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

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I N S E N A T E

June 17, 2010

Introduced by Sen. KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the environmental conservation law, in relation to recycling rechargeable batteries

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

Section 1. Section 27-1809 of the environmental conservation law, as added by a chapter of the laws of 2010 amending the environmental conservation law relating to recycling rechargeable batteries, as proposed in legislative bills numbers S.3593-C and A.6813-D, is amended by adding a new subdivision 5 to read as follows:

5. IN CITIES WITH A POPULATION OF ONE MILLION OR MORE, THE PROVISIONS OF THIS TITLE MAY BE ENFORCED BY AN AGENCY OR AGENCIES DESIGNATED BY THE MAYOR OF SUCH CITY. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY NOTICE OF VIOLATION ISSUED BY AN AGENCY OR AGENCIES DESIGNATED BY THE MAYOR OF SUCH CITY, CHARGING A VIOLATION OF THIS TITLE, SHALL BE RETURNABLE TO THE ENVIRONMENTAL CONTROL BOARD OF SUCH CITY, WHICH SHALL HAVE THE POWER TO IMPOSE THE CIVIL PENALTIES HEREIN PROVIDED. ALL CIVIL PENALTIES COLLECTED FOR ANY VIOLATIONS OF THIS SECTION THAT HAVE BEEN IMPOSED BY THE ENVIRONMENTAL CONTROL BOARD OF SUCH CITY SHALL BE PAID INTO THE GENERAL FUND OF SUCH CITY.

S 2. The opening paragraph of section 27-1811 of the environmental conservation law, as added by a chapter of the laws of 2010 amending the environmental conservation law relating to recycling rechargeable batteries, as proposed in legislative bills numbers S.3593-C and A.6813-D, is amended to read as follows:

Jurisdiction in all matters pertaining to rechargeable battery recycling is, by this title, vested exclusively in the state. Any provision of any local law or ordinance, or any rule or regulation promulgated thereto, governing rechargeable battery recycling shall, upon the effective date of section 27-1805 of this title, be preempted; provided, however, that nothing in this section shall:

1. preclude a person from coordinating, for recycling or reuse, the collection of rechargeable batteries; OR

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

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2. PRECLUDE PROVISIONS OF THIS TITLE FROM BEING ENFORCED PURSUANT TO SUBDIVISION FIVE OF SECTION 27-1809 OF THIS TITLE.

S 3. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2010 amending the environmental conservation law relating to recycling rechargeable batteries, as proposed in legislative bills numbers S.3593-C and A.6813-D, takes effect.