

1722

2009-2010 Regular Sessions

I N   S E N A T E

February 5, 2009

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Introduced by Sen. MARCELLINO -- 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, the economic development law and the state finance law, in relation to returnable beverage containers; and to repeal sections 27-1005, 27-1007 and subdivision 2 of section 27-1011 of the environmental conservation law relating thereto

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] BEVERAGE CONTAINERS is a growing  
6     problem of state concern and a direct threat to the health and safety of  
7     the citizens of this state. Discarded beverage [bottles and cans]  
8     CONTAINERS create a hazard to vehicular traffic, a source of physical  
9     injury to pedestrians[,] AND farm animals [and], A HAZARD TO FARM AND  
10    OTHER machinery and an unsightly accumulation of litter which must be  
11    disposed of at increasing public expense. Beverage [bottles and cans]  
12    CONTAINERS also create an unnecessary addition to the state's and muni-  
13    cipalities' already overburdened solid waste and refuse disposal  
14    systems. Unsegregated disposal of such [bottles and cans] CONTAINERS  
15    creates an impediment to the efficient operation of resource recovery  
16    plants. Further, the legislature finds that the uninhibited discard of  
17    beverage containers constitutes a waste of both mineral and energy  
18    resources. The legislature hereby finds that requiring a deposit on all  
19    beverage containers, along with certain other facilitating measures,  
20    will provide a necessary incentive for the economically efficient and  
21    environmentally benign collection and recycling of such containers.

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

LBD06869-01-9

1 S 2. Subdivisions 1 and 2 of section 27-1003 of the environmental  
2 conservation law, subdivision 1 as amended by chapter 778 of the laws of  
3 1988 and subdivision 2 as amended by chapter 546 of the laws of 1986,  
4 are amended to read as follows:

5 1. "Beverage" means [carbonated soft drinks, mineral water, soda  
6 water, beer, other malt beverages and a wine product as defined in  
7 subdivision thirty-six-a of section three of the alcoholic beverage  
8 control law. "Malt beverages" means any beverage obtained by the alco-  
9 holic fermentation or infusion or decoction of barley, malt, hops, or  
10 other wholesome grain or cereal and water including, but not limited to  
11 ale, stout or malt liquor.] ALL CARBONATED AND NON-CARBONATED DRINKS IN  
12 LIQUID FORM AND INTENDED FOR INTERNAL HUMAN CONSUMPTION. THE TERM  
13 "BEVERAGE" SHALL NOT INCLUDE:

14 A. MILK AND DAIRY DERIVED PRODUCTS. "MILK" MEANS WHOLE MILK, SKIM  
15 MILK, LOW-FAT MILK, CREAM, CULTURED MILK, YOGURT OR ANY COMBINATION OF  
16 THOSE PRODUCTS. THE TERM "DAIRY DERIVED PRODUCTS" INCLUDES ANY PRODUCT  
17 OF WHICH MORE THAN FIFTY PERCENT OF THE INGREDIENTS ARE MILK, MILK FAT,  
18 CULTURED MILK OR YOGURT;

19 B. RICE MILK OR SOY MILK;

20 C. INFANT FORMULA;

21 D. ALCOHOLIC BEVERAGES OTHER THAN BEER, OTHER MALT BEVERAGES AND WINE  
22 PRODUCTS AS DEFINED IN SUBDIVISION THIRTY-SIX-A OF SECTION THREE OF THE  
23 ALCOHOLIC BEVERAGE CONTROL LAW. "MALT BEVERAGES" MEANS ANY BEVERAGE  
24 OBTAINED BY THE ALCOHOLIC FERMENTATION OR INFUSION OR DECOCTION OF  
25 BARLEY, MALT, HOPS, OR OTHER WHOLESOME GRAIN OR CEREAL AND WATER INCLUD-  
26 ING, BUT NOT LIMITED TO ALE, STOUT OR MALT LIQUOR;

27 E. A LIQUID THAT IS A SYRUP, IN A CONCENTRATED FORM, OR TYPICALLY  
28 ADDED AT LESS THAN FIVE PERCENT AS A MINOR FLAVORING INGREDIENT IN FOOD  
29 OR DRINK, SUCH AS EXTRACTS, COOKING ADDITIVES, SAUCES OR CONDIMENTS;

30 F. A LIQUID THAT IS A MEDICAL PRESCRIPTION OR OVER-THE-COUNTER DRUG  
31 REGULATED BY THE FOOD AND DRUG ADMINISTRATION AND CONSUMED FOR MEDICINAL  
32 PURPOSES ONLY;

33 G. A LIQUID THAT IS (I) A DIETARY SUPPLEMENT AS DEFINED BY THE FOOD  
34 AND DRUG ADMINISTRATION EXCEPT ONE THAT IS DESIGNED, MARKETING AND/OR  
35 INTENDED TO BE CONSUMED AS A BEVERAGE SUCH AS A SPORTS OR HYDRATION  
36 DRINK, OR (II) DESIGNED, MARKETING AND/OR INTENDED TO BE CONSUMED AS A  
37 MEAL OR MEAL SUBSTITUTE AS PART OF A WEIGHT LOSS PROGRAM, SUCH AS A DIET  
38 SHAKE;

39 H. PRODUCTS FROZEN AT THE TIME OF SALE;

40 I. PRODUCTS DESIGNED TO BE CONSUMED IN A FROZEN STATE;

41 J. INSTANT DRINK POWDERS; AND

42 K. SEAFOOD, MEAT OR VEGETABLE BROTHS, OR SOUPS.

43 2. "Beverage container" means the individual, separate, sealed glass,  
44 metal, aluminum, steel or plastic bottle, can or jar used for containing  
45 LESS THAN one gallon or [3.8] 3.78 liters [or less] at the time of sale  
46 OR OFFER FOR SALE of a beverage intended for use or consumption in this  
47 state. Beverage containers sold or OFFERED FOR SALE OR distributed  
48 aboard aircraft or ships shall be considered as intended for use or  
49 consumption outside this state.

50 S 3. Subdivisions 6 and 9 of section 27-1003 of the environmental  
51 conservation law, as added by chapter 200 of the laws of 1982, are  
52 amended and four new subdivisions 2-a, 5-a, 12 and 13 are added to read  
53 as follows:

54 2-A. "BOTTLER" MEANS A PERSON WHO:

55 A. BOTTLES, CANS OR OTHERWISE PACKAGES BEVERAGES IN BEVERAGE CONTAIN-  
56 ERS EXCEPT THAT IF SUCH PACKAGING IS FOR A DISTRIBUTOR HAVING THE RIGHT

1 TO BOTTLE, CAN OR OTHERWISE PACKAGE THE SAME BRAND OF BEVERAGE, THEN  
2 SUCH DISTRIBUTOR SHALL BE THE BOTTLER; OR

3 B. IMPORTS FILLED BEVERAGE CONTAINERS INTO THE UNITED STATES.

4 5-A. A "DEPOSIT INITIATOR" FOR EACH BEVERAGE CONTAINER FOR WHICH A  
5 REFUND VALUE IS ESTABLISHED UNDER SECTION 27-1005 OF THIS TITLE MEANS:

6 A. THE BOTTLER OF THE BEVERAGE IN SUCH CONTAINER;

7 B. THE DISTRIBUTOR OF SUCH CONTAINER IF SUCH DISTRIBUTOR'S PURCHASE OF  
8 SUCH CONTAINER WAS NOT, DIRECTLY OR INDIRECTLY, FROM A REGISTERED DEPOS-  
9 IT INITIATOR;

10 C. A DEALER OF SUCH CONTAINER WHO SELLS OR OFFERS FOR SALE SUCH  
11 CONTAINER IN THIS STATE, WHOSE PURCHASE OF SUCH CONTAINER WAS NOT,  
12 DIRECTLY OR INDIRECTLY, FROM A REGISTERED DEPOSIT INITIATOR; OR

13 D. AN AGENT ACTING ON BEHALF OF A REGISTERED DEPOSIT INITIATOR.

14 6. "Distributor" means any person, firm or corporation which  
15 [bottles, cans or otherwise fills or packages beverage containers, or  
16 which] engages in the sale OR OFFER FOR SALE of [such] BEVERAGES IN  
17 BEVERAGE containers to a dealer.

18 9. "Redemption center" means any [establishment offering to pay the  
19 refund value of a beverage container] PERSON OFFERING TO PAY THE REFUND  
20 VALUE OF AN EMPTY BEVERAGE CONTAINER TO A REDEEMER, OR ANY PERSON WHO  
21 CONTRACTS WITH ONE OR MORE DEALERS OR DISTRIBUTORS TO COLLECT, SORT AND  
22 OBTAIN THE REFUND VALUE AND HANDLING FEE OF EMPTY BEVERAGE CONTAINERS  
23 FOR, OR ON BEHALF OF, SUCH DEALER OR DISTRIBUTOR under the provisions of  
24 section 27-1013 of this title.

25 12. "REVERSE VENDING MACHINE" MEANS AN AUTOMATED DEVICE THAT USES A  
26 LASER SCANNER, MICROPROCESSOR, OR OTHER TECHNOLOGY TO ACCURATELY RECOG-  
27 NIZE THE UNIVERSAL PRODUCT CODE (UPC) ON CONTAINERS TO DETERMINE IF THE  
28 CONTAINER IS REDEEMABLE AND ACCUMULATES INFORMATION REGARDING CONTAINERS  
29 REDEEMED, INCLUDING THE NUMBER OF SUCH CONTAINERS REDEEMED, THEREBY  
30 ENABLING THE REVERSE VENDING MACHINE TO ACCEPT CONTAINERS FROM REDEEMERS  
31 AND TO ISSUE A SCRIP OR RECEIPT FOR THEIR REFUND VALUE.

