

STATE OF NEW YORK

7557--A

2023-2024 Regular Sessions

IN ASSEMBLY

May 25, 2023

Introduced by M. of A. GLICK, McDONALD, WOERNER -- read once and referred to the Committee on Environmental Conservation -- recommitted to the Committee on Environmental Conservation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to retention and use of funds for the beverage container assistance program

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

1 Section 1. Subdivision 5 of section 27-1012 of the environmental
2 conservation law, as amended by section 2 of part JJ of chapter 58 of
3 the laws of 2017, is amended to read as follows:
4 5. All moneys collected or received by the department of taxation and
5 finance pursuant to this title shall be deposited to the credit of the
6 comptroller with such responsible banks, banking houses or trust compa-
7 nies as may be designated by the comptroller. Such deposits shall be
8 kept separate and apart from all other moneys in the possession of the
9 comptroller. The comptroller shall require adequate security from all
10 such depositories. Of the total revenue collected, the comptroller shall
11 retain the amount determined by the commissioner of taxation and finance
12 to be necessary for refunds out of which the comptroller must pay any
13 refunds to which a deposit initiator may be entitled. Of the total
14 revenue collected, the comptroller shall retain an amount equal to two
15 percent of the total of such revenues collected in the prior calendar
16 year, to be distributed to the commissioner, as needed, for use under
17 the beverage container assistance program pursuant to section 27-1018 of
18 this title. After reserving the [~~amount~~] amounts to pay refunds and for
19 use under the beverage container assistance program, the comptroller
20 must, by the tenth day of each month, pay into the state treasury to the
21 credit of the general fund the revenue deposited under this subdivision

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

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1 during the preceding calendar month and remaining to the comptroller's
2 credit on the last day of that preceding month; provided, however, that,
3 beginning April first, two thousand thirteen, nineteen million dollars,
4 and all fiscal years thereafter, twenty-three million dollars plus all
5 funds received from the payments due each fiscal year pursuant to subdivi-
6 sion four of this section in excess of the greater of the amount
7 received from April first, two thousand twelve through March thirty-
8 first, two thousand thirteen or one hundred twenty-two million two
9 hundred thousand dollars, shall be deposited to the credit of the envi-
10 ronmental protection fund established pursuant to section ninety-two-s
11 of the state finance law.

12 § 2. Section 27-1018 of the environmental conservation law, as added
13 by section 13 of part SS of chapter 59 of the laws of 2009, is amended
14 to read as follows:

15 § 27-1018. Beverage container assistance program.

16 Notwithstanding any other provision of law to the contrary, within the
17 amounts retained by the comptroller for use under the beverage container
18 assistance program pursuant to subdivision five of section 27-1012 of
19 this title, and within the limits of any additional appropriations
20 therefor, the commissioner shall make state assistance payments to muni-
21 icipalities, businesses and not-for-profit organizations located in the
22 state, upon request or otherwise pursuant to the discretion of the
23 commissioner, for the cost of reverse vending machines located or to be
24 located in the state. Such state assistance payments shall not exceed
25 fifty percent of the costs of equipment, and/or the acquisition and/or
26 rehabilitation of real property or structures located or to be located
27 in the state related to the collecting, sorting, and packaging of empty
28 beverage containers subject to the provisions of this title. Such
29 payments may include costs related to the establishment of redemption
30 centers, including mobile redemption centers. For the purposes of this
31 section, municipalities and not-for-profit organizations shall have the
32 meaning as defined in section 54-0101 of this chapter and businesses
33 shall mean a dealer, distributor or redemption center as defined in this
34 title [~~that employs less than fifty employees~~].

35 § 3. Subdivision 6 of section 27-1007 of the environmental conserva-
36 tion law, as added by section 4 of part SS of chapter 59 of the laws of
37 2009, is amended to read as follows:

38 6. In addition to the refund value of a beverage container as estab-
39 lished by section 27-1005 of this title, a deposit initiator shall pay
40 to any dealer or operator of a redemption center a handling fee of
41 [~~three and one-half~~] five cents for each beverage container accepted by
42 the deposit initiator from such dealer or operator of a redemption
43 center. Payment of the handling fee shall be as compensation for
44 collecting, sorting and packaging of empty beverage containers for
45 transport back to the deposit initiator or its designee. Payment of the
46 handling fee may not be conditioned on the purchase of any goods or
47 services, nor may such payment be made out of the refund value account
48 established pursuant to section 27-1012 of this title. A distributor who
49 does not initiate deposits on a type of beverage container is considered
50 a dealer only for the purpose of receiving a handling fee from a deposit
51 initiator.

52 § 4. This act shall take effect immediately.