STATE OF NEW YORK

7821

IN SENATE

February 25, 2020
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Introduced by Sen. KAMINSKY -- read twice and ordered printed, and when
printed to be committed to the Committee on Environmental Conservation

AN ACT to establish the bottle redemption fraud task force; and provid-
ing for the repeal of such provisions upon the expiration thereof

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

 1   Section 1. The legislature hereby establishes the bottle redemption
 2 fraud task force (referred to hereinafter as the "task force") to
 3 conduct a comprehensive study of the fraud, enforcement, and reporting
 4 requirements related to the New York state returnable container act.
 5   § 2. (a) Such task force shall consist of nine members that shall be
 6 appointed as follows: the state attorney general or his/her designee;
 7 the commissioner of the department of taxation and finance or his/her
 8 designee; the commissioner of the department of environmental conserva-
 9 tion or his/her designee; the state comptroller or his/her designee; one
10 member shall be appointed by the district attorneys association of the
11 state of New York; one member shall be appointed by the temporary presi-
12 dent of the senate and one member shall be appointed by the speaker of
13 the assembly, one shall be an individual who represents a municipality
14 and one shall be an individual who represents a deposit initiator; and
15 two members shall be appointed by the governor.
16   (b) The task force shall be chaired by the attorney general or his/her
17 designee thereof.
18   (c) Members of the task force shall receive no compensation for their
19 services but shall be reimbursed for their actual expenses incurred in
20 the performance of their duties in the work of the task force.
21   (d) Appointed members shall, to the greatest extent practicable have
22 by education or experience, knowledge of organized retail theft.
23   (e) The task force is authorized to audit any reverse vending machine.
24   § 3. Appointments shall be made within 60 days of the effective date
25 of this act. Any vacancies in the membership of the task force shall be
26 filled in the same manner provided for in the initial appointment.

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1 § 4. The task force may consult with any organization, government
2 entity, or person, in the development of its report required under
3 section five of this act.
4 § 5. On or before one year after the effective date of this act, the
5 task force shall submit to the governor, the temporary president of the
6 senate and the speaker of the assembly a report containing, but not
7 limited to, the following information based on available data:
8 (a) A review of laws and regulations regarding the New York state
9 returnable container act and relevant civil and criminal penalties
10 related to the act;
11 (b) The need for interagency coordination of public education,
12 outreach, and prevention programs for retail stores, redemption centers,
13 municipalities, and any other identified entities;
14 (c) The fiscal impact of fraudulent bottle redemptions and deposits in
15 the state of New York;
16 (d) The status of current enforcement efforts and recommendations on
17 what could be done to improve enforcement, including the addition of
18 more employees;
19 (e) A review of inter-state bottle redemption fraud, including, to the
20 extent practicable, information on the number of containers that origi-
21 nate from out-of-state shipments and a review of the practice of redeem-
22 ing beverage containers purchased out-of-state; and
23 (f) Recommended legislative, regulatory and enforcement solutions to
24 address fraudulent bottle redemptions and deposits, including, but not
25 limited to, inter-state initiatives.
26 § 6. This act shall take effect immediately and shall expire 24 months
27 after it shall have become a law when upon such date the provisions of
28 this act shall be deemed repealed.