

# STATE OF NEW YORK

6869

2023-2024 Regular Sessions

## IN SENATE

May 12, 2023

Introduced by Sen. MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to retention and use of funds for the beverage container assistance program

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

1 Section 1. Subdivision 5 of section 27-1012 of the environmental  
2 conservation law, as amended by section 2 of part JJ of chapter 58 of  
3 the laws of 2017, is amended to read as follows:

4 5. All moneys collected or received by the department of taxation and  
5 finance pursuant to this title shall be deposited to the credit of the  
6 comptroller with such responsible banks, banking houses or trust compa-  
7 nies as may be designated by the comptroller. Such deposits shall be  
8 kept separate and apart from all other moneys in the possession of the  
9 comptroller. The comptroller shall require adequate security from all  
10 such depositories. Of the total revenue collected, the comptroller shall  
11 retain the amount determined by the commissioner of taxation and finance  
12 to be necessary for refunds out of which the comptroller must pay any  
13 refunds to which a deposit initiator may be entitled. Of the total  
14 revenue collected, the comptroller shall retain an amount equal to two  
15 percent of the total of such revenues collected in the prior calendar  
16 year, to be distributed to the commissioner, as needed, for use under  
17 the beverage container assistance program pursuant to section 27-1018 of  
18 this title. After reserving the [~~amount~~] amounts to pay refunds and for  
19 use under the beverage container assistance program, the comptroller  
20 must, by the tenth day of each month, pay into the state treasury to the  
21 credit of the general fund the revenue deposited under this subdivision  
22 during the preceding calendar month and remaining to the comptroller's  
23 credit on the last day of that preceding month; provided, however, that,  
24 beginning April first, two thousand thirteen, nineteen million dollars,

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

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1 and all fiscal years thereafter, twenty-three million dollars plus all  
2 funds received from the payments due each fiscal year pursuant to subdi-  
3 vision four of this section in excess of the greater of the amount  
4 received from April first, two thousand twelve through March thirty-  
5 first, two thousand thirteen or one hundred twenty-two million two  
6 hundred thousand dollars, shall be deposited to the credit of the envi-  
7 ronmental protection fund established pursuant to section ninety-two-s  
8 of the state finance law.

9 § 2. Section 27-1018 of the environmental conservation law, as added  
10 by section 13 of part SS of chapter 59 of the laws of 2009, is amended  
11 to read as follows:

12 § 27-1018. Beverage container assistance program.

13 Notwithstanding any other provision of law to the contrary, within the  
14 amounts retained by the comptroller for use under the beverage container  
15 assistance program pursuant to subdivision five of section 27-1012 of  
16 this title, and within the limits of any additional appropriations  
17 therefor, the commissioner shall make state assistance payments to muni-  
18 cipalities, businesses and not-for-profit organizations located in the  
19 state, upon request or otherwise pursuant to the discretion of the  
20 commissioner, for the cost of reverse vending machines located or to be  
21 located in the state. Such state assistance payments shall not exceed  
22 fifty percent of the costs of equipment, and/or the acquisition and/or  
23 rehabilitation of real property or structures located or to be located  
24 in the state related to the collecting, sorting, and packaging of empty  
25 beverage containers subject to the provisions of this title. Such  
26 payments may include costs related to the establishment of redemption  
27 centers, including mobile redemption centers. For the purposes of this  
28 section, municipalities and not-for-profit organizations shall have the  
29 meaning as defined in section 54-0101 of this chapter and businesses  
30 shall mean a dealer, distributor or redemption center as defined in this  
31 title [~~that employs less than fifty employees~~].

32 § 3. This act shall take effect immediately.