



General Assembly

January Session, 2011

Committee Bill No. 58

LCO No. 2532

02532SB00058ENV

Referred to Committee on Environment

Introduced by:
(ENV)

AN ACT ESTABLISHING A FEE FOR THE USE OF PLASTIC AND PAPER BAGS AT GROCERY AND RETAIL ESTABLISHMENTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2011*) (a) For purposes of this
2 section:

3 (1) "Retailer" has the same meaning as in subdivision (12) of
4 subsection (a) of section 12-407 of the general statutes, but does not
5 include a restaurant;

6 (2) "Customer" means an individual who purchases goods from a
7 retailer;

8 (3) "Restaurant" means a business that has the sole purpose of
9 preparing and selling food and beverages intended for individual
10 portion service and includes the site at which individual portions are
11 sold, regardless of whether the consumption of food or beverage
12 occurs on or off of such site; and

13 (4) "Disposable bag" means a paper or plastic sack provided at the
14 point of sale for the storage of purchased goods, but excludes (A)

15 reusable bags made of cloth or durable plastic that is at least 2.25 mils
16 thick, (B) bags used to store produce, flowers, baked goods or meat
17 which are provided by a retailer at a location other than the point of
18 sale, (C) bags used to cover dry cleaned items, (D) paper bags
19 provided by a pharmacy for the storage of purchased pharmaceuticals,
20 or (E) plastic bags used to envelop newspapers intended for delivery at
21 a residence.

22 (b) On and after January 1, 2012, any retailer who provides a
23 disposable bag at the point of sale to a customer shall charge such
24 customer a fee of five cents for each such bag, except that no fee shall
25 be charged to a beneficiary of assistance under the state administered
26 food stamp program or supplemental nutrition assistance program.
27 The retailer shall transfer the proceeds of such fee to the Commissioner
28 of Revenue Services in accordance with the provisions of subsection (c)
29 of this section.

30 (c) On or before April 30, 2012, each retailer collecting the fee as
31 provided in this section shall submit a return to the Commissioner of
32 Revenue Services that is applicable to the quarter commencing January
33 1, 2012, on a form prescribed by the commissioner, together with
34 payment of the quarterly proceeds of the fee collected in accordance
35 with the provisions of subsection (b) of this section. Each retailer shall
36 submit such return and payment to the commissioner each calendar
37 quarter thereafter, on or before the last day of the month immediately
38 following the end of each such calendar quarter. The Commissioner of
39 Revenue Services shall deposit any such payment in the recycling
40 initiatives account established in subsection (e) of this section.

41 (d) Whenever the proceeds of such fee is not paid when due, a
42 penalty of ten per cent of the amount due or fifty dollars, whichever is
43 greater, shall be added to the amount due and such penalty shall
44 immediately accrue, and thereafter such proceeds shall bear interest at
45 the rate of one and one-half per cent per month until the same is paid.
46 The Commissioner of Revenue Services shall cause copies of a form

47 prescribed for submitting returns as required under this section to be
48 distributed throughout the state. Failure to receive such form shall not
49 be construed to relieve anyone subject to the provisions of this section
50 from the obligations of submitting a return, together with payment of
51 such proceeds within the time required.

52 (e) There is established an account to be known as the "recycling
53 initiatives account" which shall be a separate, nonlapsing account
54 within the General Fund. The account shall contain any moneys
55 required by law to be deposited in the account. Moneys in the account
56 shall be expended by the Department of Environmental Protection for
57 the purposes of the grant programs created pursuant to sections 2 and
58 3 of this act and of fulfilling the Commissioner of Environmental
59 Protection's duties under titles 7, 22a and 23 of the general statutes.

60 (f) On and after October 1, 2011, no municipality shall adopt an
61 ordinance restricting the retail use of plastic or paper bags. The
62 provisions of this section shall not be construed to affect any such
63 ordinance adopted prior to said date.

64 (g) Nothing in this section shall be construed to affect the amount of
65 sales tax charged to the customer under chapter 219 of the general
66 statutes.

67 (h) The provisions of sections 12-548 to 12-554, inclusive, of the
68 general statutes and section 12-555a of the general statutes shall apply
69 to the provisions of this section in the same manner and with the same
70 force and effect as if the language of sections 12-548 to 12-554,
71 inclusive, of the general statutes and section 12-555a of the general
72 statutes had been incorporated in full into this section and had
73 expressly referred to the fee imposed under this section, except to the
74 extent that any provision is inconsistent with a provision in this section
75 and except that the term "tax" shall be read as "fee".