32 13. "UNIVERSAL PRODUCT CODE OR UPC CODE" MEANS A STANDARD FOR ENCODING  
33 A SET OF LINES AND SPACES THAT CAN BE SCANNED AND INTERPRETED INTO  
34 NUMBERS TO IDENTIFY A PRODUCT. UNIVERSAL PRODUCT CODE MAY ALSO MEAN ANY  
35 ACCEPTED INDUSTRY BARCODE WHICH REPLACES THE UPC CODE INCLUDING BUT NOT  
36 LIMITED TO UNIVERSAL PRODUCT CODE (UPC), EAN AND OTHER CODES THAT MAY BE  
37 USED TO IDENTIFY A PRODUCT.

38 S 4. Sections 27-1005 and 27-1007 of the environmental conservation  
39 law are REPEALED and two new sections 27-1005 and 27-1007 are added to  
40 read as follows:

41 S 27-1005. REFUND VALUE.

42 NO PERSON SHALL SELL OR OFFER FOR SALE A BEVERAGE CONTAINER IN THIS  
43 STATE UNLESS THE DEPOSIT ON SUCH BEVERAGE CONTAINER IS OR HAS BEEN  
44 COLLECTED BY A REGISTERED DEPOSIT INITIATOR AND UNLESS SUCH CONTAINER  
45 HAS A REFUND VALUE OF NOT LESS THAN FIVE CENTS WHICH IS CLEARLY INDI-  
46 CATED THEREON AS PROVIDED IN SECTION 27-1011 OF THIS TITLE.

47 S 27-1007. MANDATORY ACCEPTANCE.

48 EXCEPT AS PROVIDED IN SECTION 27-1009 OF THIS TITLE:

49 1. A DEALER SHALL ACCEPT AT HIS OR HER PLACE OF BUSINESS FROM A  
50 REDEEMER ANY EMPTY BEVERAGE CONTAINERS OF THE DESIGN, SHAPE, SIZE,  
51 COLOR, COMPOSITION AND BRAND SOLD OR OFFERED FOR SALE BY THE DEALER, AND  
52 SHALL PAY TO THE REDEEMER THE REFUND VALUE OF EACH SUCH BEVERAGE  
53 CONTAINER AS ESTABLISHED IN SECTION 27-1005 OF THIS TITLE. REDEMPTIONS  
54 OF REFUND VALUE MUST BE IN LEGAL TENDER, OR A SCRIP OR RECEIPT FROM A  
55 REVERSE VENDING MACHINE, PROVIDED THAT THE SCRIP OR RECEIPT CAN BE  
56 EXCHANGED FOR LEGAL TENDER FOR A PERIOD OF NOT LESS THAN SIXTY DAYS

1 WITHOUT REQUIRING THE PURCHASE OF OTHER GOODS. THE USE OR PRESENCE OF A  
2 REVERSE VENDING MACHINE SHALL NOT RELIEVE A DEALER OF ANY OBLIGATIONS  
3 IMPOSED PURSUANT TO THIS SECTION. IF A DEALER UTILIZES A REVERSE VEND-  
4 ING MACHINE TO REDEEM CONTAINERS, THE DEALER SHALL PROVIDE REDEMPTION OF  
5 BEVERAGE CONTAINERS WHEN THE REVERSE VENDING MACHINE IS FULL, BROKEN,  
6 UNDER REPAIR OR DOES NOT ACCEPT A TYPE OF BEVERAGE CONTAINER SOLD OR  
7 OFFERED FOR SALE BY SUCH DEALER AND MAY NOT LIMIT THE HOURS OR DAYS OF  
8 REDEMPTION EXCEPT AS PROVIDED BY SUBDIVISION THREE OF THIS SECTION. A  
9 DEALER WHOSE PLACE OF BUSINESS IS AT LEAST FIFTY THOUSAND SQUARE FEET  
10 WHICH DOES NOT UTILIZE REVERSE VENDING MACHINES TO PROCESS EMPTY BEVER-  
11 AGE CONTAINERS FOR REDEMPTION SHALL: (A) ESTABLISH AND MAINTAIN A DEDI-  
12 CATED AREA WITHIN SUCH BUSINESS TO ACCEPT BEVERAGE CONTAINERS FOR  
13 REDEMPTION; (B) ADEQUATELY STAFF SUCH AREA TO FACILITATE EFFICIENT  
14 ACCEPTANCE AND PROCESSING OF SUCH CONTAINERS DURING BUSINESS HOURS; AND  
15 (C) POST ONE OR MORE CONSPICUOUS SIGNS CONFORMING TO THE SIZE AND COLOR  
16 REQUIREMENTS DESCRIBED IN SUBDIVISION TWO OF THIS SECTION AT EACH PUBLIC  
17 ENTRANCE TO THE BUSINESS WHICH DESCRIBES WHERE IN THE BUSINESS THE  
18 REDEMPTION AREA IS LOCATED. THE COMMISSIONER MAY ESTABLISH IN RULES AND  
19 REGULATIONS ADDITIONAL STANDARDS FOR THE EFFICIENT PROCESSING OF BEVER-  
20 AGE CONTAINERS BY SUCH DEALERS. ON ANY DAY THAT A DEALER IS OPEN FOR  
21 LESS THAN TWENTY-FOUR HOURS, THE DEALER MAY RESTRICT OR REFUSE THE  
22 PAYMENT OF REFUND VALUES DURING THE FIRST AND LAST HOUR THE DEALER IS  
23 OPEN FOR BUSINESS.

24 2. A DEALER SHALL POST A CONSPICUOUS SIGN, AT THE POINT OF SALE THAT  
25 STATES:

26 "NEW YORK BOTTLE BILL OF RIGHTS

27 STATE LAW REQUIRES US TO REDEEM EMPTY RETURNABLE BEVERAGE  
28 CONTAINERS OF THE SAME TYPE AND BRAND THAT WE SELL OR OFFER FOR SALE

29 YOU HAVE CERTAIN RIGHTS UNDER THE NEW YORK STATE RETURNABLE CONTAINER  
30 ACT:

31 THE RIGHT TO RETURN YOUR EMPTIES FOR REFUND TO ANY DEALER WHO SELLS  
32 THE SAME BRAND, TYPE AND SIZE, WHETHER YOU BOUGHT THE BEVERAGE FROM THE  
33 DEALER OR NOT. IT IS ILLEGAL TO RETURN CONTAINERS FOR REFUND THAT WERE  
34 PURCHASED OUTSIDE OF NEW YORK STATE.

35 THE RIGHT TO GET YOUR DEPOSIT REFUND IN CASH, WITHOUT PROOF OF  
36 PURCHASE.

37 THE RIGHT TO RETURN YOUR EMPTIES ANY DAY, ANY HOUR, EXCEPT THE FIRST  
38 AND LAST HOURS OF THE DEALER'S BUSINESS DAY (EMPTY CONTAINERS MAY BE  
39 REDEEMED AT ANY TIME IN 24-HOUR STORES).

40 THE RIGHT TO RETURN YOUR CONTAINERS IF THEY ARE EMPTY AND INTACT.  
41 WASHING CONTAINERS IS NOT REQUIRED BY LAW, BUT IS STRONGLY RECOMMENDED  
42 TO MAINTAIN SANITARY CONDITIONS.

43 THE NEW YORK STATE RETURNABLE CONTAINER ACT CAN BE ENFORCED BY THE NEW  
44 YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION (NYSDEC), THE NEW  
45 YORK STATE DEPARTMENT OF TAXATION AND FINANCE, THE NEW YORK STATE ATTOR-  
46 NEY GENERAL AND/OR BY YOUR LOCAL GOVERNMENT."

47 SUCH SIGN MUST BE NO LESS THAN EIGHT INCHES BY TEN INCHES IN SIZE AND  
48 HAVE LETTERING A MINIMUM OF ONE QUARTER INCH HIGH, AND OF A COLOR WHICH  
49 CONTRASTS WITH THE BACKGROUND. THE DEPARTMENT SHALL MAINTAIN A TOLL  
50 FREE TELEPHONE NUMBER FOR A "BOTTLE BILL COMPLAINT LINE" THAT SHALL BE  
51 AVAILABLE FROM 9:00 A.M. TO 5:00 P.M. EACH BUSINESS DAY TO RECEIVE  
52 REPORTS OF VIOLATIONS OF THIS TITLE. THE TELEPHONE NUMBER SHALL BE LIST-  
53 ED ON ANY SIGN REQUIRED BY THIS SECTION.

