

LOCAL LAW “C” FOR 2020

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, PROVIDING TECHNICAL AMENDMENTS TO LOCAL LAW NO. 5 FOR 2019

Introduced: 3/09/20

By Ms. Cunningham, Messrs. Reinhardt, Fein, Peter, Simpson, Efekoro, Ms. McLaughlin, Mr. Reidy and Ms. Chapman:

BE IT ENACTED by the County Legislature of the County of Albany as follows:

Local Law No. 5 for 2019, entitled “A LOCAL LAW TO INCENTIVIZE THE USE OF REUSABLE SHOPPING BAGS AND TO INSTITUTE A FEE ON THE USE OF PAPER BAGS IN ALBANY COUNTY SHOPPING ESTABLISHMENTS” is hereby amended to read as follows:

SECTION 1.

Section 4 of Local Law No. 5 for 2019 is amended to read as follows:

Section 4 Imposition of Fees for Use of Paper Bags

- (a) In accordance with Section 27-2805 of the New York State Environmental Conservation Law, Albany County establishments subject to the ban on Plastic Carryout Bags set forth in Section 27-2803 of the New York State Environmental Conservation Law shall charge customers a Paper Carryout Reduction Fee of \$.05 for each Paper Carryout Bag the Establishment provides to customers. On the effective date, all covered stores shall indicate on the customer receipt the number of Paper Carryout Bags that are provided to customers and the fee at which they were charged for the use of such bag.
- (b) The paper carryout bag reduction fee imposed by this local law shall not apply to any customer using the supplemental nutritional assistance program, special supplemental nutrition programs for women, infants, and children, or any successor programs used as full or partial payment for the items purchased.
- (c) Entities described in paragraphs (1) through (3) of subdivision (a) of section 1116 of the Tax Law of the State of New York shall be exempt from the fee imposed by this local law.

SECTION 2.

Section 5 of Local Law No. 5 for 2019 is amended to read as follows:

Section 5 Distribution of Fees and Transparency of Fee Collection

- (a) Per Section 27-2805 of the New York Environmental Conservation Law, forty percent of the fee shall be provided to Albany County for the purpose of purchasing reusable bags for Albany County residents, particularly those of low-income or limited means.
- (b) The fee imposed by this local law shall be administered and collected by the New York State Commissioner of Taxation and Finance as provided in Subsection 6 of § 27-2805 of the Environmental Conservation Law and in a like manner as the taxes imposed under Articles 28 and 29 of the Tax Law; provided, however that: (i) the vendor credit provided in subdivision (f) of § 1137 of the Tax Law shall not apply to this enactment; and (ii) the exemptions provided in section 1116 of the Tax Law, other than the exemptions in paragraphs one, two and three of subdivision (a) of such section, shall not apply to the fee imposed by this local law.
- (c) Any monies received by Albany County from the New York State Comptroller in respect of the fee imposed by this act shall be expended only in accordance with subdivision 7 of § 27-2805. Any monies not expended by Albany County for such purposes shall be returned to the New York State Comptroller at the end of the fiscal year.

SECTION 3.

Section 8 (d) of Local law No. 5 for 2019 is amended to read as follows:

Section 8. Albany County Responsibilities, Enforcement and Penalties.

- (e) Violation: Violations of this law shall be enforced pursuant to Section 27-2807 of the New York State Environmental Conservation Law.

SECTION 4.

Section 10 of Local Law No. 5 for 2019 is deleted in its entirety.

SECTION 5.

Section 11 of Local Law No. 5 for 2019 renumbered to Section 10 and is amended to read as follows:

Section 10. Effective Date.

The effective date of this local law will be September 1, 2020.

Referred to Law Committee – 3/9/20

Favorable Recommendation Law Committee – 9/30/20

On long roll call vote the following members voted in favor: Messrs. Beston, Bruschi, Ms. Chapman, Messrs. Clay, Cleary, Commisso, Ms. Cunningham, Messrs. Efekoro, Feeney, Fein, Kuhn, Ms. Lekakis, Mr. Mayo, Mss. McLaughlin, McLean Lane, Messrs. Miller, O'Brien, Peter, Ms. Plotsky, Messrs. Reidy, Reinhardt, Simpson, and Ms. Willingham – 23

Those opposed – Messrs. Burgdorf, Domalewicz, Drake, Ethier, Grimm, Langdon, Lockart, Mauriello, Perlee, Ricard, Smith, Tunny, Ward and Ms. Whalen – 14

Local Law was adopted – 10/13/20