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:

Section 1. Subdivision 5 of section 27-1012 of the environmental conservation law, as amended by section 2 of part JJ of chapter 58 of the laws of 2017, is amended to read as follows:

5. All moneys collected or received by the department of taxation and finance pursuant to this title shall be deposited to the credit of the comptroller with such responsible banks, banking houses or trust companies as may be designated by the comptroller. Such deposits shall be kept separate and apart from all other moneys in the possession of the comptroller. The comptroller shall require adequate security from all such depositories. Of the total revenue collected, the comptroller shall retain the amount determined by the commissioner of taxation and finance to be necessary for refunds out of which the comptroller must pay any refunds to which a deposit initiator may be entitled. **Of the total revenue collected, the comptroller shall retain an amount equal to two percent of the total of such revenues collected in the prior calendar year, to be distributed to the commissioner, as needed, for use under the beverage container assistance program pursuant to section 27-1018 of this title.** After reserving the [~~amount~~] **amounts** to pay refunds **and for use under the beverage container assistance program**, the comptroller 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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credit of the general fund the revenue deposited under this subdivision during the preceding calendar month and remaining to the comptroller's credit on the last day of that preceding month; provided, however, that, beginning April first, two thousand thirteen, nineteen million dollars, and all fiscal years thereafter, twenty-three million dollars plus all funds received from the payments due each fiscal year pursuant to subdivision four of this section in excess of the greater of the amount received from April first, two thousand twelve through March thirty-first, two thousand thirteen or one hundred twenty-two million two hundred thousand dollars, shall be deposited to the credit of the environmental protection fund established pursuant to section ninety-two-s of the state finance law.

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

§ 27-1018. Beverage container assistance program.

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

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

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

§ 4. This act shall take effect immediately.