1 3. ON OR AFTER JANUARY FIRST, TWO THOUSAND TEN, IN A CITY WITH A POPU-  
2 LATION GREATER THAN ONE MILLION, A DEALER MAY LIMIT THE NUMBER OF EMPTY  
3 BEVERAGE CONTAINERS TO BE ACCEPTED FOR REDEMPTION AT THE DEALER'S PLACE  
4 OF BUSINESS TO NO LESS THAN SEVENTY-TWO CONTAINERS PER VISIT, PER  
5 REDEEMER, PER DAY, PROVIDED THAT:

6 A. THE DEALER HAS A WRITTEN AGREEMENT WITH A REDEMPTION CENTER, BE IT  
7 EITHER AT A FIXED PHYSICAL LOCATION WITHIN THE SAME COUNTY AND WITHIN  
8 ONE-HALF MILE OF THE DEALER'S PLACE OF BUSINESS, OR A MOBILE REDEMPTION  
9 CENTER, OPERATED BY A REDEMPTION CENTER, THAT IS LOCATED WITHIN  
10 ONE-QUARTER MILE OF THE DEALER'S PLACE OF BUSINESS. THE REDEMPTION  
11 CENTER MUST HAVE A WRITTEN AGREEMENT WITH THE DEALER TO ACCEPT CONTAIN-  
12 ERS ON BEHALF OF THE DEALER; AND THE REDEMPTION CENTER'S HOURS OF OPERA-  
13 TION MUST COVER AT LEAST 9:00 A.M. THROUGH 7:00 P.M. DAILY OR IN THE  
14 CASE OF A MOBILE REDEMPTION CENTER, THE HOURS OF OPERATION MUST COVER AT  
15 LEAST FOUR CONSECUTIVE HOURS BETWEEN 8:00 A.M. AND 8:00 P.M. DAILY. THE  
16 DEALER MUST POST A CONSPICUOUS, PERMANENT SIGN, MEETING THE SIZE AND  
17 COLOR SPECIFICATIONS SET FORTH IN SUBDIVISION TWO OF THIS SECTION, OPEN  
18 TO PUBLIC VIEW, IDENTIFYING THE LOCATION AND HOURS OF OPERATION OF THE  
19 AFFILIATED REDEMPTION CENTER OR MOBILE REDEMPTION CENTER; OR

20 B. THE DEALER PROVIDES, AT A MINIMUM, A CONSECUTIVE TWO HOUR PERIOD  
21 BETWEEN 7:00 A.M. AND 7:00 P.M. DAILY WHEREBY THE DEALER WILL ACCEPT UP  
22 TO TWO HUNDRED FORTY CONTAINERS, PER REDEEMER, PER DAY, AND POSTS A  
23 CONSPICUOUS, PERMANENT SIGN, MEETING THE SIZE AND COLOR SPECIFICATIONS  
24 SET FORTH IN SUBDIVISION TWO OF THIS SECTION, OPEN TO THE PUBLIC VIEW,  
25 IDENTIFYING THOSE HOURS. THE DEALER MAY NOT CHANGE THE HOURS OF REDEMP-  
26 TION WITHOUT FIRST POSTING A THIRTY DAY NOTICE; OR

27 C. THE DEALER'S PRIMARY BUSINESS IS THE SALE OF FOOD OR BEVERAGES FOR  
28 CONSUMPTION OFF-PREMISES, AND THE DEALER'S PLACE OF BUSINESS IS LESS  
29 THAN TEN THOUSAND SQUARE FEET IN SIZE.

30 4. A DEPOSIT INITIATOR SHALL ACCEPT FROM A DEALER OR OPERATOR OF A  
31 REDEMPTION CENTER ANY EMPTY BEVERAGE CONTAINERS OF THE DESIGN, SHAPE,  
32 SIZE, COLOR, COMPOSITION AND BRAND SOLD OR OFFERED FOR SALE BY THE  
33 DEPOSIT INITIATOR, AND SHALL PAY THE DEALER OR OPERATOR OF A REDEMPTION  
34 CENTER THE REFUND VALUE OF EACH SUCH BEVERAGE CONTAINER AS ESTABLISHED  
35 BY SECTION 27-1005 OF THIS TITLE. A DEPOSIT INITIATOR SHALL ACCEPT AND  
36 REDEEM ALL SUCH EMPTY BEVERAGE CONTAINERS FROM A DEALER OR REDEMPTION  
37 CENTER WITHOUT LIMITATION ON QUANTITY.

38 5. A DEPOSIT INITIATOR'S OR DISTRIBUTOR'S FAILURE TO PICK UP EMPTY  
39 BEVERAGE CONTAINERS, INCLUDING CONTAINERS PROCESSED IN A REVERSE VENDING  
40 MACHINE, FROM A REDEMPTION CENTER, DEALER OR THE OPERATOR OF A REVERSE  
41 VENDING MACHINE, SHALL BE A VIOLATION OF THIS TITLE.

42 6. IN ADDITION TO THE REFUND VALUE OF A BEVERAGE CONTAINER AS ESTAB-  
43 LISHED BY SECTION 27-1005 OF THIS TITLE, A DEPOSIT INITIATOR SHALL PAY  
44 TO ANY DEALER, OR OPERATOR OF A REDEMPTION CENTER, OR DISTRIBUTOR A  
45 HANDLING FEE OF THREE AND ONE-HALF CENTS FOR EACH BEVERAGE CONTAINER  
46 ACCEPTED BY THE DEPOSIT INITIATOR FROM SUCH DEALER, OPERATOR OF A  
47 REDEMPTION CENTER OR DISTRIBUTOR. PAYMENT OF THE HANDLING FEE SHALL BE  
48 AS COMPENSATION FOR COLLECTING, SORTING AND PACKAGING OF EMPTY BEVERAGE  
49 CONTAINERS FOR TRANSPORT BACK TO THE DEPOSIT INITIATOR OR ITS DESIGNEE.  
50 PAYMENT OF THE HANDLING FEE MAY NOT BE CONDITIONED ON THE PURCHASE OF  
51 ANY GOODS OR SERVICES, NOR MAY SUCH PAYMENT BE MADE OUT OF THE REFUND  
52 VALUE ACCOUNT ESTABLISHED PURSUANT TO SECTION 27-1012 OF THIS TITLE. A  
53 DISTRIBUTOR WHO DOES NOT INITIATE DEPOSITS ON A TYPE OF BEVERAGE  
54 CONTAINER IS CONSIDERED A DEALER ONLY FOR THE PURPOSE OF RECEIVING A  
55 HANDLING FEE FROM A DEPOSIT INITIATOR.

1 7. A DEPOSIT INITIATOR ON A BRAND SHALL ACCEPT FROM A DISTRIBUTOR WHO  
2 DOES NOT INITIATE DEPOSITS ON THAT BRAND ANY EMPTY BEVERAGE CONTAINERS  
3 OF THAT BRAND AND SHALL PAY THE DISTRIBUTOR THE REFUND VALUE OF EACH  
4 SUCH BEVERAGE CONTAINER, AS ESTABLISHED BY SECTION 27-1005 OF THIS  
5 TITLE. IN ADDITION, THE DEPOSIT INITIATOR SHALL PAY TO SUCH DISTRIBUTOR  
6 FOR EACH SUCH BEVERAGE CONTAINER THE HANDLING FEE ESTABLISHED UNDER  
7 SUBDIVISION SIX OF THIS SECTION. WITHOUT LIMITING THE RIGHTS OF THE  
8 DEPARTMENT OR ANY PERSON, FIRM OR CORPORATION UNDER THIS SUBDIVISION OR  
9 ANY OTHER PROVISION OF THIS SECTION, A DISTRIBUTOR, A DEALER OR AN OPER-  
10 ATOR OF A REDEMPTION CENTER SHALL HAVE A CIVIL RIGHT OF ACTION TO  
11 ENFORCE THIS SUBDIVISION, INCLUDING UPON THREE DAYS NOTICE, THE RIGHT TO  
12 APPLY FOR TEMPORARY AND PRELIMINARY INJUNCTIVE RELIEF AGAINST CONTINUING  
13 VIOLATIONS AND UNTIL ARRANGEMENTS FOR COLLECTION AND RETURN OF EMPTY  
14 CONTAINERS OR REIMBURSEMENT OF THE REDEEMING DISTRIBUTOR FOR SUCH DEPOS-  
15 ITS AND HANDLING FEES ARE MADE.

16 8. IT SHALL BE THE RESPONSIBILITY OF THE DEPOSIT INITIATOR OR  
17 DISTRIBUTOR TO PROVIDE TO A DEALER OR REDEMPTION CENTER A SUFFICIENT  
18 NUMBER OF BAGS, CARTONS, OR OTHER SUITABLE CONTAINERS, AT NO COST, FOR  
19 THE PACKAGING, HANDLING AND PICKUP OF EMPTY BEVERAGE CONTAINERS THAT ARE  
20 NOT REDEEMED THROUGH A REVERSE VENDING MACHINE. THE BAGS, CARTONS, OR  
21 CONTAINERS MUST BE PROVIDED BY THE DEPOSIT INITIATOR OR DISTRIBUTOR ON A  
22 SCHEDULE THAT ALLOWS THE DEALER OR REDEMPTION CENTER SUFFICIENT TIME TO  
23 SORT THE EMPTY BEVERAGE CONTAINERS PRIOR TO PICK UP BY THE DEPOSIT  
24 INITIATOR OR DISTRIBUTOR. IN ADDITION:

25 A. WHEN PICKING UP EMPTY BEVERAGE CONTAINERS, A DEPOSIT INITIATOR OR  
26 DISTRIBUTOR SHALL NOT REQUIRE A DEALER OR REDEMPTION CENTER TO LOAD  
27 THEIR OWN BAGS, CARTONS OR CONTAINERS ONTO OR INTO THE DEPOSIT INITI-  
28 ATOR'S OR DISTRIBUTOR'S VEHICLE OR VEHICLES OR PROVIDE THE STAFF OR  
29 EQUIPMENT NEEDED TO DO SO.

30 B. A DEPOSIT INITIATOR OR DISTRIBUTOR SHALL NOT REQUIRE EMPTY CONTAIN-  
31 ERS TO BE COUNTED AT A LOCATION OTHER THAN THE REDEMPTION CENTER OR  
32 DEALER'S PLACE OF BUSINESS. THE DEALER OR REDEMPTION CENTER SHALL HAVE  
33 THE RIGHT TO BE PRESENT AT THE COUNT.

34 C. A DEPOSIT INITIATOR OR DISTRIBUTOR SHALL PICK UP EMPTY BEVERAGE  
35 CONTAINERS AT REASONABLE TIMES AND INTERVALS AS DETERMINED IN RULES OR  
36 REGULATIONS PROMULGATED BY THE DEPARTMENT.

37 9. NO PERSON SHALL RETURN OR ASSIST ANOTHER TO RETURN TO A DEALER OR  
38 REDEMPTION CENTER AN EMPTY BEVERAGE CONTAINER FOR ITS REFUND VALUE IF  
39 SUCH CONTAINER HAD PREVIOUSLY BEEN ACCEPTED FOR REDEMPTION BY A DEALER,  
40 REDEMPTION CENTER, OR DEPOSIT INITIATOR WHO INITIATES DEPOSITS ON BEVER-  
41 AGE CONTAINERS OF THE SAME BRAND.

