

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:

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

4 1. "Beverage" means carbonated soft drinks, water, beer, other malt
5 beverages [and], a wine product as defined in subdivision thirty-six-a
6 of section three of the alcoholic beverage control law, WINE AS DEFINED
7 IN SUBDIVISION THIRTY-SIX OF SECTION THREE OF THE ALCOHOLIC BEVERAGE
8 CONTROL LAW, AND LIQUOR AS DEFINED IN SUBDIVISION NINETEEN OF SECTION
9 THREE OF THE ALCOHOLIC BEVERAGE CONTROL LAW. "Malt beverages" means any
10 beverage obtained by the alcoholic fermentation or infusion or decoction
11 of barley, malt, hops, or other wholesome grain or cereal and water
12 including, but not limited to ale, stout or malt liquor. "Water" means
13 any beverage identified through the use of letters, words or symbols on
14 its product label as a type of water, including any flavored water or
15 nutritionally enhanced water, provided, however, that "water" does not
16 include any beverage identified as a type of water to which a sugar has
17 been added.

18 S 2. Subdivision 5 of section 27-1012 of the environmental conserva-
19 tion law, as added by section 8 of part SS of chapter 59 of the laws of
20 2009, is amended to read as follows:

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

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1 5. All monies collected or received by the department of taxation and
2 finance pursuant to this title shall be deposited to the credit of the
3 comptroller with such responsible banks, banking houses or trust compa-
4 nies as may be designated by the comptroller. Such deposits shall be
5 kept separate and apart from all other moneys in the possession of the
6 comptroller. The comptroller shall require adequate security from all
7 such depositories. Of the total revenue collected, the comptroller shall
8 retain the amount determined by the commissioner of taxation and finance
9 to be necessary for refunds out of which the comptroller must pay any
10 refunds to which a deposit initiator may be entitled. After reserving
11 the amount to pay refunds, the comptroller must, by the tenth day of
12 each month, pay into the state treasury to the credit of the general
13 fund the revenue deposited under this subdivision during the preceding
14 calendar month and remaining to the comptroller's credit on the last day
15 of that preceding month; PROVIDED, HOWEVER, THAT THE COMPTROLLER SHALL
16 DEPOSIT ALL REVENUE DERIVED FROM WINE AND LIQUOR CONTAINERS IN EQUAL
17 PORTIONS IN THE ENVIRONMENTAL PROTECTION FUND ESTABLISHED BY SECTION
18 NINETY-TWO-S OF THE STATE FINANCE LAW AND THE STATE PARK INFRASTRUCTURE
19 FUND ESTABLISHED BY SECTION NINETY-SEVEN-MM OF THE STATE FINANCE LAW, AS
20 ADDED BY CHAPTER FIFTY-FIVE OF THE LAWS OF NINETEEN HUNDRED NINETY-TWO.

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

24 3. Such fund shall consist of the amount of revenue collected within
25 the state from the amount of revenue, interest and penalties deposited
26 pursuant to section fourteen hundred twenty-one of the tax law, the
27 amount of fees and penalties received from easements or leases pursuant
28 to subdivision fourteen of section seventy-five of the public lands law
29 and the money received as annual service charges pursuant to section
30 four hundred four-1 of the vehicle and traffic law, ALL MONEYS REQUIRED
31 TO BE DEPOSITED THEREIN PURSUANT TO SUBDIVISION FIVE OF SECTION 27-1012
32 OF THE ENVIRONMENTAL CONSERVATION LAW, all moneys required to be depos-
33 ited therein from the contingency reserve fund pursuant to section two
34 hundred ninety-four of chapter fifty-seven of the laws of nineteen
35 hundred ninety-three, all moneys required to be deposited pursuant to
36 section thirteen of chapter six hundred ten of the laws of nineteen
37 hundred ninety-three, repayments of loans made pursuant to section
38 54-0511 of the environmental conservation law, all moneys to be deposit-
39 ed from the Northville settlement pursuant to section one hundred twen-
40 ty-four of chapter three hundred nine of the laws of nineteen hundred
41 ninety-six, provided however, that such moneys shall only be used for
42 the cost of the purchase of private lands in the core area of the
43 central Suffolk pine barrens pursuant to a consent order with the North-
44 ville industries signed on October thirteenth, nineteen hundred ninety-
45 four and the related resource restoration and replacement plan, the
46 amount of penalties required to be deposited therein by section 71-2724
47 of the environmental conservation law, all moneys required to be depos-
48 ited pursuant to article thirty-three of the environmental conservation
49 law, all fees collected pursuant to subdivision eight of section 70-0117
50 of the environmental conservation law, [as added by a chapter of the
51 laws of two thousand nine,] all moneys collected pursuant to title thir-
52 ty-three of article fifteen of the environmental conservation law[, as
53 added by a chapter of the laws of two thousand nine] and all other
54 moneys credited or transferred thereto from any other fund or source
55 pursuant to law. All such revenue shall be initially deposited into the

1 environmental protection fund, for application as provided in subdivi-
2 sion five of this section.

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

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

20 S 5. This act shall take effect on the first of January next succeed-
21 ing the date on which it shall have become a law.