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

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:

Section 1. Section 27-1003 of the environmental conservation law is amended by adding a new subdivision 9-a to read as follows:

9-A. "REFILLABLE BEVERAGE CONTAINER" MEANS A BEVERAGE CONTAINER WHICH IS CONSTRUCTED AND DESIGNED TO BE STRUCTURALLY CAPABLE OF BEING REFILLED AND RESOLD BY A DEPOSIT INITIATOR UP TO TEN TIMES AFTER ITS INITIAL USE.

S 2. Paragraph c of subdivision 4 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:

c. AUTHORIZED RETENTION OF DEPOSITS FOR REFILLABLE BEVERAGE CONTAINERS. NOTWITHSTANDING PARAGRAPH A OF THIS SUBDIVISION, A DEPOSIT INITIATOR THAT UTILIZES REFILLABLE BEVERAGE CONTAINERS SHALL BE ENTITLED TO RETAIN THE DEPOSIT FOR ALL BOTTLES FOR WHICH A DEPOSIT WAS INITIATED AND NOT REDEEMED. SUCH DEPOSITS MAY BE CALCULATED BY THE DEPOSIT INITIATOR AND WITHDRAWN FROM THE REFUND VALUE ACCOUNT, SUBJECT TO ACCOUNTING BY THE COMMISSIONER OF TAXATION AND FINANCE.

D. Final report. A deposit initiator who ceases to do business in this state as a deposit initiator shall file a final report and remit payment of eighty percent of all amounts remaining in the refund value account as of the close of the deposit initiator's last day of business. The commissioner of taxation and finance may require that the payments be made electronically. The deposit initiator shall indicate on the report that it is a "final report". The final report is due to be filed with payment twenty days after the close of the quarterly period in which the deposit initiator ceases to do business. In the event the deposit initiator 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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terly period, the deposit initiator may apply to the commissioner of taxation and finance for a refund of the amount of such excess payment of refund values from sources other than the refund value account, in the manner as provided by the commissioner of taxation and finance.

S 3. This act shall take effect immediately.