

3496

2011-2012 Regular Sessions

I N S E N A T E

February 23, 2011

Introduced by Sen. GRISANTI -- 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, in relation to refillable beverage containers

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

1 Section 1. Section 27-1003 of the environmental conservation law is
2 amended by adding a new subdivision 9-a to read as follows:
3 9-A. "REFILLABLE BEVERAGE CONTAINER" MEANS A BEVERAGE CONTAINER WHICH
4 IS CONSTRUCTED AND DESIGNED TO BE STRUCTURALLY CAPABLE OF BEING REFILLED
5 AND RESOLD BY A DEPOSIT INITIATOR UP TO TEN TIMES AFTER ITS INITIAL USE.
6 S 2. Paragraph c of subdivision 4 of section 27-1012 of the environ-
7 mental conservation law, as added by section 8 of part SS of chapter 59
8 of the laws of 2009, is amended to read as follows:
9 c. AUTHORIZED RETENTION OF DEPOSITS FOR REFILLABLE BEVERAGE CONTAIN-
10 ERS. NOTWITHSTANDING PARAGRAPH A OF THIS SUBDIVISION, A DEPOSIT INITI-
11 ATOR THAT UTILIZES REFILLABLE BEVERAGE CONTAINERS SHALL BE ENTITLED TO
12 RETAIN THE DEPOSIT FOR ALL BOTTLES FOR WHICH A DEPOSIT WAS INITIATED AND
13 NOT REDEEMED. SUCH DEPOSITS MAY BE CALCULATED BY THE DEPOSIT INITIATOR
14 AND WITHDRAWN FROM THE REFUND VALUE ACCOUNT, SUBJECT TO ACCOUNTING BY
15 THE COMMISSIONER OF TAXATION AND FINANCE.
16 D. Final report. A deposit initiator who ceases to do business in this
17 state as a deposit initiator shall file a final report and remit payment
18 of eighty percent of all amounts remaining in the refund value account
19 as of the close of the deposit initiator's last day of business. The
20 commissioner of taxation and finance may require that the payments be
21 made electronically. The deposit initiator shall indicate on the report
22 that it is a "final report". The final report is due to be filed with
23 payment twenty days after the close of the quarterly period in which the
24 deposit initiator ceases to do business. In the event the deposit initi-
25 ator pays out more in refund values than it collects in such final quar-

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

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1 terly period, the deposit initiator may apply to the commissioner of
2 taxation and finance for a refund of the amount of such excess payment
3 of refund values from sources other than the refund value account, in
4 the manner as provided by the commissioner of taxation and finance.
5 S 3. This act shall take effect immediately.