76 Sec. 2. (NEW) (*Effective July 1, 2011*) (a) Not later than January 1,
77 2013, the Department of Environmental Protection shall establish a

78 municipal recycling matching grant program for the purpose of
79 awarding grants to municipalities to implement recycling programs or
80 improve existing recycling programs. Such grants shall be used by the
81 municipalities for the following purposes which shall include, but not
82 be limited to, establishing: (1) A system for residents within a
83 municipality to pay for trash removal based upon the volume or
84 weight of solid waste that such residents generate, with no fee for
85 recyclables, (2) other incentives for recycling, such as retail coupons
86 given as awards for meeting volume benchmarks of recycling quantity
87 per household, or (3) single-stream recycling. Each such grant shall not
88 exceed two hundred thousand dollars, and each such grant shall not be
89 for more than fifty per cent of the estimated costs for the
90 implementation or improvement of the municipal recycling program.
91 A municipality shall be eligible for only one such grant. The total
92 amount of grants awarded annually pursuant to this section shall not
93 exceed four million six hundred thousand dollars.

94 (b) A municipality may apply for a grant for such program by
95 submitting an application to the Department of Environmental
96 Protection on forms prescribed by the commissioner. The
97 commissioner may reject any grant application that the commissioner
98 determines to be incomplete. If the commissioner rejects an
99 application, the commissioner shall promptly notify the applicant of
100 the reasons for the rejection and, not later than fifteen days after the
101 receipt of such notice, such applicant may resubmit the application in
102 the same manner as the original application.

103 (c) Each municipality selected by the commissioner to receive a
104 grant for such program shall submit a recycling plan for the
105 commissioner's approval. Such plan shall include: (1) An estimate of
106 the operational and capital expenses and income required to
107 implement the plan, (2) goals for recycling, (3) an estimate of savings
108 in tipping fees, if applicable, (4) a method for tracking the actual cost of
109 the program, and (5) any other information required by the
110 commissioner.

111 (d) Not later than January 1, 2014, and annually thereafter, the
112 Department of Environmental Protection shall submit a report, in
113 accordance with the provisions of section 11-4a of the general statutes,
114 to the joint standing committee of the General Assembly having
115 cognizance of matters relating to the environment. Such report shall
116 include, but not be limited to, the number of grants issued pursuant to
117 this section and section 3 of this act, the number of municipalities to
118 receive such grants, and the amount of solid waste generated by any
119 municipality to receive such a grant the year prior to and following the
120 receipt of such grant.

121 (e) The commissioner may retain not more than two hundred
122 thousand dollars annually for administrative expenses associated with
123 the grant programs established under this section and section 3 of this
124 act.

125 Sec. 3. (NEW) (*Effective October 1, 2011*) (a) Not later than January 1,
126 2013, the Department of Environmental Protection shall establish a
127 municipal recycling receptacle grant program for the purpose of
128 awarding grants to municipalities to purchase recycling receptacles for
129 public spaces, including, but not limited to, parks, schools and
130 municipal buildings where trash receptacles are located. Each such
131 grant shall not exceed five thousand dollars and a municipality shall
132 be eligible for only one such grant. The total amount of grants awarded
133 annually pursuant to this section shall not exceed two hundred fifty
134 thousand dollars.

135 (b) A municipality may apply for a grant for such program by
136 submitting an application to the Department of Environmental
137 Protection on forms prescribed by the commissioner. The
138 commissioner may reject any grant application that the commissioner
139 determines to be incomplete. If the commissioner rejects an
140 application, the commissioner shall promptly notify the applicant of
141 the reasons for the rejection and, not later than fifteen days after the
142 receipt of such notice, such applicant may resubmit the application in

143 the same manner as the original application.

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| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>October 1, 2011</i> | New section |
| Sec. 2 | <i>July 1, 2011</i> | New section |
| Sec. 3 | <i>October 1, 2011</i> | New section |

Statement of Purpose:

To promote conservation and a better environment by establishing a fee for plastic and paper bags and developing municipal recycling matching grants.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: SEN. MEYER, 12th Dist.

S.B. 58