S T A T E O F N E W Y O R K

6103

2009-2010 Regular Sessions

I N A S S E M B L Y

February 25, 2009

Introduced by M. of A. ENGLEBRIGHT, COLTON, LUPARDO, FIELDS, MILLMAN, BENEDETTO, JAFFEE, DelMONTE, SCHIMEL, STIRPE, MAISEL, DINOWITZ, ROSENTHAL, MAGNARELLI, ESPAILLAT, MAYERSOHN, WRIGHT, ZEBROWSKI, GALEF -- Multi-Sponsored by -- M. of A. ABBATE, BRENNAN, BROOK-KRASNY, CAHILL, GABRYSZAK, GOTTFRIED, HOOPER, KOON, LATIMER, MARKEY, McENENY, PHEFFER, J. RIVERA, TITONE, WEISENBERG -- read once and referred to the Committee on Tourism, Arts and Sports Development

AN ACT to amend the parks, recreation and historic preservation law, in relation to requiring the collection of recyclable materials at state parks, historic sites and recreational facilities; to amend the general municipal law, in relation to encouraging municipalities to establish and implement programs for the collection of recyclable materials that are discarded in parks, playgrounds, historic sites and other recreational facilities; and to amend the environmental conservation law, in relation to providing state assistance therefor to municipalities

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 3.09 of the parks, recreation and historic preservation law is amended by adding a new subdivision 23 to read as follows:

23. (A) ESTABLISH AND IMPLEMENT A PROGRAM FOR THE COLLECTION OF RECYCLABLE MATERIALS THAT ARE DISCARDED IN STATE PARKS, HISTORIC SITES AND RECREATIONAL FACILITIES. SUCH RECYCLABLE MATERIALS SHALL INCLUDE, BUT NOT BE LIMITED TO, METAL, PLASTIC, GLASS AND PAPER. IN EACH SUCH PARK, HISTORIC SITE AND RECREATIONAL FACILITY THE OFFICE SHALL INSTALL BINS FOR THE COLLECTION OF RECYCLABLE MATERIALS. THE OFFICE SHALL REGULARLY COLLECT AND PROVIDE FOR THE RECYCLING OF THE RECYCLABLE MATERIALS COLLECTED.

(B) POST SIGNS IN THOSE PORTIONS OF STATE PARKS, HISTORIC SITES AND RECREATIONAL FACILITIES, WHICH DO NOT HAVE TRASH RECEPTACLES, STATING

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

"PLEASE TAKE ANY TRASH YOU GENERATE WHILE UPON THIS FACILITY WITH YOU FOR DISPOSAL WHEN YOU REACH A TRASH RECEPTACLE."

S 2. The general municipal law is amended by adding a new section 120-dd to read as follows:

S 120-DD. COLLECTION OF RECYCLABLE MATERIAL IN PARKS. 1. EACH MUNICIPALITY IS ENCOURAGED TO ESTABLISH AND IMPLEMENT A RECYCLABLES RECOVERY PROGRAM FOR THE COLLECTION OF RECYCLABLE MATERIALS THAT ARE DISCARDED IN MUNICIPAL PARKS, PLAYGROUNDS, HISTORIC SITES AND OTHER RECREATIONAL FACILITIES. SUCH RECYCLABLE MATERIALS SHALL INCLUDE, BUT NOT BE LIMITED TO, METAL, PLASTIC, GLASS AND PAPER. IN EACH SUCH PARK, PLAYGROUND, HISTORIC SITE AND OTHER RECREATIONAL FACILITY THE MUNICIPALITY SHALL INSTALL BINS FOR THE COLLECTION OF RECYCLABLE MATERIAL. THE MUNICIPALITIES SHALL REGULARLY COLLECT AND PROVIDE FOR THE RECYCLING OF THE RECYCLABLE MATERIALS COLLECTED.

2. ANY MUNICIPALITY ELECTING TO ESTABLISH AND IMPLEMENT A RECYCLABLES RECOVERY PROGRAM PURSUANT TO SUBDIVISION ONE OF THIS SECTION SHALL BE ELIGIBLE TO APPLY FOR STATE ASSISTANCE FOR A RECYCLING PROJECT PURSUANT TO TITLE SEVEN OF ARTICLE FIFTY-FOUR OF THE ENVIRONMENTAL CONSERVATION LAW.

3. EACH MUNICIPALITY IS ENCOURAGED TO POST SIGNS IN THOSE PORTIONS OF PARKS, PLAYGROUNDS, HISTORIC SITES AND OTHER RECREATIONAL FACILITIES, WHICH DO NOT HAVE TRASH RECEPTACLES, STATING "PLEASE TAKE ANY TRASH YOU GENERATE WHILE UPON THIS FACILITY WITH YOU TO BE DISPOSED OF WHEN YOU REACH A TRASH RECEPTACLE."

S 3. Subdivision 3 of section 54-0701 of the environmental conservation law, as amended by chapter 146 of the laws of 2000, is amended to read as follows:

3. "Recyclables recovery program" means a program undertaken by a municipality consistent with requirements of [section] SECTIONS one hundred twenty-aa AND/OR ONE HUNDRED TWENTY-DD of the general municipal law to provide for the environmentally sound recovery of recyclables, primarily involving the collection, aggregation and processing of recyclable materials for their use as raw materials for new products or for other useful purposes other than for energy recovery, through facilities planned, designed and constructed to ensure environmental protection and to maximize the potential for recyclables recovery. A recyclables recovery program also shall mean planning, educational and promotional activities to increase public awareness of and participation in recycling. Such program shall have been approved by the commissioner and undertaken consistent with any local solid waste management plan pursuant to section 27-0107 of this chapter.

S 4. This act shall take effect on the thirtieth day after it shall have become a law.