

STATE OF NEW YORK

6869--A

2023-2024 Regular Sessions

IN SENATE

May 12, 2023

Introduced by Sen. MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- recommitted to the Committee on Environmental Conservation in accordance with Senate Rule 6, sec. 8 -- 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

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

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

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

16 § 27-1018. Beverage container assistance program.

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

36 § 3. Subdivision 6 of section 27-1007 of the environmental conserva-
37 tion law, as added by section 4 of part SS of chapter 59 of the laws of
38 2009, is amended to read as follows:

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

53 § 4. This act shall take effect immediately.