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

6532

I N S E N A T E

January 22, 2016

Introduced by Sen. YOUNG -- 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 and the state finance law, in relation to manufacturer liability for the cost of collection, handling, and recycling and reuse of electronic waste, and compensation by the state to electronic waste collection sites, consolidation facilities and recycling facilities for those costs not paid by a manufacturer

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

Section 1. The opening paragraph of subdivision 8 of section 27-2605 of the environmental conservation law, is designated paragraph (a) and a new paragraph (b) is added to read as follows:

(B) ANY ELECTRONIC WASTE COLLECTION SITE, ELECTRONIC WASTE CONSOLIDATION FACILITY, ELECTRONIC WASTE RECYCLING FACILITY OR COUNTY WHICH COLLECTS, HANDLES, AND/OR RECYCLES OR REUSES ANY ITEM OF COVERED ELECTRONIC EQUIPMENT MAY SUBMIT AN APPLICATION TO THE COMMISSIONER, IN SUCH FORM AND CONTAINING SUCH INFORMATION AS THE COMMISSIONER MAY REQUIRE, FOR STATE ASSISTANCE PAYMENTS TOWARD THE COST OF COLLECTING, HANDLING, AND/OR RECYCLING OR REUSE OF COVERED ELECTRONIC EQUIPMENT INCURRED WITHIN THE STATE WHEN SUCH COVERED ELECTRONIC EQUIPMENT WAS NOT COLLECTED, HANDLED AND/OR RECYCLED OR REUSED PURSUANT TO SECTION 27-2603 OF THIS TITLE. THE COMMISSIONER SHALL REVIEW SUCH APPLICATION AND SHALL APPROVE SUCH APPLICATION FOR THE ACTUAL COST OF COLLECTING, HANDLING, AND/OR RECYCLING OR REUSE OF COVERED ELECTRONIC EQUIPMENT INCURRED WITHIN THE STATE. COMPENSATION PURSUANT TO THIS PARAGRAPH SHALL BE PAID WITHIN THIRTY DAYS OF RECEIPT OF AN APPLICATION THEREFOR SUBMITTED TO THE DEPARTMENT, IN SUCH FORM AND HAVING SUCH CONTENT AS SHALL BE DETERMINED BY THE COMMISSIONER IN RULES AND REGULATIONS.

S 2. Paragraph (b) of subdivision 6 of section 92-s of the state finance law, as amended by chapter 432 of the laws of 1997, is amended to read as follows:

(b) Moneys from the solid waste account shall be available, pursuant to appropriation and upon certificate of approval of availability by the

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

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director of the budget, for any non-hazardous municipal landfill closure project; municipal waste reduction or recycling project, as defined in article fifty-four of the environmental conservation law; for the purposes of section two hundred sixty-one and section two hundred sixty-four of the economic development law; any project for the development, updating or revision of local solid waste management plans pursuant to sections 27-0107 and 27-0109 of the environmental conservation law; [and] for the development of the pesticide sales and use data base in conjunction with Cornell University pursuant to title twelve of article thirty-three of the environmental conservation law; AND FOR THE PAYMENT OF THE COSTS OF THE COLLECTION, HANDLING, AND/OR RECYCLING AND REUSE OF ELECTRONIC WASTE PURSUANT TO PARAGRAPH (B) OF SUBDIVISION EIGHT OF SECTION 27-2605 OF THE ENVIRONMENTAL CONSERVATION LAW.

S 3. Subdivision 8 of section 92-s of the state finance law, as added by chapter 610 of the laws of 1993, is amended to read as follows:

8. All payments of moneys from the fund shall be made on the audit and warrant of the comptroller; PROVIDED, HOWEVER, THAT THE COMPTROLLER SHALL, DURING EACH QUARTER, ALLOCATE MONEYS FROM THE SOLID WASTE ACCOUNT TO THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR THE PAYMENT OF CLAIMS FOR COMPENSATION ANTICIPATED TO BE SUBMITTED, PURSUANT TO PARAGRAPH (B) OF SUBDIVISION EIGHT OF SECTION 27-2605 OF THE ENVIRONMENTAL CONSERVATION LAW, DURING SUCH QUARTER.

S 4. This act shall take effect on the first of January next succeeding the date on which it shall have become a law, and shall apply to electronic waste collected, handled, and/or recycled and reused on or after January 1, 2016; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized and directed to be made and completed on or before such effective date.