42 10. A REDEEMER, DEALER, DISTRIBUTOR OR REDEMPTION CENTER SHALL NOT  
43 KNOWINGLY REDEEM AN EMPTY BEVERAGE CONTAINER ON WHICH A DEPOSIT WAS  
44 NEVER PAID.

45 11. NOTWITHSTANDING THE PROVISIONS OF SECTION 27-1009 OF THIS TITLE, A  
46 DEPOSIT INITIATOR OR DISTRIBUTOR SHALL ACCEPT AND REDEEM BEVERAGE  
47 CONTAINERS AS PROVIDED IN THIS TITLE, IF THE DEALER OR OPERATOR OF A  
48 REDEMPTION CENTER SHALL HAVE ACCEPTED AND PAID THE REFUND VALUE OF SUCH  
49 BEVERAGE CONTAINERS.

50 S 5. Section 27-1009 of the environmental conservation law, as added  
51 by chapter 200 of the laws of 1982, is amended to read as follows:

52 S 27-1009. Refusal of acceptance.

53 1. A dealer or operator of a redemption center may refuse to accept  
54 from a redeemer, and a [distributor] DEPOSIT INITIATOR may refuse to  
55 accept from a dealer or operator of a redemption center any empty bever-

age container which does not state thereon a refund value as established by section 27-1005 and provided by section 27-1011 of this title.

2. A dealer or operator of a redemption center may also refuse to accept any broken bottle, corroded or dismembered can, or any beverage container which contains a significant amount of foreign material, as determined in rules and regulations to be promulgated by the commissioner. [Notwithstanding the provisions of this subdivision, a distributor shall accept beverage containers as provided in subdivision two of section 27-1007 of this title, if the dealer shall have accepted and paid the refund value of such beverage containers.]

S 6. Subdivision 2 of section 27-1011 of the environmental conservation law is REPEALED.

S 6-a. Subdivisions 3 and 4 of section 27-1011 of the environmental conservation law are renumbered subdivisions 2 and 3.

S 7. The environmental conservation law is amended by adding a new section 27-1012 to read as follows:

S 27-1012. DEPOSIT AND DISPOSITION OF REFUND VALUES; REGISTRATION.

1. EACH DEPOSIT INITIATOR SHALL DEPOSIT IN A REFUND VALUE ACCOUNT AN AMOUNT EQUAL TO THE REFUND VALUE REQUIRED TO BE INITIATED UNDER SECTION 27-1005 OF THIS TITLE WHICH IS RECEIVED WITH RESPECT TO EACH BEVERAGE CONTAINER SOLD BY SUCH DEPOSIT INITIATOR. SUCH DEPOSIT INITIATOR SHALL HOLD SUCH AMOUNTS IN TRUST FOR THE STATE. A REFUND VALUE ACCOUNT SHALL BE AN INTEREST-BEARING ACCOUNT ESTABLISHED IN A BANKING INSTITUTION LOCATED IN THIS STATE, THE DEPOSITS IN WHICH ARE INSURED BY AN AGENCY OF THE FEDERAL GOVERNMENT. DEPOSITS OF SUCH AMOUNTS SHALL BE MADE NOT LESS FREQUENTLY THAN EVERY FIVE BUSINESS DAYS. ALL INTEREST, DIVIDENDS AND RETURNS EARNED ON THE ACCOUNT SHALL BE PAID DIRECTLY INTO SAID ACCOUNT. SUCH MONIES SHALL BE KEPT SEPARATE AND APART FROM ALL OTHER MONEYS IN THE POSSESSION OF THE DEPOSIT INITIATOR. THE COMMISSIONER OF TAXATION AND FINANCE MAY SPECIFY A SYSTEM OF ACCOUNTS AND RECORDS TO BE MAINTAINED WITH RESPECT TO ACCOUNTS ESTABLISHED UNDER THIS SUBDIVISION.

2. PAYMENTS OF REFUND VALUES PURSUANT TO SECTION 27-1007 OF THIS TITLE SHALL BE PAID FROM EACH DEPOSIT INITIATOR'S REFUND VALUE ACCOUNT. NO OTHER PAYMENT OR WITHDRAWAL FROM SUCH ACCOUNT MAY BE MADE EXCEPT AS PRESCRIBED BY THIS SECTION.

3. EACH DEPOSIT INITIATOR SHALL FILE QUARTERLY REPORTS WITH THE COMMISSIONER OF TAXATION AND FINANCE ON A FORM AND IN THE MANNER PRESCRIBED BY SUCH COMMISSIONER. THE COMMISSIONER OF TAXATION AND FINANCE MAY REQUIRE SUCH REPORTS TO BE FILED ELECTRONICALLY. THE QUARTERLY REPORTS REQUIRED BY THIS SUBDIVISION SHALL BE FILED FOR THE QUARTERLY PERIODS ENDING ON THE LAST DAY OF MAY, AUGUST, NOVEMBER AND FEBRUARY OF EACH YEAR, AND EACH SUCH REPORT SHALL BE FILED WITHIN TWENTY DAYS AFTER THE END OF THE QUARTERLY PERIOD COVERED THEREBY. EACH SUCH REPORT SHALL INCLUDE, IN ADDITION TO ANY OTHER INFORMATION SUCH COMMISSIONER SHALL DETERMINE APPROPRIATE, THE FOLLOWING INFORMATION:

A. THE BALANCE IN THE REFUND VALUE ACCOUNT AT THE BEGINNING OF THE QUARTER FOR WHICH THE REPORT IS PREPARED;

B. ALL SUCH DEPOSITS CREDITED TO SUCH ACCOUNT AND ALL INTEREST, DIVIDENDS OR RETURNS RECEIVED ON SUCH ACCOUNT, DURING SUCH QUARTER;

C. ALL WITHDRAWALS FROM SUCH ACCOUNT, DURING SUCH QUARTER, INCLUDING ALL REIMBURSEMENTS PAID PURSUANT TO SUBDIVISION TWO OF THIS SECTION, ALL SERVICE CHARGES ON THE ACCOUNT, AND ALL PAYMENTS MADE PURSUANT TO SUBDIVISION FOUR OF THIS SECTION; AND

D. THE BALANCE IN SUCH ACCOUNT AT THE CLOSE OF SUCH QUARTER.

4. A. QUARTERLY PAYMENTS. AN AMOUNT EQUAL TO THE BALANCE OUTSTANDING IN THE REFUND VALUE ACCOUNT AT THE CLOSE OF EACH QUARTER SHALL BE PAID

1 TO THE COMMISSIONER OF TAXATION AND FINANCE AT THE TIME THE REPORT  
2 PROVIDED FOR IN SUBDIVISION THREE OF THIS SECTION IS REQUIRED TO BE  
3 FILED. IF THE PROVISIONS OF THIS SECTION WITH RESPECT TO SUCH ACCOUNT  
4 HAVE NOT BEEN FULLY COMPLIED WITH, EACH DEPOSIT INITIATOR SHALL PAY TO  
5 SUCH COMMISSIONER AT SUCH TIME, IN LIEU OF THE AMOUNT DESCRIBED IN THE  
6 PRECEDING SENTENCE, AN AMOUNT EQUAL TO THE BALANCE WHICH WOULD HAVE BEEN  
7 OUTSTANDING ON SUCH DATE HAD SUCH PROVISIONS BEEN FULLY COMPLIED WITH.

8 B. REFUND VALUE ACCOUNT SHORTFALL. IN THE EVENT A DEPOSIT INITIATOR  
9 PAYS OUT MORE IN REFUND VALUES THAN IT COLLECTS IN DEPOSITS OF REFUND  
10 VALUES DURING THE COURSE OF A QUARTERLY PERIOD AS DESCRIBED IN SUBDIVI-  
11 SION THREE OF THIS SECTION, THE DEPOSIT INITIATOR MAY APPLY TO THE  
12 COMMISSIONER OF TAXATION AND FINANCE FOR A REFUND OF THE AMOUNT OF SUCH  
13 EXCESS PAYMENT OF REFUND VALUES FROM SOURCES OTHER THAN THE REFUND VALUE  
14 ACCOUNT, IN THE MANNER AS PROVIDED BY THE COMMISSIONER OF TAXATION AND  
15 FINANCE. SUCH REFUND SHALL BE PAID OUT OF THE ENVIRONMENTAL PROTECTION  
16 FUND CREATED PURSUANT TO SECTION NINETY-TWO-S OF THE STATE FINANCE LAW.

17 C. FINAL REPORT. A DEPOSIT INITIATOR WHO CEASES TO DO BUSINESS IN THIS  
18 STATE AS A DEPOSIT INITIATOR, SHALL FILE A FINAL REPORT AND REMIT  
19 PAYMENT OF ALL AMOUNTS IN THE REFUND VALUE ACCOUNT AS OF THE CLOSE OF  
20 THE DEPOSIT INITIATOR'S LAST DAY OF BUSINESS. THE DEPOSIT INITIATOR  
21 SHALL INDICATE ON THE REPORT THAT IT IS A "FINAL REPORT". THE FINAL  
22 REPORT IS DUE TO BE FILED WITH PAYMENT TWENTY DAYS AFTER THE CLOSE OF  
23 THE QUARTERLY PERIOD IN WHICH THE DEPOSIT INITIATOR CEASES TO DO BUSI-  
24 NESS. IN THE EVENT THE DEPOSIT INITIATOR PAYS OUT MORE IN REFUND VALUES  
25 THAN IT COLLECTS IN SUCH FINAL QUARTERLY PERIOD, THE DEPOSIT INITIATOR  
26 MAY APPLY TO THE COMMISSIONER OF TAXATION AND FINANCE FOR A REFUND OF  
27 THE AMOUNT OF SUCH EXCESS PAYMENT OF REFUND VALUES FROM SOURCES OTHER  
28 THAN THE REFUND VALUE ACCOUNT, IN THE MANNER AS PROVIDED BY THE COMMIS-  
29 SIONER OF TAXATION AND FINANCE. SUCH REFUND SHALL BE PAID OUT OF THE  
30 ENVIRONMENTAL PROTECTION FUND CREATED PURSUANT TO SECTION NINETY-TWO-S  
31 OF THE STATE FINANCE LAW.

