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

1722--A

2009-2010 Regular Sessions

I N S E N A T E

February 5, 2009

Introduced by Sen. MARCELLINO -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to crediting excess revenues received from deposits on beverage containers into the environmental protection fund; to amend chapter 59 of the laws of 2009 amending the environmental conservation law and the economic development law relating to including additional beverage containers, in relation to the effectiveness of provisions relating to bottles of water; and to repeal certain provisions of the environmental conservation law relating to a New York state specific UPC code for beverage containers

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

Section 1. Subdivision 5 of section 27-1012 of the environmental conservation law, as added by section 8 of part SS of chapter 59 of the laws of 2009, is amended to read as follows:

5. All monies collected or received by the department of taxation and finance pursuant to this title shall be deposited to the credit of the comptroller with such responsible banks, banking houses or trust companies as may be designated by the comptroller. Such deposits shall be kept separate and apart from all other moneys in the possession of the comptroller. The comptroller shall require adequate security from all such depositories. Of the total revenue collected, the comptroller shall retain the amount determined by the commissioner of taxation and finance to be necessary for refunds out of which the comptroller must pay any refunds to which a deposit initiator may be entitled. After reserving the amount to pay refunds, the comptroller must, by the tenth day of each month, pay into the state treasury to the credit of the [general] ENVIRONMENTAL PROTECTION fund the revenue deposited under this subdivi-

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

LBD06869-02-9

sion during the preceding calendar month and remaining to the comptroller's credit on the last day of that preceding month.

S 2. Subdivision 12 of section 27-1012 of the environmental conservation law is REPEALED.

S 3. Subdivision 3 of section 16 of part SS of chapter 59 of the laws of 2009 amending the environmental conservation law and the economic development law relating to including additional beverage containers, is amended to read as follows:

3. section eight of this act shall take effect on April 1, 2009 except that the requirements to make deposits, file reports and make withdrawals and payments under section 27-1012 of the environmental conservation law, as added by section eight of this act, with respect to containers defined as beverage containers prior to April 1, 2009, shall first apply to the period beginning on April 15, 2009 and ending May 31, 2009, and with respect to all other beverage containers shall first apply to the period beginning on [June 1] DECEMBER 31, 2009 and ending [August 31, 2009] FEBRUARY 28, 2010, provided that such other beverage containers will not be required to have a refund value as required under section 27-1005 of the environmental conservation law, as added by section four of this act until [June 1] DECEMBER 31, 2009. However, no refunds shall be paid to a deposit initiator pursuant to paragraph b of subdivision 4 of section 27-1012 of the environmental conservation law, as added by section eight of this act prior to March 1, 2010.

S 4. This act shall take effect immediately.