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

5557

2011-2012 Regular Sessions

I N A S S E M B L Y

February 23, 2011

Introduced by M. of A. ENGLEBRIGHT, GOTTFRIED, JACOBS, MAISEL, CASTRO, DINOWITZ, HOOPER -- Multi-Sponsored by -- M. of A. BING, BOYLAND, GLICK, HEASTIE, MAYERSOHN, THIELE, WEISENBERG -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to establishing a refundable deposit on wine and liquor containers; and to amend the environmental conservation law and the state finance law, in relation to the deposit of unredeemed deposits thereon into the environmental protection fund and the state park infrastructure fund

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

Section 1. Subdivision 1 of section 27-1003 of the environmental conservation law, as amended by section 2 of part SS of chapter 59 of the laws of 2009, is amended to read as follows:

1. "Beverage" means carbonated soft drinks, water, beer, other malt beverages [and], a wine product as defined in subdivision thirty-six-a of section three of the alcoholic beverage control law, WINE AS DEFINED IN SUBDIVISION THIRTY-SIX OF SECTION THREE OF THE ALCOHOLIC BEVERAGE CONTROL LAW, AND LIQUOR AS DEFINED IN SUBDIVISION NINETEEN 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. "Water" means any beverage identified through the use of letters, words or symbols on its product label as a type of water, including any flavored water or nutritionally enhanced water, provided, however, that "water" does not include any beverage identified as a type of water to which a sugar has been added.

S 2. 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:

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

LBD09137-01-1

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 fund the revenue deposited under this subdivision during the preceding calendar month and remaining to the comptroller's credit on the last day of that preceding month; PROVIDED, HOWEVER, THAT THE COMPTROLLER SHALL DEPOSIT ALL REVENUE DERIVED FROM WINE AND LIQUOR CONTAINERS IN EQUAL PORTIONS IN THE ENVIRONMENTAL PROTECTION FUND ESTABLISHED BY SECTION NINETY-TWO-S OF THE STATE FINANCE LAW AND THE STATE PARK INFRASTRUCTURE FUND ESTABLISHED BY SECTION NINETY-SEVEN-MM OF THE STATE FINANCE LAW, AS ADDED BY CHAPTER FIFTY-FIVE OF THE LAWS OF NINETEEN HUNDRED NINETY-TWO.

S 3. Subdivision 3 of section 92-s of the state finance law, as amended by section 2 of part T of chapter 59 of the laws of 2009, is amended to read as follows:

3. Such fund shall consist of the amount of revenue collected within the state from the amount of revenue, interest and penalties deposited pursuant to section fourteen hundred twenty-one of the tax law, the amount of fees and penalties received from easements or leases pursuant to subdivision fourteen of section seventy-five of the public lands law and the money received as annual service charges pursuant to section four hundred four-l of the vehicle and traffic law, ALL MONEYS REQUIRED TO BE DEPOSITED THEREIN PURSUANT TO SUBDIVISION FIVE OF SECTION 27-1012 OF THE ENVIRONMENTAL CONSERVATION LAW, all moneys required to be deposited therein from the contingency reserve fund pursuant to section two hundred ninety-four of chapter fifty-seven of the laws of nineteen hundred ninety-three, all moneys required to be deposited pursuant to section thirteen of chapter six hundred ten of the laws of nineteen hundred ninety-three, repayments of loans made pursuant to section 54-0511 of the environmental conservation law, all moneys to be deposited from the Northville settlement pursuant to section one hundred twenty-four of chapter three hundred nine of the laws of nineteen hundred ninety-six, provided however, that such moneys shall only be used for the cost of the purchase of private lands in the core area of the central Suffolk pine barrens pursuant to a consent order with the Northville industries signed on October thirteenth, nineteen hundred ninety-four and the related resource restoration and replacement plan, the amount of penalties required to be deposited therein by section 71-2724 of the environmental conservation law, all moneys required to be deposited pursuant to article thirty-three of the environmental conservation law, all fees collected pursuant to subdivision eight of section 70-0117 of the environmental conservation law, [as added by a chapter of the laws of two thousand nine,] all moneys collected pursuant to title thirty-three of article fifteen of the environmental conservation law[, as added by a chapter of the laws of two thousand nine] and all other moneys credited or transferred thereto from any other fund or source pursuant to law. All such revenue shall be initially deposited into the

environmental protection fund, for application as provided in subdivision five of this section.

S 4. Subdivision 2 of section 97-mm of the state finance law, as added by chapter 55 of the laws of 1992, is amended to read as follows:

2. Such fund shall consist of: (a) revenues received by the state pursuant to section 13.15 and subdivisions two, two-a and two-b of section 3.09 of the parks, recreation and historic preservation law except those revenues required for the support of the patron services account in the miscellaneous special revenue fund pursuant to appropriation by the legislature; (b) all revenues received by the state pursuant to section 13.16 of the parks, recreation and historic preservation law; (c) all revenues received by the state pursuant to contracts, leases, licenses and easements entered into by or with the consent of the commissioner of parks, recreation and historic preservation pursuant to section 13.06 of the parks, recreation and historic preservation law; (D) ALL MONEYS REQUIRED TO BE DEPOSITED THEREIN PURSUANT TO SUBDIVISION FIVE OF SECTION 27-1012 OF THE ENVIRONMENTAL CONSERVATION LAW; and [(d)] (E) all other moneys credited or appropriated for transfer thereto from any other fund or source according to law.

S 5. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.