32 5. ALL MONEYS COLLECTED OR RECEIVED BY THE DEPARTMENT OF TAXATION AND  
33 FINANCE PURSUANT TO THIS TITLE SHALL BE DEPOSITED TO THE CREDIT OF THE  
34 COMPTROLLER WITH SUCH RESPONSIBLE BANKS, BANKING HOUSES OR TRUST COMPA-  
35 NIES AS MAY BE DESIGNATED BY THE COMPTROLLER. SUCH DEPOSITS SHALL BE  
36 KEPT SEPARATE AND APART FROM ALL OTHER MONEYS IN THE POSSESSION OF THE  
37 COMPTROLLER. THE COMPTROLLER SHALL REQUIRE ADEQUATE SECURITY FROM ALL  
38 SUCH DEPOSITORIES. THE COMPTROLLER SHALL PAY ALL AMOUNTS SO DEPOSITED BY  
39 THE DEPARTMENT OF TAXATION AND FINANCE, INCLUDING INTEREST AND PENALTIES  
40 RECEIVED UNDER THIS SECTION, INTO THE ENVIRONMENTAL PROTECTION FUND.

41 6. THE COMMISSIONER AND THE COMMISSIONER OF TAXATION AND FINANCE SHALL  
42 PROMULGATE, AND SHALL CONSULT EACH OTHER IN PROMULGATING, SUCH RULES AND  
43 REGULATIONS AS MAY BE NECESSARY OR DESIRABLE TO EFFECTUATE THE PURPOSES  
44 OF THIS TITLE. THE COMMISSIONER AND THE COMMISSIONER OF TAXATION AND  
45 FINANCE SHALL PROVIDE ALL NECESSARY AID AND ASSISTANCE TO EACH OTHER,  
46 INCLUDING THE SHARING OF ANY INFORMATION THAT IS NECESSARY TO THEIR  
47 RESPECTIVE ADMINISTRATION AND ENFORCEMENT RESPONSIBILITIES PURSUANT TO  
48 THE PROVISIONS OF THIS TITLE.

49 7. A. ANY PERSON WHO IS A DEPOSIT INITIATOR UNDER THIS TITLE ON OR  
50 BEFORE SEPTEMBER FIRST, TWO THOUSAND NINE, SHALL APPLY TO THE COMMIS-  
51 SIONER OF TAXATION AND FINANCE FOR REGISTRATION AS A DEPOSIT INITIATOR.  
52 SUCH APPLICATIONS MAY BE SUBMITTED ON AND AFTER SEPTEMBER FIRST, TWO  
53 THOUSAND NINE. ANY PERSON WHO BECOMES A DEPOSIT INITIATOR AFTER SUCH  
54 DATE SHALL APPLY FOR REGISTRATION AT LEAST TWENTY DAYS PRIOR TO COLLECT-  
55 ING ANY DEPOSITS AS SUCH A DEPOSIT INITIATOR. SUCH APPLICATION SHALL BE  
56 IN A FORM PRESCRIBED BY THE COMMISSIONER OF TAXATION AND FINANCE AND



1 SHALL REQUIRE SUCH INFORMATION DEEMED TO BE NECESSARY FOR PROPER ADMIN-  
2 ISTRATION OF THIS TITLE. THE COMMISSIONER OF TAXATION AND FINANCE SHALL  
3 ISSUE A DEPOSIT INITIATOR REGISTRATION CERTIFICATE WITHIN FIFTEEN DAYS  
4 OF RECEIPT OF SUCH APPLICATION OR MAY TAKE AN ADDITIONAL TEN DAYS IF THE  
5 COMMISSIONER OF TAXATION AND FINANCE DEEMS IT NECESSARY TO CONSULT WITH  
6 THE COMMISSIONER BEFORE ISSUING SUCH REGISTRATION CERTIFICATE. A REGIS-  
7 TRATION CERTIFICATE ISSUED PURSUANT TO THIS SUBDIVISION MAY BE ISSUED  
8 FOR A SPECIFIED TERM OF NOT LESS THAN THREE YEARS AND SHALL BE SUBJECT  
9 TO RENEWAL IN ACCORDANCE WITH PROCEDURES SPECIFIED BY THE COMMISSIONER  
10 OF TAXATION AND FINANCE. THE COMMISSIONER OF TAXATION AND FINANCE SHALL  
11 FURNISH TO THE COMMISSIONER A COMPLETE LIST OF REGISTERED DEPOSIT INITI-  
12 ATORS AND SHALL CONTINUALLY UPDATE SUCH LIST AS WARRANTED. THE COMMIS-  
13 SIONER SHALL SHARE ANY INFORMATION WITH THE COMMISSIONER OF TAXATION AND  
14 FINANCE THAT IS NECESSARY FOR THE ADMINISTRATION OF THIS SUBDIVISION.

15 B. THE COMMISSIONER OF TAXATION AND FINANCE SHALL HAVE THE AUTHORITY  
16 TO REVOKE OR REFUSE TO RENEW ANY REGISTRATION ISSUED PURSUANT TO THIS  
17 SUBDIVISION WHEN IT HAS BEEN DETERMINED BY THE COMMISSIONER OF TAXATION  
18 AND FINANCE OR SUCH COMMISSIONER HAS BEEN INFORMED BY THE COMMISSIONER  
19 THAT ANY OF THE PROVISIONS OF THIS TITLE OR RULES AND REGULATIONS  
20 PROMULGATED THEREUNDER HAVE BEEN VIOLATED. SUCH VIOLATIONS SHALL  
21 INCLUDE, BUT NOT BE LIMITED TO, THE FAILURE TO FILE QUARTERLY REPORTS,  
22 THE FAILURE TO MAKE PAYMENTS PURSUANT TO THIS SUBDIVISION, THE PROVIDING  
23 OF FALSE OR FRAUDULENT INFORMATION TO EITHER THE DEPARTMENT OF TAXATION  
24 AND FINANCE OR THE DEPARTMENT, OR KNOWINGLY AIDING OR ABETTING ANOTHER  
25 PERSON IN VIOLATING ANY OF THE PROVISIONS OF THIS TITLE. A NOTICE OF  
26 PROPOSED REVOCATION OR NON-RENEWAL SHALL BE GIVEN TO THE DEPOSIT INITI-  
27 ATOR IN THE MANNER PRESCRIBED FOR A NOTICE OF DEFICIENCY OF TAX AND ALL  
28 THE PROVISIONS APPLICABLE TO A NOTICE OF DEFICIENCY UNDER ARTICLE TWEN-  
29 TY-SEVEN OF THE TAX LAW SHALL APPLY TO A NOTICE ISSUED PURSUANT TO THIS  
30 PARAGRAPH, INsofar AS SUCH PROVISIONS CAN BE MADE APPLICABLE TO A NOTICE  
31 AUTHORIZED BY THIS PARAGRAPH, WITH SUCH MODIFICATIONS AS MAY BE NECES-  
32 SARY IN ORDER TO ADAPT THE LANGUAGE OF SUCH PROVISIONS TO THE NOTICE  
33 AUTHORIZED BY THIS PARAGRAPH. ALL SUCH NOTICES ISSUED BY THE COMMISSION-  
34 ER OF TAXATION AND FINANCE PURSUANT TO THIS PARAGRAPH SHALL CONTAIN A  
35 STATEMENT ADVISING THE DEPOSIT INITIATOR THAT THE REVOCATION OR NON-RE-  
36 NEWAL OF REGISTRATION MAY BE CHALLENGED THROUGH A HEARING PROCESS AND  
37 THE PETITION FOR SUCH A CHALLENGE MUST BE FILED WITH THE COMMISSIONER OF  
38 TAXATION AND FINANCE WITHIN NINETY DAYS AFTER SUCH NOTICE IS ISSUED. A  
39 DEPOSIT INITIATOR WHOSE REGISTRATION HAS BEEN SO REVOKED OR NOT RENEWED  
40 SHALL DISCONTINUE TO DO BUSINESS AS A DEPOSIT INITIATOR IN THIS STATE,  
41 UNTIL THIS TITLE HAS BEEN COMPLIED WITH AND A NEW REGISTRATION HAS BEEN  
42 ISSUED. ANY DEPOSIT INITIATOR WHOSE REGISTRATION HAS BEEN SO REVOKED MAY  
43 NOT APPLY FOR REGISTRATION FOR TWO YEARS FROM THE DATE SUCH REVOCATION  
44 TAKES EFFECT.

