPAL CONFERENCE
ALPAC/PEPSI OF ALASKA
BROMAR ALASKA

JUNEAU RECYCLING COMMITTEE
ALASKA CENTER FOR THE ENVIRONMENT
NAPA AUTO PARTS - KETCHIKAN AND JUNEAU
CHANNEL SANITATION
DEPT. INDUSTRIAL DEVELOPMENT - N. SLOPE BOROUGH
FRIENDS OF RECYCLING - JUNEAU
ENVIRONMENTAL PROTECTION AGENCY (EPA)
DEPT. OF ENVIRONMENTAL CONSERVATION
TOTEM OCEAN TRAILER EXPRESS, INC.
REVILLA RECYCLING OF KETCHIKAN

FISCAL NOTE

No. 1

Bill Version HB 389

(H) Publish Date: 2/7/92

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Revision Date: _____ Department Affected: Environmental Conservation
 Title: Recycling of automobile batteries BRU: Environmental Quality
 Component: Solid & Hazardous Waste Management
 Sponsor: Rep. Ulmer
 Requestor: (H) Resources COMPONENT SERIAL NO.

| | | | |
|---|---|---|---|
| 1 | 4 | 2 | 7 |
|---|---|---|---|

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING | FY 93 | FY 94 | FY 95 | FY 96 | FY 97 | FY 98 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

| | | | | | | |
|---------|--|--|--|--|--|--|
| CAPITAL | | | | | | |
|---------|--|--|--|--|--|--|

| | | | | | | |
|--------------|--|--|--|--|--|--|
| REVENUE | | | | | | |
| FUND SOURCE: | | | | | | |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|-----|-----|-----|-----|-----|-----|
| GENERAL FUND | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| FUND SOURCE: | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

POSITIONS:

| | | | | | | |
|-----------|-----|-----|-----|-----|-----|-----|
| FULL-TIME | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

Changes in SSOS4B389(CRA) have no fiscal impact. This fiscal note is appropriate.
5-5-92 date [Signature] Comte Aide (initial)

Prepared By: Janice Adair Phone: 465-5050
 Division: Commissioner's Office Date: January 26, 1992
 Approved by Commissioner: [Signature]
 Agency: Environmental Conservation Date: 1/27/92

ALASKA STATE LEGISLATURE
HOUSE BILL NO. 389

HISTORY IN THE HOUSE

19
92 Read first time and referred to:
RESOURCES, L&C

11/13

2/7 RES RPT CS(RES) New Title
4 DP 2 DNP 1 NR 0 AM
FN 1 OFN Previous FN

2/26 L&C RPT CS(L&C) New Title
4 DP 0 DNP 2 NR 0 AM
FN 1 OFN Previous FN 0

RPT CS() New Title
DP DNP NR AM
FN OFN Previous FN

3/4 Read second time
CS(L+C) Adopted

3/4 Amended
Am 3, Am 4

3/4 Advanced

3/4 Read third time

3/4 Return to second for specific amendments (#1,2,3,4)

3/4
3/4 PASSED EFD Same ___ or
Yeas 25 Yeas
Nays 13 Nays
Excused 2 Excused
Absent 0 Absent

___ Intent adopted

3/4 Reconsideration by Zawacki
3/6 Reconsideration ~~was~~ taken up

3/6 PASSED ON RECON. EFD Same ___ or
Yeas 24 Yeas
Nays 9 Nays
Excused 3 Excused
Absent 4 Absent

___ Intent adopted

3/6 Reported correctly engrossed
Signed by Speaker, to the Senate

Kristen Goetz
Chief Clerk of the House

HISTORY IN THE SENATE

1972
3/9 Read first time and referred to:
CRA, L+C

3/5 CRM RPT SCS 3 DP 2 NR 1 DNP 0 AM
New Title Same Title H&C Previous FN
FN 1 OFN Just Attach To L&C

RPT() CS DP NR DNP AM
New Title Same Title Previous FN
FN OFN To

RPT() CS DP NR DNP AM
New Title Same Title Previous FN
FN OFN To

RPT() CS DP NR DNP AM
New Title Same Title Previous FN
FN OFN To

Rules Calendar() CS AM Other
New Title Same Title Previous FN
FN OFN

Read second time

CS Adopted () New Title
Amended Advanced

Read third time

Letter of Intent adopted
Return to second for specific amendment

PASSED EFD Same ___ or
Yeas Yeas
Nays Nays
Excused Excused
Absent Absent

Reconsideration
Reconsideration not taken up

PASSED EFD Same ___ or
Yeas Yeas
Nays Nays
Excused Excused
Absent Absent

Reported correctly engrossed
Signed by President, to the House

Secretary of the Senate

CRAIG TAYLOR EQUIPMENT COMPANY

733 E. WHITNEY ROAD
ANCHORAGE, ALASKA 99501-1694
(907) 276 5050
FAX (907) 276-0889



April 3, 1992

Senator Steve Frank
Alaska State Senator
P.O. Box V
Juneau, Alaska 99811

Ref: HB-389

Dear Senator Frank,

Thanks for sending me a copy of The House Bill 389. As a businessman of over 35 years in Alaska and with Four store locations in the State (Anchorage, Fairbanks, Wasilla, and Soldotna). I see no need whatsoever for this legislation.

First: The Bill is unenforceable to All Alaskans, as stated in Sec 3. "The act does not apply to the sale of a lead acid battery, if the sale occurs in a Municipality or unincorporated community that has a population less than 1,000, that is not on the State Road or Marine Highway System, and does not have regular Jet Service." This means this Law would apply to many Alaskan citizens but not all of them. If its unenforceable in "Bush Alaska" why should the rest be subjected to it.

Second: The Municipalities where our businesses are located have taken care of the problem. We wouldn't dare put an old battery in the trash. Every store location we have collects old, used and broken batteries and deliver them to the proper recycler. We have for years received batteries and stored them in covered containers until they are delivered. We have no problems with old batteries. If there might be a problem its in "Bush Alaska" and this legislation exempts most or all of the Bush.

Third: Why make laws for laws sake. There is no need for this legislation in 10% of Alaska where 90% of the population lives. Its all ready being taken care of by the Local Municipalities. We are careful, we recycle and we are good citizens in our state. I urge you to vote against this HB-389 because its not needed except maybe in the area the Bill exempts, and it doubtful that it will ever be enforceable there.

Yours Very Truly,

CRAIG TAYLOR EQUIPMENT COMPANY

Jack Richardson
Jack Richardson
President

cc: Senator Drue Pearce ✓