

# STATE OF NEW YORK

7066

2019-2020 Regular Sessions

## IN ASSEMBLY

April 4, 2019

Introduced by M. of A. BURKE -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to requiring state and municipal governmental entities have a recycling program

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

Section 1. Article 27 of the environmental conservation law is amended by adding a new title 31 to read as follows:

### TITLE 31

#### STATE AND LOCAL GOVERNMENT RECYCLING

#### Section 27-3101. Definitions.

#### 27-3103. Required state and municipal recycling programs.

#### 27-3105. Powers of municipalities.

#### § 27-3101. Definitions.

For the purposes of this title, the following terms shall have the following meanings:

1. "Agency" means any state department, agency, board, public benefit corporation, public authority, or commission.

2. "Local education agency" means a school district, board of cooperative educational services, community college, agricultural and technical college, state university of New York college of technology and a center for advanced technology designated pursuant to section thirty-one hundred two-a of the public authorities law, and other postsecondary providers of career education as set forth annually by the commissioner as eligible recipients under the federal vocational education act of nineteen hundred eighty-four.

3. "Municipality" means any town, village, city, county, district, special improvement district or other improvement district, including, but not limited to, special districts created pursuant to article eleven, twelve, twelve-A or thirteen of the town law, library districts, and

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

LBD10672-01-9

1 other districts created by law or any designated agency or subdivision  
2 thereof including, but not limited to, any courts, programs and facili-  
3 ties.

4 § 27-3103. Required state and municipal recycling programs.

5 1. All state agencies, local education agencies, municipalities, and  
6 other public entities within the state shall create a recycling program  
7 which shall include, but not be limited to:

8 (a) increase the amount of waste recycled;

9 (b) minimize its generation of waste;

10 (c) reduce the need for disposal of its generated waste; and

11 (d) provide collection and educational resources, including regular  
12 periodical guidance, training, updates, signage, and flyers, for its  
13 workforce and the public for the purposes of teaching and retaining  
14 effective procedures for sorting materials for recycling.

15 2. All state agencies, local education agencies, municipalities, and  
16 other public entities within the state shall provide to the commissioner  
17 information on its practices, including amounts of waste managed and  
18 recycled by various methods such as those implemented pursuant to subdi-  
19 vision one of this section, entities or resources utilized for reducing  
20 and managing such materials, or financing mechanisms and incentives  
21 utilized.

22 3. The provisions of this section shall not apply to contracts in  
23 effect on the effective date of this section; provided, however, that  
24 the provisions of this section shall apply to all renewals or extensions  
25 of such contracts entered into on or after the effective date of this  
26 section.

27 4. The department shall promote actions to take pursuant to the  
28 requirements of subdivision one of this section, and for all entities  
29 and the public to take in efforts to manage waste and establish a recy-  
30 cling program in a similar manner.

31 5. The department may report information to promote improved manage-  
32 ment waste and recycling programs, including information on practices  
33 and resources providing assistance for reducing such materials or  
34 promoting such programs, facilities accepting such materials, or financ-  
35 ing mechanisms and incentives available for such practices and facili-  
36 ties.

37 § 27-3105. Powers of municipalities.

38 All state agencies, local education agencies, municipalities, and  
39 other public entities within the state shall promulgate regulations,  
40 ordinances, or laws to take any and all reasonable actions necessary to  
41 implement and enforce this title. This title does not limit the authori-  
42 ty of a local governmental agency to adopt, implement, or enforce  
43 requirements on management of waste management and recycling that are  
44 more stringent or comprehensive than the requirements of this title.

45 § 2. This act shall take effect on the first of the month following  
46 the one hundred eightieth day after it shall have become a law.