45 8. THE COMMISSIONER OF TAXATION AND FINANCE MAY REQUIRE THE MAINTEN-  
46 NANCE OF SUCH ACCOUNTS, RECORDS OR DOCUMENTS RELATING TO THE SALE OF  
47 BEVERAGE CONTAINERS, BY ANY BEVERAGE MANUFACTURER, DISTRIBUTOR, DEALER  
48 OR REDEMPTION CENTER AS SUCH COMMISSIONER MAY DEEM APPROPRIATE FOR THE  
49 ADMINISTRATION OF THIS SECTION. SUCH COMMISSIONER MAY MAKE EXAMINATIONS,  
50 INCLUDING THE CONDUCT OF FACILITY INSPECTIONS DURING REGULAR BUSINESS  
51 HOURS, WITH RESPECT TO THE ACCOUNTS, RECORDS OR DOCUMENTS REQUIRED TO BE  
52 MAINTAINED UNDER THIS SUBDIVISION. SUCH ACCOUNTS, RECORDS AND DOCUMENTS  
53 SHALL BE PRESERVED FOR A PERIOD OF THREE YEARS, EXCEPT THAT SUCH COMMIS-  
54 SIONER MAY CONSENT TO THEIR DESTRUCTION WITHIN THAT PERIOD OR MAY  
55 REQUIRE THAT THEY BE KEPT LONGER. SUCH ACCOUNTS, RECORDS AND DOCUMENTS  
56 MAY BE KEPT WITHIN THE MEANING OF THIS SUBDIVISION WHEN REPRODUCED BY

1 ANY PHOTOGRAPHIC, PHOTOSTATIC, MICROFILM, MICRO-CARD, MINIATURE PHOTO-  
2 GRAPHIC OR OTHER PROCESS WHICH ACTUALLY REPRODUCES THE ORIGINAL  
3 ACCOUNTS, RECORDS OR DOCUMENTS.

4 9. A. ANY PERSON REQUIRED TO BE REGISTERED UNDER THIS SECTION WHO,  
5 WITHOUT BEING SO REGISTERED, MAKES SALES OF OR OFFERS FOR SALE BEVERAGE  
6 CONTAINERS IN THIS STATE, IN ADDITION TO ANY OTHER PENALTY IMPOSED BY  
7 THIS TITLE, SHALL BE SUBJECT TO A PENALTY TO BE ASSESSED BY THE COMMIS-  
8 SIONER IN AN AMOUNT NOT EXCEEDING FIVE HUNDRED DOLLARS FOR THE FIRST DAY  
9 ON WHICH SUCH SALES OR OFFERS FOR SALE ARE MADE, PLUS AN AMOUNT NOT  
10 EXCEEDING FIVE HUNDRED DOLLARS FOR EACH SUBSEQUENT DAY ON WHICH SUCH  
11 SALES ARE MADE, NOT TO EXCEED TWENTY-FIVE THOUSAND DOLLARS IN THE AGGRE-  
12 GATE.

13 B. ANY DEPOSIT INITIATOR WHO FAILS TO MAINTAIN ACCOUNTS OR RECORDS  
14 PURSUANT TO THIS SECTION, UNLESS IT IS SHOWN THAT SUCH FAILURE WAS DUE  
15 TO REASONABLE CAUSE AND NOT DUE TO NEGLIGENCE OR WILLFUL NEGLECT, IN  
16 ADDITION TO ANY OTHER PENALTY IMPOSED BY THIS TITLE, SHALL BE SUBJECT TO  
17 A PENALTY TO BE ASSESSED BY THE COMMISSIONER OF TAXATION AND FINANCE OF  
18 NOT MORE THAN ONE THOUSAND DOLLARS FOR EACH QUARTER DURING WHICH SUCH  
19 FAILURE OCCURRED, AND AN ADDITIONAL PENALTY OF NOT MORE THAN ONE THOU-  
20 SAND DOLLARS FOR EACH QUARTER SUCH FAILURE CONTINUES.

21 10. THE PROVISIONS OF ARTICLE TWENTY-SEVEN OF THE TAX LAW SHALL APPLY  
22 TO THE PROVISIONS OF THIS TITLE FOR WHICH THE COMMISSIONER OF TAXATION  
23 AND FINANCE IS RESPONSIBLE, INCLUDING COLLECTION OF REFUND VALUE  
24 AMOUNTS, IN THE SAME MANNER AND WITH THE SAME FORCE AND EFFECT AS IF THE  
25 LANGUAGE OF SUCH ARTICLE HAD BEEN INCORPORATED IN FULL INTO THIS SECTION  
26 EXCEPT TO THE EXTENT THAT ANY PROVISION OF SUCH ARTICLE IS EITHER INCON-  
27 SISTENT WITH A PROVISION OF THIS SECTION OR IS NOT RELEVANT TO THIS  
28 SECTION AS DETERMINED BY THE COMMISSIONER OF TAXATION AND FINANCE.  
29 FURTHERMORE, FOR PURPOSES OF APPLYING THE PROVISIONS OF ARTICLE TWENTY-  
30 SEVEN OF THE TAX LAW, WHERE THE TERMS "TAX" AND "TAXES" APPEAR IN SUCH  
31 ARTICLE, SUCH TERMS SHALL BE CONSTRUED TO MEAN "REFUND VALUE" OR  
32 "BALANCE IN THE REFUND VALUE ACCOUNT".

33 11. IF ANY DEPOSIT INITIATOR FAILS OR REFUSES TO FILE A REPORT OR  
34 FURNISH ANY INFORMATION REQUESTED IN WRITING BY THE DEPARTMENT OF TAXA-  
35 TION AND FINANCE OR THE DEPARTMENT, THE DEPARTMENT OF TAXATION AND  
36 FINANCE WITH THE ASSISTANCE OF THE DEPARTMENT MAY, FROM ANY INFORMATION  
37 IN ITS POSSESSION, MAKE AN ESTIMATE OF THE DEFICIENCY AND COLLECT SUCH  
38 DEFICIENCY FROM SUCH DEPOSIT INITIATOR.

39 12. EACH DEPOSIT INITIATOR SHALL REGISTER THE CONTAINER LABEL OF ANY  
40 BEVERAGE OFFERED FOR SALE IN THE STATE ON WHICH IT INITIATES A DEPOSIT.  
41 ANY SUCH REGISTERED CONTAINER LABEL SHALL BEAR A UNIVERSAL PRODUCT CODE.  
42 SUCH UNIVERSAL PRODUCT CODE SHALL BE NEW YORK STATE SPECIFIC, IN ORDER  
43 TO IDENTIFY THE BEVERAGE CONTAINER AS OFFERED FOR SALE EXCLUSIVELY IN  
44 NEW YORK STATE, AND AS A MEANS OF PREVENTING ILLEGAL REDEMPTION OF  
45 BEVERAGE CONTAINERS PURCHASED OUT-OF-STATE. REGISTRATION MUST BE ON  
46 FORMS AS PRESCRIBED BY THE DEPARTMENT AND MUST INCLUDE THE UNIVERSAL  
47 PRODUCT CODE FOR EACH COMBINATION OF BEVERAGE AND CONTAINER MANUFAC-  
48 TURED. THE DEPOSIT INITIATOR SHALL RENEW A LABEL REGISTRATION WHENEVER  
49 THAT LABEL IS REVISED BY ALTERING THE UNIVERSAL PRODUCT CODE OR WHENEVER  
50 THE CONTAINER ON WHICH IT APPEARS IS CHANGED IN SIZE, COMPOSITION OR  
51 GLASS COLOR.

52 S 8. Section 27-1013 of the environmental conservation law, as amended  
53 by chapter 149 of the laws of 1983, is amended to read as follows:

54 S 27-1013. Redemption centers.

55 The commissioner is hereby empowered to promulgate rules and regu-  
56 lations governing (1) the circumstances in which dealers and distribu-

tors, individually or collectively, are required to accept the return of empty beverage containers, and make payment therefor; (2) the sorting of the containers which a DEPOSIT INITIATOR OR distributor may require of dealers and redemption centers; (3) the [pick up] COLLECTION of returned beverage containers by DEPOSIT INITIATORS OR distributors, including the party to whom such expense is to be charged, the frequency of such pick ups and the payment for refunds and handling fees thereon; (4) the right of dealers to restrict or limit the number of containers redeemed, the rules for redemption at the dealers' place of business, and the redemption of containers from a beverage for which sales have been discontinued, and to issue permits to persons, firms or corporations which establish redemption centers, subject to applicable provisions of local and state laws, at which redeemers and dealers may return empty beverage containers and receive payment of the refund value of such beverage containers. No dealer or distributor, as defined in section 27-1003 OF THIS TITLE, shall be required to obtain a permit to operate a redemption center at the same location as the dealer's or distributor's place of business. Operators of such redemption centers shall receive payment of the refund value of each beverage container from the appropriate manufacturer or distributor as provided under [sections] SECTION 27-1007 [and 27-1009] of this title.

S 9. Section 27-1014 of the environmental conservation law, as added by chapter 149 of the laws of 1983, is amended to read as follows:

S 27-1014. [Limitation on] AUTHORITY TO PROMULGATE rules and regulations.

In addition to the authority of the commissioner, under sections 27-1009 and 27-1013 of this title, the commissioner shall [only have the power to promulgate rules and regulations governing the initiation of deposits, sale of beverages in containers through vending machines and for on-premises consumption, record keeping, refunding for refillable beverage containers, embossing, imprinting or labeling of refund values and enforcement of the provisions of this section and sections 27-1009 and 27-1013 of this title] HAVE THE POWER TO PROMULGATE RULES AND REGULATIONS necessary and appropriate to the [implementation] ADMINISTRATION of this title.

S 10. Section 27-1015 of the environmental conservation law, as added by chapter 200 of the laws of 1982 and subdivision 1 as designated and subdivision 2 as added by chapter 149 of the laws of 1983, is amended to read as follows:

S 27-1015. Violations.

1. A violation of this title, EXCEPT AS PROVIDED IN SUBDIVISION FOUR OF THIS SECTION AND SECTION 27-1012 OF THIS TITLE, shall be a public nuisance. In addition, EXCEPT AS PROVIDED IN SUBDIVISIONS TWO AND FOUR OF THIS SECTION AND SECTION 27-1012 OF THIS TITLE, any person who shall violate any provision of this title shall be liable TO THE STATE OF NEW YORK for a civil penalty of not more than five hundred dollars, and an additional civil penalty of not more than five hundred dollars for each day during which each such violation continues. Any civil penalty may be assessed following a hearing or opportunity to be heard.

