

HOUSE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

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Date

February 24, 2020

Committee on Energy & Environment.

After consideration on the merits, the Committee recommends the following:

HB20-1163 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

- 1 Amend printed bill, page 3, strike lines 18 through 27.
- 2 Page 4, strike lines 1 through 22.
- 3 Renumber succeeding subsections accordingly.
- 4 Page 5, strike lines 5 through 7 and substitute "LIFE CYCLE AND AFTER  
5 DISPOSAL."
- 6 Page 5, line 17, strike "POUNDS," and substitute "POUNDS OVER A  
7 DISTANCE OF ONE HUNDRED SEVENTY-FIVE FEET,".
- 8 Page 5, line 22, after "OF" insert "FILM".
- 9 Page 6, strike lines 15 and 16 and substitute "STRAW, OR A SINGLE-USE  
10 PLASTIC STIRRER."
- 11 Page 7, line 1, strike "REQUEST;" and substitute "REQUEST OF THE  
12 CUSTOMER;".
- 13 Page 7, line 10, strike "STIRRER; OR" and substitute "STIRRER."
- 14 Page 7, strike lines 11 through 14.
- 15 Page 8, strike lines 25 through 27.

1 Page 9, strike lines 1 through 9 and substitute:

2 **"25-17-504. Bag charge - disposition of money - repeal.**

3 (1) (a) ON AND AFTER JULY 1, 2021, AN OWNER, OPERATOR, EMPLOYEE,  
4 CONTRACTOR, OR AGENT OF A STORE MAY PROVIDE A CUSTOMER WITH ONE  
5 OR MORE RECYCLABLE PAPER CARRYOUT BAGS OR SINGLE-USE PLASTIC  
6 CARRYOUT BAGS AT THE POINT OF SALE IF THE CUSTOMER PAYS A CHARGE  
7 OF TEN CENTS PER RECYCLABLE PAPER CARRYOUT BAG OR SINGLE-USE  
8 PLASTIC CARRYOUT BAG, OR A HIGHER CHARGE IF A MUNICIPALITY OR  
9 COUNTY RAISES THE CHARGE BY ORDINANCE OR RESOLUTION. FOR EACH  
10 BAG CHARGE PURSUANT TO THIS SUBSECTION (1)(a), THE STORE SHALL:

11 (I) REMIT SIXTY PERCENT TO THE MUNICIPALITY WITHIN WHICH  
12 THE STORE IS LOCATED OR, IF THE STORE IS NOT LOCATED WITHIN A  
13 MUNICIPALITY, TO THE COUNTY WITHIN WHICH THE STORE IS LOCATED,  
14 WHICH MUNICIPALITY OR COUNTY SHALL USE THE REMITTED FEE TO PAY:

15 (A) ITS ADMINISTRATIVE COSTS INCURRED AS A RESULT OF THIS  
16 SECTION; AND

17 (B) FOR ANY RECYCLING, COMPOSTING, OR OTHER WASTE  
18 DIVERSION PROGRAMS AND RELATED OUTREACH AND EDUCATION  
19 ACTIVITIES; AND

20 (II) RETAIN FORTY PERCENT, WHICH PORTION OF THE FEE DOES NOT  
21 COUNT AS REVENUE FOR THE PURPOSE OF CALCULATING SALES TAX.

22 (b) THE BAG CHARGE SET FORTH IN SUBSECTION (1)(a) OF THIS  
23 SECTION DOES NOT APPLY TO A CUSTOMER THAT PROVIDES EVIDENCE TO  
24 THE STORE THAT THE CUSTOMER IS A PARTICIPANT IN A FEDERAL OR STATE  
25 FOOD ASSISTANCE PROGRAM.

26 (c) THIS SUBSECTION (1) IS REPEALED, EFFECTIVE JULY 1, 2022.

