

5403

2011-2012 Regular Sessions

I N   S E N A T E

May 18, 2011

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Introduced by Sen. GRISANTI -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law and the state finance law, in relation to requiring retained deposits on unredeemed containers to be deposited into the environmental protection fund

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 added by section 8 of part SS of chapter 59 of the  
3     laws of 2009, is amended to read as follows:  
4     5. [All] A. THE monies collected or received by the department of  
5     taxation and finance pursuant to this title shall be deposited to the  
6     credit of the comptroller with such responsible banks, banking houses or  
7     trust companies as may be designated by the comptroller. Such deposits  
8     shall be kept separate and apart from all other moneys in the possession  
9     of the comptroller. The comptroller shall require adequate security from  
10    all such depositories. Of the total revenue collected, the comptroller  
11    shall retain the amount determined by the commissioner of taxation and  
12    finance to be necessary for refunds out of which the comptroller must  
13    pay any refunds to which a deposit initiator may be entitled. After  
14    reserving the amount to pay refunds, the comptroller must, by the tenth  
15    day of each month, pay into the state treasury to the credit of the  
16    general fund OR INTO THE ENVIRONMENTAL PROTECTION FUND, IN ACCORDANCE  
17    WITH THE SCHEDULE LISTED BELOW, the revenue deposited under this subdi-  
18    vision during the preceding calendar month and remaining to the comp-  
19    troller's credit on the last day of that preceding month. THE PORTION OF  
20    THE REVENUE TO BE DEPOSITED INTO THE ENVIRONMENTAL PROTECTION FUND AFTER  
21    THE AMOUNT TO PAY REFUNDS HAS BEEN RESERVED SHALL BE:  
22    (I) TWENTY-FIVE PERCENT OF THE REVENUE IN FISCAL YEAR TWO THOUSAND  
23    TWELVE-TWO THOUSAND THIRTEEN;

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

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1 (II) FIFTY PERCENT OF THE REVENUE IN FISCAL YEAR TWO THOUSAND THIR-  
2 TEEN-TWO THOUSAND FOURTEEN;

3 (III) SEVENTY-FIVE PERCENT OF THE REVENUE IN FISCAL YEAR TWO THOUSAND  
4 FOURTEEN-TWO THOUSAND FIFTEEN; AND

5 (IV) ONE HUNDRED PERCENT OF THE REVENUE IN FISCAL YEAR TWO THOUSAND  
6 FIFTEEN-TWO THOUSAND SIXTEEN AND EVERY YEAR THEREAFTER.

7 B. THE MONIES ALLOCATED TO THE ENVIRONMENTAL PROTECTION FUND BY THIS  
8 SUBDIVISION SHALL BE IN ADDITION TO ANY OTHER MONEY ALLOCATED OR APPRO-  
9 PRIATED TO THE FUND AND SHALL NOT REDUCE ANY APPROPRIATIONS TO THE FUND.

10 S 2. Subdivision 3 of section 92-s of the state finance law, as added  
11 by section 2 of part T of chapter 59 of the laws of 2009, is amended to  
12 read as follows:

13 3. Such fund shall consist of the amount of revenue collected within  
14 the state from the amount of revenue, interest and penalties deposited  
15 pursuant to section fourteen hundred twenty-one of the tax law, the  
16 amount of fees and penalties received from easements or leases pursuant  
17 to subdivision fourteen of section seventy-five of the public lands law  
18 and the money received as annual service charges pursuant to section  
19 four hundred four-1 of the vehicle and traffic law, all moneys required  
20 to be deposited therein from the contingency reserve fund pursuant to  
21 section two hundred ninety-four of chapter fifty-seven of the laws of  
22 nineteen hundred ninety-three, all moneys required to be deposited  
23 pursuant to section thirteen of chapter six hundred ten of the laws of  
24 nineteen hundred ninety-three, repayments of loans made pursuant to  
25 section 54-0511 of the environmental conservation law, all moneys to be  
26 deposited from the Northville settlement pursuant to section one hundred  
27 twenty-four of chapter three hundred nine of the laws of nineteen  
28 hundred ninety-six, provided however, that such moneys shall only be  
29 used for the cost of the purchase of private lands in the core area of  
30 the central Suffolk pine barrens pursuant to a consent order with the  
31 Northville industries signed on October thirteenth, nineteen hundred  
32 ninety-four and the related resource restoration and replacement plan,  
33 the amount of penalties required to be deposited therein by section  
34 71-2724 of the environmental conservation law, all moneys required to be  
35 deposited pursuant to article thirty-three of the environmental conser-  
36 vation law, all fees collected pursuant to subdivision eight of section  
37 70-0117 of the environmental conservation law[, as added by a chapter of  
38 the laws of two thousand nine], all moneys collected pursuant to title  
39 thirty-three of article fifteen of the environmental conservation law[,  
40 as added by a chapter of the laws of two thousand nine], ALL MONEYS  
41 REQUIRED TO BE DEPOSITED PURSUANT TO SECTION 27-1012 OF THE ENVIRON-  
42 MENTAL CONSERVATION LAW and all other moneys credited or transferred  
43 thereto from any other fund or source pursuant to law. All such revenue  
44 shall be initially deposited into the environmental protection fund, for  
45 application as provided in subdivision five of this section.

46 S 3. This act shall take effect immediately.