2. ANY DISTRIBUTOR OR DEPOSIT INITIATOR WHO VIOLATES ANY PROVISION OF THIS TITLE EXCEPT AS PROVIDED IN SECTION 27-1012 OF THIS TITLE, SHALL BE LIABLE TO THE STATE OF NEW YORK FOR A CIVIL PENALTY OF NOT MORE THAN ONE THOUSAND DOLLARS, AND AN ADDITIONAL CIVIL PENALTY OF NOT MORE THAN ONE THOUSAND DOLLARS FOR EACH DAY DURING WHICH EACH SUCH VIOLATION CONTINUES. ANY CIVIL PENALTY MAY BE ASSESSED FOLLOWING A HEARING OR OPPORTUNITY TO BE HEARD.

1 3. It shall be unlawful for a distributor OR DEPOSIT INITIATOR, acting  
2 alone or aided by another, to return ANY empty beverage [containers]  
3 CONTAINER to a dealer or redemption center for [their] ITS refund value  
4 if the distributor OR DEPOSIT INITIATOR had previously accepted such  
5 beverage [containers] CONTAINER from any dealer or operator of a redemp-  
6 tion center. A violation of this subdivision shall be a misdemeanor  
7 punishable by a fine of not less than five hundred dollars nor more than  
8 one thousand dollars and an amount equal to two times the amount of  
9 money received as a result of such violation.

10 4. ANY PERSON WHO WILFULLY TENDERS TO A DEALER, DISTRIBUTOR, REDEMP-  
11 TION CENTER OR BOTTLER MORE THAN FORTY-EIGHT EMPTY BEVERAGE CONTAINERS  
12 THAT SUCH PERSON KNOWS OR REASONABLY SHOULD KNOW WERE NOT ORIGINALLY  
13 SOLD IN THIS STATE AS FILLED BEVERAGE CONTAINERS MAY BE ASSESSED BY THE  
14 DEPARTMENT A CIVIL PENALTY OF UP TO ONE HUNDRED DOLLARS FOR EACH  
15 CONTAINER OR UP TO TWENTY-FIVE THOUSAND DOLLARS FOR EACH SUCH TENDER OF  
16 CONTAINERS. AT EACH LOCATION WHERE A PERSON TENDERS CONTAINERS FOR  
17 REDEMPTION, DEALERS AND REDEMPTION CENTERS MUST CONSPICUOUSLY DISPLAY A  
18 SIGN IN LETTERS THAT ARE AT LEAST ONE INCH IN HEIGHT WITH THE FOLLOWING  
19 INFORMATION: "WARNING: PERSONS TENDERING CONTAINERS FOR REDEMPTION THAT  
20 WERE NOT ORIGINALLY PURCHASED IN THIS STATE MAY BE SUBJECT TO A CIVIL  
21 PENALTY OF UP TO ONE HUNDRED DOLLARS PER CONTAINER OR UP TO TWENTY-FIVE  
22 THOUSAND DOLLARS FOR EACH SUCH TENDER OF CONTAINERS." ANY CIVIL PENALTY  
23 MAY BE ASSESSED FOLLOWING A HEARING OR OPPORTUNITY TO BE HEARD.

24 5. THE DEPARTMENT, THE DEPARTMENT OF TAXATION AND FINANCE AND THE  
25 ATTORNEY GENERAL ARE HEREBY AUTHORIZED TO ENFORCE THE PROVISIONS OF THIS  
26 TITLE. IN ADDITION, THE PROVISIONS OF SECTION 27-1005 OF THIS TITLE AND  
27 SUBDIVISIONS ONE, TWO, THREE, FOUR, FIVE, TEN AND ELEVEN OF SECTION  
28 27-1007 OF THIS TITLE MAY BE ENFORCED BY A CITY, TOWN OR VILLAGE AND THE  
29 LOCAL LEGISLATIVE BODY THEREOF MAY ADOPT LOCAL LAWS, ORDINANCES OR REGU-  
30 LATIONS CONSISTENT WITH THIS TITLE PROVIDING FOR THE ENFORCEMENT OF SUCH  
31 PROVISIONS.

32 S 11. The environmental conservation law is amended by adding a new  
33 section 27-1016 to read as follows:

34 S 27-1016. PUBLIC EDUCATION.

35 THE COMMISSIONER SHALL ESTABLISH A PUBLIC EDUCATION PROGRAM TO DISSEM-  
36 INATE INFORMATION REGARDING IMPLEMENTATION OF THIS TITLE. SUCH INFORMA-  
37 TION SHALL INCLUDE, BUT NOT BE LIMITED TO, PUBLICATION OF THE NEW YORK  
38 BOTTLE BILL OF RIGHTS AS SPECIFIED IN SUBDIVISION TWO OF SECTION 27-1007  
39 OF THIS TITLE; PUBLICATION OF INFORMATION SPECIFYING THE PROCEDURES  
40 NECESSARY TO ESTABLISH A REDEMPTION CENTER AS PROVIDED IN SECTION  
41 27-1013 OF THIS TITLE, INCLUDING INFORMATION REGARDING FINANCIAL ASSIST-  
42 ANCE AVAILABLE FOR THE ESTABLISHMENT OF REDEMPTION CENTERS AS PROVIDED  
43 IN SECTION 27-1019 OF THIS TITLE; PUBLICATION OF INFORMATION DELINEATING  
44 THE RELEVANT RIGHTS AND RESPONSIBILITIES OF THE DEPOSIT INITIATORS,  
45 DISTRIBUTORS, DEALERS, REDEMPTION CENTERS AND REDEEMERS UNDER THE  
46 PROVISIONS OF THIS TITLE; PUBLICATION OF INFORMATION REGARDING THE  
47 REQUIREMENT THAT DEPOSIT INITIATORS REGISTER WITH THE DEPARTMENT OF  
48 TAXATION AND FINANCE; AND PUBLICATION OF INFORMATION ON THE GENERAL  
49 BENEFITS OF RECYCLING.

50 S 12. Section 27-1017 of the environmental conservation law, as added  
51 by chapter 200 of the laws of 1982, is amended to read as follows:

52 S 27-1017. Local beverage container laws.

53 The provisions of this title shall not be construed so as to limit in  
54 any way the authority of political subdivisions of the state HAD to  
55 enact, implement and enforce local beverage container control laws prior  
56 to but not after the effective date of [this title] THE NEW YORK STATE

1 RETURNABLE CONTAINER ACT. NOTHING IN THIS SECTION SHALL LIMIT THE  
2 AUTHORITY OF POLITICAL SUBDIVISIONS OF THE STATE TO ENFORCE THE  
3 PROVISIONS OF THIS TITLE THAT PERTAIN TO THE OBLIGATIONS AND RESPONSI-  
4 BILITIES OF SUCH POLITICAL SUBDIVISION.

5 S 13. The environmental conservation law is amended by adding a new  
6 section 27-1018 to read as follows:

7 S 27-1018. RETURNABLE CONTAINER ACT ADVISORY BOARD.

8 1. THERE IS HEREBY CREATED THE "RETURNABLE CONTAINER ACT ADVISORY  
9 BOARD," REFERRED TO HEREFTER AS THE BOARD. SUCH BOARD SHALL CONSIST OF  
10 THIRTEEN MEMBERS WHICH SHALL INCLUDE THE COMMISSIONER, THE COMMISSIONER  
11 OF ECONOMIC DEVELOPMENT, THE COMMISSIONER OF TAXATION AND FINANCE, THE  
12 ATTORNEY GENERAL, FOUR MEMBERS APPOINTED BY THE GOVERNOR, ONE MEMBER  
13 APPOINTED BY THE GOVERNOR ON THE RECOMMENDATION OF THE MAYOR OF THE CITY  
14 OF NEW YORK, TWO MEMBERS APPOINTED BY THE GOVERNOR ON THE RECOMMENDATION  
15 OF THE TEMPORARY PRESIDENT OF THE SENATE, AND TWO MEMBERS APPOINTED BY  
16 THE GOVERNOR ON THE RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY. EACH  
17 EX OFFICIO MEMBER OF THE BOARD MAY DESIGNATE A REPRESENTATIVE TO ATTEND  
18 MEETINGS OF THE BOARD AND ACT ON HIS OR HER BEHALF.

19 2. THE COMMISSIONER, OR HIS OR HER DESIGNEE, SHALL SERVE AS THE CHAIR  
20 OF THE BOARD.

21 3. THE MEMBERS OF THE BOARD SHALL RECEIVE NO COMPENSATION FOR THEIR  
22 SERVICES, BUT SHALL BE ALLOWED THEIR ACTUAL AND NECESSARY EXPENSES  
23 INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

24 4. THE BOARD SHALL, AT A MINIMUM, HAVE THE DUTY AND RESPONSIBILITY TO:

25 (A) SERVE AS A WORKING FORUM FOR THE EXCHANGE OF VIEWS, CONCERNS,  
26 IDEAS, INFORMATION AND RECOMMENDATIONS RELATING TO ADMINISTRATION OF  
27 THIS TITLE;

28 (B) REQUEST THE ATTENDANCE AT ANY MEETING OF THE BOARD OF SUCH PERSON-  
29 NEL OF THE DEPARTMENT OR OF OTHER STATE AGENCIES OR AUTHORITIES, AS MAY  
30 BE NECESSARY TO PROVIDE INFORMATION AND OTHERWISE ASSIST THE BOARD AND  
31 REQUEST SUCH INFORMATION FROM THE DEPARTMENT OR OTHER STATE AGENCIES OR  
32 AUTHORITIES AS THE BOARD MAY REQUIRE IN FULFILLING ITS RESPONSIBILITY  
33 UNDER THIS SECTION;

34 (C) MONITOR, REVIEW AND MAKE RECOMMENDATIONS CONCERNING THE OBJEC-  
35 TIVES, METHODS AND STRATEGIES OF THE DEPARTMENT AND OTHER STATE AGENCIES  
36 IN IMPLEMENTING AND PURSUING PROGRAMS DESIGNED TO MEET THE OBJECTIVES OF  
37 THIS TITLE;

38 (D) REQUEST AND RECEIVE, UPON REASONABLE NOTICE, REPORTS FROM THE  
39 DEPARTMENT AND OTHER STATE AGENCIES AND PUBLIC AUTHORITIES CONCERNING  
40 THE IMPLEMENTATION OF THIS TITLE;

41 (E) MAKE RECOMMENDATIONS TO THE GOVERNOR AND THE LEGISLATURE CONCERN-  
42 ING IMPLEMENTATION AND ADMINISTRATION OF THIS TITLE; AND

43 (F) PERFORM OTHER ACTIVITIES OR SERVICES AS MAY BE NECESSARY TO  
44 FULFILL THE PURPOSES OF THIS SECTION.

