

485

2015-2016 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2015

Introduced by M. of A. ENGLEBRIGHT, GOTTFRIED, DINOWITZ, HOOPER --
Multi-Sponsored by -- M. of A. GLICK, THIELE -- 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 ASSEM-
BLY, 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 amended by section 6 of part F of chapter 58 of the laws of
20 2013, 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, [beginning April
16 first, two thousand thirteen, and all fiscal years thereafter, fifteen
17 million dollars plus all funds received from the payments due each
18 fiscal year pursuant to subdivision four of this section in excess of
19 the amount received from April first, two thousand twelve through March
20 thirty-first, two thousand thirteen, shall be deposited to the credit of
21 the environmental protection fund established pursuant to section nine-
22 ty-two-s of the state finance law] THE COMPTROLLER SHALL DEPOSIT ALL
23 REVENUE DERIVED FROM WINE AND LIQUOR CONTAINERS IN EQUAL PORTIONS IN THE
24 ENVIRONMENTAL PROTECTION FUND ESTABLISHED BY SECTION NINETY-TWO-S OF THE
25 STATE FINANCE LAW AND THE STATE PARK INFRASTRUCTURE FUND ESTABLISHED BY
26 SECTION NINETY-SEVEN-MM OF THE STATE FINANCE LAW, AS ADDED BY CHAPTER
27 FIFTY-FIVE OF THE LAWS OF NINETEEN HUNDRED NINETY-TWO.

28 S 3. Subdivision 3 of section 92-s of the state finance law, as
29 amended by section 11 of part F of chapter 58 of the laws of 2013, is
30 amended to read as follows:

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

1 of the environmental conservation law,[all moneys collected pursuant to
2 title thirty-three of article fifteen of the environmental conservation
3 law,] beginning with the fiscal year commencing on April first, two
4 thousand thirteen, and all fiscal years thereafter, fifteen million
5 dollars plus all funds received by the state each fiscal year in excess
6 of the amount received from April first, two thousand twelve through
7 March thirty-first, two thousand thirteen, from the payments collected
8 pursuant to subdivision four of section 27-1012 of the environmental
9 conservation law and all funds collected pursuant to section 27-1015 of
10 the environmental conservation law, provided such funds shall not be
11 less than four million dollars for the fiscal year commencing April
12 first, two thousand thirteen, and not less than eight million dollars
13 for all fiscal years thereafter and all other moneys credited or trans-
14 ferred thereto from any other fund or source pursuant to law. All such
15 revenue shall be initially deposited into the environmental protection
16 fund, for application as provided in subdivision five of this section.

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

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

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