S T A T E O F N E W Y O R K

5403--A

2011-2012 Regular Sessions

I N S E N A T E

May 18, 2011

Introduced by Sens. GRISANTI, DUANE, PARKER, SERRANO -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. Subdivision 5 of section 27-1012 of the environmental conservation law, as added by section 8 of part SS of chapter 59 of the laws of 2009, is amended to read as follows:

5. [All] A. THE monies 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. After reserving the amount to pay refunds, the comptroller must, by the tenth day of each month, pay into the state treasury to the credit of the general fund OR INTO THE ENVIRONMENTAL PROTECTION FUND, IN ACCORDANCE WITH THE SCHEDULE LISTED BELOW, 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. THE PORTION OF

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

LBD10516-03-1

THE REVENUE TO BE DEPOSITED INTO THE ENVIRONMENTAL PROTECTION FUND AFTER THE AMOUNT TO PAY REFUNDS HAS BEEN RESERVED SHALL BE:

(I) TWENTY-FIVE PERCENT OF THE REVENUE IN FISCAL YEAR TWO THOUSAND THIRTEEN-TWO THOUSAND FOURTEEN;

(II) FIFTY PERCENT OF THE REVENUE IN FISCAL YEAR TWO THOUSAND FOURTEEN-TWO THOUSAND FIFTEEN;

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

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

B. THE MONIES ALLOCATED TO THE ENVIRONMENTAL PROTECTION FUND BY THIS SUBDIVISION SHALL BE IN ADDITION TO ANY OTHER MONEY ALLOCATED OR APPROPRIATED TO THE FUND AND SHALL NOT REDUCE ANY APPROPRIATIONS TO THE FUND.

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

3. Such fund shall consist of the amount of revenue collected within the state from the amount of revenue, interest and penalties deposited pursuant to section fourteen hundred twenty-one of the tax law, the amount of fees and penalties received from easements or leases pursuant to subdivision fourteen of section seventy-five of the public lands law and the money received as annual service charges pursuant to section four hundred four-l of the vehicle and traffic law, all moneys required to be deposited therein from the contingency reserve fund pursuant to section two hundred ninety-four of chapter fifty-seven of the laws of nineteen hundred ninety-three, all moneys required to be deposited pursuant to section thirteen of chapter six hundred ten of the laws of nineteen hundred ninety-three, repayments of loans made pursuant to section 54-0511 of the environmental conservation law, all moneys to be deposited from the Northville settlement pursuant to section one hundred twenty-four of chapter three hundred nine of the laws of nineteen hundred ninety-six, provided however, that such moneys shall only be used for the cost of the purchase of private lands in the core area of the central Suffolk pine barrens pursuant to a consent order with the Northville industries signed on October thirteenth, nineteen hundred ninety-four and the related resource restoration and replacement plan, the amount of penalties required to be deposited therein by section 71-2724 of the environmental conservation law, all moneys required to be deposited pursuant to article thirty-three of the environmental conservation law, all fees collected pursuant to subdivision eight of section 70-0117 of the environmental conservation law[, as added by a chapter of the laws of two thousand nine], all moneys collected pursuant to title thirty-three of article fifteen of the environmental conservation law[, as added by a chapter of the laws of two thousand nine], ALL MONEYS REQUIRED TO BE DEPOSITED PURSUANT TO SECTION 27-1012 OF THE ENVIRONMENTAL CONSERVATION LAW and all other moneys credited or transferred thereto from any other fund or source pursuant to law. All such revenue shall be initially deposited into the environmental protection fund, for application as provided in subdivision five of this section.

S 3. This act shall take effect immediately.