

1228

2009-2010 Regular Sessions

I N S E N A T E

January 28, 2009

Introduced by Sen. THOMPSON -- 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 including wine and water bottles as returnable beverage containers, in relation to requiring state accounting of returnable beverage container revenues, in relation to creating the youth conservation corp program; and to amend the state finance law, in relation to establishing the youth conservation corp fund

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

1 Section 1. Section 27-1001 of the environmental conservation law, as
2 added by chapter 200 of the laws of 1982, is amended to read as follows:
3 S 27-1001. Legislative findings.
4 The legislature hereby finds that litter composed of discarded [soft-
5 drink, beer and ale] bottles and cans, ESPECIALLY BEVERAGE CONTAINERS,
6 is a growing problem of state concern and a direct threat to the health
7 and safety of the citizens of this state. Discarded beverage bottles and
8 cans create a hazard to vehicular traffic, a source of physical injury
9 to pedestrians, farm animals and machinery and an unsightly accumulation
10 of litter which must be disposed of at increasing public expense. Bever-
11 age bottles and cans also create an unnecessary addition to the state's
12 and municipalities' already overburdened solid waste and refuse disposal
13 systems. Unsegregated disposal of such bottles and cans creates an
14 impediment to the efficient operation of resource recovery plants.
15 Further, the legislature finds that the uninhibited discard of beverage
16 containers constitutes a waste of both mineral and energy resources. The
17 legislature hereby finds that requiring a deposit on all beverage
18 containers, along with certain other facilitating measures, will provide
19 a necessary incentive for the economically efficient and environmentally
20 benign collection and recycling of such containers.

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

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S 2. Subdivisions 1 and 6 of section 27-1003 of the environmental conservation law, subdivision 1 as amended by chapter 778 of the laws of 1988 and subdivision 6 as added by chapter 200 of the laws of 1982, are amended to read as follows:

1. "Beverage" means carbonated soft drinks, mineral water, soda water, BOTTLED WATER, WINE, WINE PRODUCTS AS DEFINED IN SUBDIVISION THIRTY-SIX-A OF SECTION THREE OF THE ALCOHOLIC BEVERAGE CONTROL LAW, beer, [other] AND malt beverages [and a wine product as defined in subdivision thirty-six-a of section three of the alcoholic beverage control law]. "Malt beverages" means any beverage obtained by the alcoholic fermentation or infusion or decoction of barley, malt, hops, or other wholesome grain or cereal and water including, but not limited to ale, stout or malt liquor.

6. "Distributor" means any person, firm or corporation [which] WHO:

A. bottles, cans or otherwise fills or packages beverage containers, or which engages in the sale of such containers to a dealer; OR

B. IMPORTS FILLED BEVERAGE CONTAINERS INTO THE UNITED STATES.

S 3. The environmental conservation law is amended by adding a new section 27-1006 to read as follows:

S 27-1006. STATE ACCOUNTING; RETURNABLE BEVERAGE CONTAINER REVENUE.

1. ON OR BEFORE JUNE FIRST, TWO THOUSAND NINE AND ANNUALLY THEREAFTER EVERY DISTRIBUTOR SHALL SUBMIT AN ACCOUNTING TO THE COMMISSIONER OF TAXATION AND FINANCE OF ALL EXCESS REVENUE ACCRUED FROM THEIR BOTTLE DEPOSIT ACCOUNT FOR THE PREVIOUS YEAR.

2. THE COMMISSIONER OF TAXATION AND FINANCE IS DIRECTED TO DEPOSIT EXCESS FUNDS IN THE YOUTH CONSERVATION CORP FUND, AS ESTABLISHED BY SECTION NINETY-SEVEN-J OF THE STATE FINANCE LAW.

3. FOR PURPOSES OF THIS SECTION:

A. "EXCESS REVENUE" MEANS ALL FUNDS GENERATED FROM THE SALE OF BEVERAGE CONTAINERS LESS ANY MONIES PAID FOR THE RETURN OF BEVERAGE CONTAINERS.

B. "EXCESS FUNDS" MEANS EXCESS REVENUE LESS THREE PERCENT FOR ACCOUNTING AND ADMINISTRATION EXPENSES INCURRED BY THE DISTRIBUTOR.

S 4. The state finance law is amended by adding a new section 97-j to read as follows:

S 97-J. YOUTH CONSERVATION CORP FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSIONER OF TAXATION AND FINANCE A FUND TO BE KNOWN AS THE YOUTH CONSERVATION CORP FUND.

2. SUCH FUND SHALL CONSIST OF ALL MONEYS COLLECTED PURSUANT TO SECTION 27-1006 OF THE ENVIRONMENTAL CONSERVATION LAW, AND ALL OTHER MONEYS CREDITED OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW. FOR EACH STATE FISCAL YEAR, THERE SHALL BE APPROPRIATED TO THE FUND BY THE STATE, IN ADDITION TO ALL OTHER MONEYS REQUIRED TO BE DEPOSITED INTO SUCH FUND, AN AMOUNT EQUAL TO THE AMOUNTS OF MONEYS COLLECTED AND DEPOSITED INTO THE FUND PURSUANT TO SECTION 27-1006 OF THE ENVIRONMENTAL CONSERVATION LAW DURING THE PRECEDING CALENDAR YEAR, AS CERTIFIED BY THE COMPTROLLER. NOTHING CONTAINED HEREIN SHALL PREVENT THE STATE FROM RECEIVING GRANTS, GIFTS OR BEQUESTS FOR THE PURPOSES OF THE FUND AS DEFINED IN THIS SECTION AND DEPOSITING THEM INTO THE FUND ACCORDING TO LAW.

