STATE OF NEW YORK

3419--A

Cal. No. 317

2023-2024 Regular Sessions

IN SENATE

January 31, 2023

Introduced by Sens. MANNION, PARKER -- 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:

Section 1. The legislature hereby establishes the bottle redemption fraud task force (referred to hereinafter as the "task force") to conduct a comprehensive study of the fraud, enforcement, and reporting requirements related to the New York state returnable container act.

§ 2. (a) Such task force shall consist of seventeen members that shall be appointed as follows: the state attorney general or his/her designee; the commissioner of the department of taxation and finance or his/her designee; the commissioner of the department of environmental conservation or his/her designee; the state comptroller or his/her designee; the chairman of the state liquor authority or his/her designee; the commissioner of the department of agriculture and markets or his/her designee; one member shall be appointed by the district attorneys association of the state of New York; two members shall be appointed by the temporary president of the senate and two members shall be appointed by the speaker of the assembly, one shall be an individual who represents a municipality, one shall be an individual who represents a deposit initiator, one shall be an individual who represents a redemption center, and one shall be an individual who represents a wholesale distributor; one member shall be appointed by the minority leader of the senate and one member shall be appointed by the minority leader of the assembly, one shall be an individual who represents a municipality and one shall be an individual who represents a redemption center; and four

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

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members shall be appointed by the governor, one shall be an individual who represents a deposit initiator and one shall be an individual who represents a retailer.

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

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

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

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

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

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

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

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

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

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

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

(e) A review of inter-state bottle redemption fraud, including, to the extent practicable, information on the number of containers that originate from out-of-state shipments and a review of the practice of redeeming beverage containers purchased out-of-state; and

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

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