

# STATE OF NEW YORK

5366

2017-2018 Regular Sessions

## IN SENATE

March 23, 2017

Introduced by Sen. AVELLA -- 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 the handling fee paid to a dealer or operator of a redemption center for the redemption of empty beverage containers

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. This act shall be known and may be cited as the "indexed  
2 handling fee act."

3 § 2. Subdivision 6 of section 27-1007 of the environmental conserva-  
4 tion law, as added by section 4 of part SS of chapter 59 of the laws of  
5 2009, is amended to read as follows:

6 6. (a) In addition to the refund value of a beverage container as  
7 established by section 27-1005 of this title, a deposit initiator shall  
8 pay to any dealer or operator of a redemption center a handling fee [~~of~~  
9 ~~three and one-half cents~~] for each beverage container accepted by the  
10 deposit initiator from such dealer or operator of a redemption center as  
11 specified in paragraphs (b), (c) and (d) of this subdivision. Payment of  
12 the handling fee shall be as compensation for collecting, sorting and  
13 packaging of empty beverage containers for transport back to the deposit  
14 initiator or its designee. Payment of the handling fee may not be condi-  
15 tioned on the purchase of any goods or services, nor may such payment be  
16 made out of the refund value account established pursuant to section  
17 27-1012 of this title. A distributor who does not initiate deposits on a  
18 type of beverage container is considered a dealer only for the purpose  
19 of receiving a handling fee from a deposit initiator.

20 (b) Except as otherwise provided in this subdivision, the handling fee  
21 paid shall be not less than five cents.

22 (c) Beginning December thirty-first, two thousand eighteen, each year  
23 a new federal or New York state minimum wage is to take effect, but not  
24 later than the date that the new federal or New York state minimum wage

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

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1 is to take effect, the commissioner shall determine the handling fee to  
2 be in effect pursuant to this subdivision. Subject to paragraph (d) of  
3 this subdivision, the handling fee determined pursuant to this subdivi-  
4 sion shall be:

5 (i) not less than the amount in effect under paragraph (b) of this  
6 subdivision on the date of such determination;

7 (ii) increased from such amount by the percentage increase in the  
8 newly effective federal or New York state minimum wage; and

9 (iii) rounded to the nearest multiple of \$0.005.

10 (d) The handling fee shall only be increased by the percentage  
11 increase in a newly effective federal minimum wage pursuant to paragraph  
12 (c) of this subdivision if the federal minimum wage is set at an amount  
13 higher than the New York state minimum wage. Otherwise, the handling fee  
14 shall be increased only by the percentage increase in a newly effective  
15 New York state minimum wage pursuant to paragraph (c) of this subdivi-  
16 sion. If a newly effective New York state minimum wage increases based  
17 on a wage rate schedule that varies throughout New York state, then the  
18 percentage increase to be used for calculating the handling fee shall be  
19 based on the wage rate applicable to New York city employers with eleven  
20 employees or more (i.e. "big employers") pursuant to paragraph (c) of  
21 this subdivision.

22 § 3. This act shall take effect immediately.