

STATE OF NEW YORK

1103--A

Cal. No. 239

2021-2022 Regular Sessions

IN SENATE

January 6, 2021

Introduced by Sens. KAMINSKY, HARCKHAM, MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to establish the bottle redemption fraud task force; and providing 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 fifteen members that shall
6 be appointed as follows: the state attorney general or his/her designee;
7 the commissioner of the department of taxation and finance or
8 his/her designee; the commissioner of the department of environmental
9 conservation or his/her designee; the state comptroller or his/her
10 designee; the chairman of the state liquor authority or his/her designee;
11 the commissioner of the department of agriculture and markets or
12 his/her designee; one member shall be appointed by the district attorneys
13 association of the state of New York; two members shall be
14 appointed by the temporary president of the senate and two members shall
15 be appointed by the speaker of the assembly, one shall be an individual
16 who represents a municipality, one shall be an individual who represents
17 a deposit initiator, one shall be an individual who represents a redemption
18 center, and one shall be an individual who represents a wholesale
19 distributor; and four members shall be appointed by the governor, one
20 shall be an individual who represents a deposit initiator and one shall
21 be an individual who represents a retailer.

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

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1 (b) The task force shall be chaired by the attorney general or his/her
2 designee thereof.

3 (c) Members of the task force shall receive no compensation for their
4 services but shall be reimbursed for their actual expenses incurred in
5 the performance of their duties in the work of the task force.

6 (d) Appointed members shall, to the greatest extent practicable have
7 by education or experience, knowledge of organized retail theft.

8 (e) The task force is authorized to audit any reverse vending machine.

9 § 3. Appointments shall be made within 60 days of the effective date
10 of this act. Any vacancies in the membership of the task force shall be
11 filled in the same manner provided for in the initial appointment.

12 § 4. The task force may consult with any organization, government
13 entity, or person, in the development of its report required under
14 section five of this act.

15 § 5. On or before one year after the effective date of this act, the
16 task force shall submit to the governor, the temporary president of the
17 senate and the speaker of the assembly a report containing, but not
18 limited to, the following information based on available data:

19 (a) A review of laws and regulations regarding the New York state
20 returnable container act and relevant civil and criminal penalties
21 related to the act;

22 (b) The need for interagency coordination of public education,
23 outreach, and prevention programs for retail stores, redemption centers,
24 municipalities, agents acting on behalf of the deposit initiators that
25 provide pickup services, and any other identified entities;

26 (c) The fiscal impact of fraudulent bottle redemptions and deposits in
27 the state of New York;

28 (d) The status of current enforcement efforts and recommendations on
29 what could be done to improve enforcement, including the addition of
30 more employees;

31 (e) A review of inter-state bottle redemption fraud, including, to the
32 extent practicable, information on the number of containers that origi-
33 nate from out-of-state shipments and a review of the practice of redeem-
34 ing beverage containers purchased out-of-state; and

35 (f) Recommended legislative, regulatory and enforcement solutions to
36 address fraudulent bottle redemptions and deposits, including, but not
37 limited to, inter-state initiatives.

38 § 6. This act shall take effect immediately and shall expire 24 months
39 after it shall have become a law when upon such date the provisions of
40 this act shall be deemed repealed.