3. MONEYS IN THE YOUTH CONSERVATION CORP FUND SHALL BE KEPT SEPARATE AND SHALL NOT BE COMMINGLED WITH ANY OTHER MONEYS IN THE CUSTODY OF THE COMMISSIONER OF TAXATION AND FINANCE AND THE COMPTROLLER.

1 4. THE MONEYS IN SUCH FUND SHALL BE EXPENDED ONLY FOR THE PURPOSES
2 SPELLED OUT IN ARTICLE FIFTY-EIGHT OF THE ENVIRONMENTAL CONSERVATION
3 LAW.

4 5. ALL PAYMENTS FROM SUCH FUND SHALL BE MADE BY THE DEPARTMENT OF
5 TAXATION AND FINANCE AFTER AUDIT AND WARRANT OF THE COMPTROLLER ON
6 VOUCHERS APPROVED BY THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION.

7 S 5. The environmental conservation law is amended by adding a new
8 article 58 to read as follows:

9 ARTICLE 58

10 YOUTH CONSERVATION CORP PROGRAM

11 SECTION 58-0101. YOUTH CONSERVATION CORP PROGRAM.

12 58-0103. DEFINITIONS.

13 S 58-0101. YOUTH CONSERVATION CORP PROGRAM.

14 1. THERE IS HEREBY ESTABLISHED A YOUTH CONSERVATION CORP PROGRAM WHICH
15 SHALL PERMIT ELIGIBLE STUDENTS TO WORK AT DEPARTMENT FACILITIES THROUGH-
16 OUT THE YEAR.

17 2. THE PURPOSE OF THE PROGRAM IS TO ENCOURAGE HIGH SCHOOL STUDENTS TO
18 BECOME MORE INVOLVED WITH THE STATE IN ITS QUEST TO PROTECT AND IMPROVE
19 THE NATURAL RESOURCES AND ENVIRONMENT AND TO PREVENT DETERIORATION BY
20 POLLUTION AND TOXIC WASTES IN ORDER TO ENHANCE THE HEALTH, SAFETY AND
21 WELFARE OF THE PEOPLE OF THE STATE AND THEIR OVERALL ECONOMIC AND SOCIAL
22 WELL-BEING.

23 3. THE PROGRAM SHALL RUN ANNUALLY FOR THE PERIOD JULY FIRST TO JULY
24 FIRST EACH YEAR COMMENCING JULY FIRST, TWO THOUSAND NINE.

25 4. APPLICANTS SHALL BE HIGH SCHOOL STUDENTS WHO HAVE NOT COMPLETED
26 MORE THAN THEIR JUNIOR YEAR. NO STUDENT SHALL BE ELIGIBLE FOR THE
27 PROGRAM MORE THAN TWO YEARS AND MUST APPLY EACH YEAR.

28 5. STUDENT PARTICIPATION IN THE PROGRAM SHALL BE COMPENSATED WITH ONE
29 THOUSAND DOLLARS IN A TUITION WAIVER PER STUDENT, PER YEAR TO BE USED
30 FOR A COLLEGE WITHIN THE STATE.

31 6. THE APPLICATION OF THIS PROGRAM SHALL BE ESTABLISHED IN A MANNER
32 AND FORM PRESCRIBED BY THE DEPARTMENT.

33 7. IN IMPLEMENTING, MANAGING AND ADMINISTERING THE YOUTH CONSERVATION
34 CORP PROGRAM PURSUANT TO THE PROVISIONS OF THIS SECTION, THE COMMISSION-
35 ER MAY PERFORM SUCH ACTS AND PROMULGATE SUCH RULES AND REGULATIONS AS HE
36 OR SHE DEEMS NECESSARY, PROPER OR DESIRABLE TO CARRY OUT THE PURPOSES OF
37 THIS SECTION.

38 8. FUNDS NECESSARY FOR THE IMPLEMENTATION OF THIS SECTION SHALL BE
39 MADE AVAILABLE PURSUANT TO SECTION NINETY-SEVEN-J OF THE STATE FINANCE
40 LAW.

41 S 58-0103. DEFINITIONS.

42 FOR PURPOSES OF THIS ARTICLE:

43 1. "ELIGIBLE STUDENT" SHALL MEAN A PERSON IN HIGH SCHOOL WHO HAS NOT
44 COMPLETED THEIR JUNIOR YEAR.

45 2. "PROGRAM" SHALL MEAN THE YOUTH CONSERVATION CORP PROGRAM.

46 S 6. This act shall take effect immediately; provided, however,
47 sections one and two of this act shall take effect on the first of Janu-
48 ary next succeeding the date on which it shall have become a law.