27 (2) (a) ON AND AFTER JULY 1, 2022, AN OWNER, OPERATOR,  
28 EMPLOYEE, CONTRACTOR, OR AGENT OF A STORE MAY PROVIDE A  
29 CUSTOMER WITH ONE OR MORE RECYCLABLE PAPER CARRYOUT BAGS AT  
30 THE POINT OF SALE IF THE CUSTOMER PAYS A CHARGE OF TEN CENTS PER  
31 RECYCLABLE PAPER CARRYOUT BAG, OR A HIGHER CHARGE IF A  
32 MUNICIPALITY OR COUNTY RAISES THE CHARGE BY ORDINANCE OR  
33 RESOLUTION. FOR EACH BAG CHARGE PURSUANT TO THIS SUBSECTION (2),  
34 THE STORE SHALL:

35 (I) REMIT SIXTY PERCENT TO THE MUNICIPALITY WITHIN WHICH  
36 THE STORE IS LOCATED OR, IF THE STORE IS NOT LOCATED WITHIN A  
37 MUNICIPALITY, TO THE COUNTY WITHIN WHICH THE STORE IS LOCATED,  
38 WHICH MUNICIPALITY OR COUNTY SHALL USE THE REMITTED FEE TO PAY:

39 (A) ITS ADMINISTRATIVE COSTS INCURRED AS A RESULT OF THIS

1 SECTION; AND  
2 (B) FOR ANY RECYCLING, COMPOSTING, OR OTHER WASTE  
3 DIVERSION PROGRAMS AND RELATED OUTREACH AND EDUCATION  
4 ACTIVITIES; AND  
5 (II) RETAIN FORTY PERCENT, WHICH PORTION OF THE FEE DOES NOT  
6 COUNT AS REVENUE FOR THE PURPOSE OF CALCULATING SALES TAX.  
7 (b) THE BAG CHARGE SET FORTH IN SUBSECTION (2)(a) OF THIS  
8 SECTION DOES NOT APPLY TO A CUSTOMER THAT PROVIDES EVIDENCE TO  
9 THE STORE THAT THE CUSTOMER IS A PARTICIPANT IN A FEDERAL OR STATE  
10 FOOD ASSISTANCE PROGRAM.  
11 (c) (I) ON AND AFTER JULY 1, 2022, AND THROUGH DECEMBER 31,  
12 2022, AN OWNER, OPERATOR, EMPLOYEE, CONTRACTOR, OR AGENT OF A  
13 STORE MAY PROVIDE A CUSTOMER WITH A SINGLE-USE PLASTIC CARRYOUT  
14 BAG AT THE POINT OF SALE FOR THE CHARGE DESCRIBED IN SUBSECTION  
15 (2)(a) OF THIS SECTION ONLY IF THE SINGLE-USE PLASTIC CARRYOUT BAG  
16 IS WITHIN THE STORE'S REMAINING INVENTORY PURSUANT TO SECTION  
17 25-17-503 (2)(a). THE STORE SHALL REMIT THE CHARGE COLLECTED IN  
18 ACCORDANCE WITH SUBSECTION (2)(a) OF THIS SECTION.  
19 (II) THIS SUBSECTION (2)(c) IS REPEALED, EFFECTIVE JANUARY 1, 2023.  
20 (3) A STORE THAT PROVIDES CARRYOUT BAGS FOR A CHARGE  
21 PURSUANT TO THIS SECTION SHALL:  
22 (a) FOR EACH CUSTOMER PROVIDED A CARRYOUT BAG FOR A FEE,  
23 PROVIDE ON THE CUSTOMER'S TRANSACTION RECEIPT, A RECORD OF THE  
24 NUMBER OF CARRYOUT BAGS PROVIDED AS PART OF THE TRANSACTION  
25 AND THE TOTAL AMOUNT OF FEES CHARGED FOR THE CARRYOUT BAGS  
26 PROVIDED, ITEMIZED BY TYPE OF CARRYOUT BAG;  
27 (b) NOT REFUND TO THE CUSTOMER ANY PORTION OF THE  
28 CARRYOUT BAG CHARGE, EITHER DIRECTLY OR INDIRECTLY, OR ADVERTISE  
29 OR OTHERWISE CONVEY TO CUSTOMERS THAT ANY PORTION OF THE  
30 CARRYOUT BAG CHARGE WILL BE REFUNDED; AND  
31 (c) CONSPICUOUSLY DISPLAY A SIGN IN A LOCATION INSIDE OR  
32 OUTSIDE THE STORE, WHICH SIGN ALERTS CUSTOMERS ABOUT THE  
33 CARRYOUT BAG CHARGE."

34 Strike "2021" and substitute "2022" on: **Page 6**, line 23; **Page 7**, lines 18  
35 and 20; and **Page 9**, lines 11 and 15.

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