45 5. THE BOARD SHALL MEET AT LEAST TWICE EACH YEAR; KEEP A RECORD OF ITS  
46 PROCEEDINGS; AND DETERMINE THE RULES OF ITS OWN PROCEDURES. EIGHT  
47 MEMBERS OF THE BOARD SHALL CONSTITUTE A QUORUM FOR THE TRANSACTION OF  
48 ANY BUSINESS OF THE BOARD.

49 6. STAFF SERVICES, INCLUDING RECORDING OF BOARD PROCEEDINGS, SHALL BE  
50 PERFORMED BY PERSONNEL OF THE DEPARTMENT, OR SUCH STATE DEPARTMENTS OR  
51 AGENCIES AS THE CHAIR DEEMS APPROPRIATE OR DESIRABLE.

52 7. THE DEPARTMENT SHALL PROVIDE THE BOARD WITH SUCH FACILITIES,  
53 ASSISTANCE, AND DATA AS WILL ENABLE THE BOARD TO CARRY OUT ITS POWERS  
54 AND DUTIES. ADDITIONALLY, ALL OTHER AGENCIES OF THE STATE OR SUBDIVI-  
55 SIONS THEREOF SHALL, AT THE REQUEST OF THE CHAIR PROVIDE THE BOARD WITH

1 SUCH FACILITIES, ASSISTANCE, AND DATA AS WILL ENABLE THE BOARD TO CARRY  
2 OUT ITS POWERS AND DUTIES.

3 S 14. Section 27-1019 of the environmental conservation law is renum-  
4 bered 27-1020 and a new section 27-1019 is added to read as follows:

5 S 27-1019. BEVERAGE CONTAINER ASSISTANCE PROGRAM.

6 NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, WITHIN THE  
7 LIMITS OF APPROPRIATIONS THEREFOR, THE COMMISSIONER SHALL MAKE STATE  
8 ASSISTANCE PAYMENTS TO MUNICIPALITIES AND NOT-FOR-PROFIT ORGANIZATIONS  
9 FOR THE COST OF REVERSE VENDING MACHINES AND GRANTS NOT TO EXCEED FIFTY  
10 PERCENT OF THE COSTS OF EQUIPMENT, AND/OR THE ACQUISITION AND/OR REHA-  
11 BILITATION OF REAL PROPERTY OR STRUCTURES RELATED TO THE COLLECTING,  
12 SORTING, AND PACKAGING OF EMPTY BEVERAGE CONTAINERS SUBJECT TO THE  
13 PROVISIONS OF THIS TITLE. SUCH PAYMENTS SHALL INCLUDE COSTS RELATED TO  
14 THE ESTABLISHMENT OF REDEMPTION CENTERS, INCLUDING MOBILE REDEMPTION  
15 CENTERS. FOR THE PURPOSES OF THIS SECTION, MUNICIPALITIES AND  
16 NOT-FOR-PROFIT ORGANIZATIONS SHALL HAVE THE MEANING AS DEFINED IN  
17 SECTION 54-0101 OF THIS CHAPTER.

18 S 15. Paragraph h of subdivision 1 of section 261 of the economic  
19 development law, as amended by chapter 471 of the laws of 1998, is  
20 amended to read as follows:

21 h. "Eligible project" shall mean actions taken by or on behalf of a  
22 New York business involving the acquisition, construction, alteration,  
23 repair or improvement of a building, fixtures, machinery or equipment,  
24 provided that such project results in:

25 (i) source reduction or material substitution, provided that the  
26 substitution of one hazardous substance, product or nonproduct output  
27 for another does not result in the creation of a new risk,

28 (ii) in-process recycling,

29 (iii) recycling or reuse of non-hazardous solid wastes,

30 (iv) increased energy efficiency,

31 (v) conservation of the use of water or other natural resources  
32 improvements in process economics,

33 (vi) elimination of the purchase of materials, the production of which  
34 for the use of said firm would result in more waste or resource consump-  
35 tion, or

36 (vii) other practices or technologies that reduce the use of hazardous  
37 materials or otherwise improve air or water quality.

38 THE TERM "ELIGIBLE PROJECT" SHALL ALSO INCLUDE ACTIONS TAKEN BY OR ON  
39 BEHALF OF A NEW YORK BUSINESS TO SUPPORT COSTS OF EQUIPMENT, AND/OR THE  
40 ACQUISITION AND/OR REHABILITATION OF REAL PROPERTY OR STRUCTURES RELATED  
41 TO THE COLLECTING, SORTING, AND PACKAGING OF EMPTY BEVERAGE CONTAINERS  
42 AS SUCH TERMS ARE DEFINED IN TITLE TEN OF ARTICLE TWENTY-SEVEN OF THE  
43 ENVIRONMENTAL CONSERVATION LAW.

44 The term "eligible project" shall not include end of pipe pollution  
45 control technologies or practices where such controls or practices are  
46 designed primarily to achieve compliance with the environmental conser-  
47 vation law or regulations promulgated pursuant thereto, or energy recov-  
48 ery or incineration, or out-of-process recycling or reuse of hazardous  
49 waste or hazardous substances.

50 S 16. Subdivision 3 of section 92-s of the state finance law, as  
51 amended by chapter 145 of the laws of 2004, is amended to read as  
52 follows:

53 3. Such fund shall consist of the amount of revenue collected within  
54 the state from the amount of revenue, interest and penalties deposited  
55 pursuant to section fourteen hundred twenty-one of the tax law, the  
56 amount of fees and penalties received from easements or leases pursuant

1 to subdivision fourteen of section seventy-five of the public lands law  
2 and the money received as annual service charges pursuant to section  
3 four hundred four-l of the vehicle and traffic law, all moneys required  
4 to be deposited therein from the contingency reserve fund pursuant to  
5 section two hundred ninety-four of chapter fifty-seven of the laws of  
6 nineteen hundred ninety-three, all moneys required to be deposited  
7 pursuant to section thirteen of chapter six hundred ten of the laws of  
8 nineteen hundred ninety-three, repayments of loans made pursuant to  
9 section 54-0511 of the environmental conservation law, all moneys to be  
10 deposited from the Northville settlement pursuant to section one hundred  
11 twenty-four of chapter three hundred nine of the laws of nineteen  
12 hundred ninety-six, provided however, that such moneys shall only be  
13 used for the cost of the purchase of private lands in the core area of  
14 the central Suffolk pine barrens pursuant to a consent order with the  
15 Northville industries signed on October thirteenth, nineteen hundred  
16 ninety-four and the related resource restoration and replacement plan,  
17 ALL MONEYS REQUIRED TO BE DEPOSITED PURSUANT TO PARAGRAPH A OF SUBDIVI-  
18 SION FOUR OF SECTION 27-1012 OF THE ENVIRONMENTAL CONSERVATION LAW, the  
19 amount of penalties required to be deposited therein by section 71-2724  
20 of the environmental conservation law, and all other moneys credited or  
21 transferred thereto from any other fund or source pursuant to law. All  
22 such revenue shall be initially deposited into the environmental  
23 protection fund, for application as provided in subdivision five of this  
24 section.

25 S 17. Paragraph (b) of subdivision 6 of section 92-s of the state  
26 finance law, as amended by chapter 432 of the laws of 1997, is amended  
27 to read as follows:

28 (b) Moneys from the solid waste account shall be available, pursuant  
29 to appropriation and upon certificate of approval of availability by the  
30 director of the budget, for any non-hazardous municipal landfill closure  
31 project; municipal waste reduction or recycling project, as defined in  
32 article fifty-four of the environmental conservation law; FOR THE BEVER-  
33 AGE CONTAINER ASSISTANCE PROGRAM PURSUANT TO SECTION 27-1019 OF THE  
34 ENVIRONMENTAL CONSERVATION LAW; for the purposes of section two hundred  
35 sixty-one and section two hundred sixty-four of the economic development  
36 law; any project for the development, updating or revision of local  
37 solid waste management plans pursuant to sections 27-0107 and 27-0109 of  
38 the environmental conservation law; and for the development of the  
39 pesticide sales and use data base in conjunction with Cornell University  
40 pursuant to title twelve of article thirty-three of the environmental  
41 conservation law.

42 S 18. This act shall take effect immediately, provided however, that:

43 1. sections two, three and seven of this act shall take effect Septem-  
44 ber 1, 2009;

45 2. sections four, five, six, six-a, eight, ten, twelve and thirteen of  
46 this act shall take effect January 1, 2010; and

47 3. the requirements to make deposits, file reports and make with-  
48 drawals and payments under section 27-1012 of the environmental conser-  
49 vation law, as added by section seven of this act, shall first apply to  
50 the period beginning on January 1, 2010 and ending February 28, 2010.