STATE OF NEW YORK

5366--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. Subdivision 6 of section 27-1007 of the environmental conservation law, as added by section 4 of part SS of chapter 59 of the laws 2009, is amended to read as follows:

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

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

(c) Beginning December thirty-first, two thousand eighteen, each year a new federal or New York state minimum wage is to take effect, but not 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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is to take effect, the commissioner shall determine the handling fee to be in effect pursuant to this subdivision. Subject to paragraph (d) of this subdivision, the handling fee determined pursuant to this subdivision shall be:

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

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

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

(d) The handling fee shall only be increased by the percentage increase in a newly effective federal minimum wage pursuant to paragraph (c) of this subdivision if the federal minimum wage is set at an amount higher than the New York state minimum wage. Otherwise, the handling fee shall be increased only by the percentage increase in a newly effective New York state minimum wage pursuant to paragraph (c) of this subdivision. If a newly effective New York state minimum wage increases based on a wage rate schedule that varies throughout New York state, then the percentage increase to be used for calculating the handling fee shall be based on the wage rate applicable to city of New York employers with eleven employees or more pursuant to paragraph (c) of this subdivision.

§ 2. This act shall take effect immediately.