

STATE OF NEW YORK

7364

2019-2020 Regular Sessions

IN ASSEMBLY

April 26, 2019

Introduced by M. of A. FAHY, SIMON, COOK -- Multi-Sponsored by -- M. of A. EPSTEIN -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to the paper carryout bag reduction fee

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 7 of section 27-2805 of the environmental
2 conservation law, as added by section 2 of part H of a chapter of the
3 laws of 2019 amending the environmental conservation law, the alcoholic
4 beverage control law and the state finance law relating to establishing
5 guidelines for bag waste reduction, as proposed in legislative bill
6 numbers S.1508-C and A.2008-C, is amended to read as follows:

7 7. All paper carryout bag reduction fee monies and any related penal-
8 ties and interest remitted to the commissioner of taxation and finance
9 under this section, except as hereinafter provided, shall be deposited
10 daily with such responsible banks, banking houses, or trust companies as
11 may be designated by the state comptroller. Of the revenues deposited,
12 the comptroller shall retain in the comptroller's hands such amount as
13 the commissioner of taxation and finance may determine to be necessary
14 for refunds or reimbursements of the fees collected or received pursuant
15 to this section, out of which the comptroller shall pay any refunds or
16 reimbursements of such fees to which persons shall be entitled under the
17 provisions of this section. The comptroller, after reserving such refund
18 and reimbursement fund shall: (a) for the first year following the
19 effective date of a local law, ordinance or resolution imposing a paper
20 carryout bag reduction fee adopted pursuant to subdivision one of this
21 section by a county or city, on or before the twelfth day of each month,
22 pay to the appropriate fiscal officers of the counties or cities impos-
23 ing tax under subdivision one of this section an amount equal to forty
24 percent of the paper carryout bag reduction fee monies and any related

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD11145-01-9

1 penalties and interest collected by the commissioner of taxation and
2 finance in respect of each such county or city in the preceding calendar
3 month to be used for the purpose of purchasing and distributing reusable
4 bags, with priority given to low- and fixed-income communities; and (b)
5 after the first year following the effective date of a local law, ordi-
6 nance or resolution imposing a paper carryout bag reduction fee adopted
7 pursuant to subdivision one of this section by a county or city, on or
8 before the twelfth day of each month, pay to each person located in such
9 county or city and required to collect the paper carryout bag reduction
10 fee an amount equal to forty percent of the paper carryout bag reduction
11 fee monies collected by such person. Provided further that at the end of
12 each fiscal year, any funds which have not been used for the purpose
13 defined in this section shall be returned to the comptroller and be
14 deposited into the general fund to be used for the purpose of purchasing
15 and distributing reusable bags with priority given to low- and fixed-in-
16 come communities. Any remaining amount of paper carryout bag reduction
17 fee monies and any related penalties and interest shall be deposited
18 monthly into the environmental protection fund established pursuant to
19 section ninety-two-s of the state finance law.

20 § 2. This act shall take effect on the same date and in the same
21 manner as part H of a chapter of the laws of 2019 amending the environ-
22 mental conservation law, the alcoholic beverage control law and the
23 state finance law relating to establishing guidelines for bag waste
24 reduction, as proposed in legislative bill numbers S.1508-C and
25 A.2008-C, takes effect.