

4440

2013-2014 Regular Sessions

I N S E N A T E

April 1, 2013

Introduced by Sen. MARCELLINO -- read twice and ordered printed, and
when printed to be committed to the Committee on Environmental Conser-
vation

AN ACT to amend the environmental conservation law, the state finance
law and the tax law, in relation to transfers from the environmental
protection fund to the general fund

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 54-0109 of the environmental conservation law is
2 amended by adding a new closing paragraph to read as follows:
3 IN ADDITION, THE DIVISION OF THE BUDGET, IN CONSULTATION WITH THE
4 STATE COMPTROLLER, SHALL DEVELOP A COURSE OF ACTION FOR THE REPAYMENT
5 OVER THE NEXT FIVE YEARS OF MONIES TRANSFERRED FROM THE ENVIRONMENTAL
6 PROTECTION FUND TO THE GENERAL FUND. SUCH COURSE OF ACTION SHALL BE
7 INCLUDED IN THE REPORT.
8 S 2. Section 92-s of the state finance law is amended by adding a new
9 subdivision 10 to read as follows:
10 10. NO LATER THAN APRIL FIRST, TWO THOUSAND FIFTEEN, DEPOSITS SHALL BE
11 COMMENCED IN ACCORDANCE WITH THE COURSE OF ACTION SET FORTH IN SECTION
12 54-0109 OF THE ENVIRONMENTAL CONSERVATION LAW AND CONCLUDE BY APRIL
13 FIRST, TWO THOUSAND TWENTY, FOR PAST TRANSFERS MADE FROM THE ENVIRON-
14 MENTAL PROTECTION FUND INTO THE GENERAL FUND.
15 S 3. Subdivision 9 of section 92-s of the state finance law, as
16 amended by section 1 of part B of chapter 59 of the laws of 2008, is
17 amended to read as follows:
18 9. Notwithstanding any other law to the contrary and in accordance
19 with section four of this chapter, the comptroller is hereby authorized
20 at the direction of the director of the division of the budget to trans-
21 fer moneys from the general fund to the environmental protection fund
22 for the purpose of maintaining the solvency of the environmental
23 protection fund. If, in any fiscal year, moneys in the environmental

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

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1 protection fund are deemed insufficient by the director of the division
2 of the budget to meet actual and anticipated disbursements from enacted
3 appropriations or reappropriations made pursuant to this section, the
4 comptroller shall at the direction of the director of the division of
5 the budget, transfer from the general fund to the environmental
6 protection fund moneys sufficient to meet such disbursements. Such
7 transfers shall be made only upon certification of need by the director
8 of the division of the budget, with copies of such certification filed
9 with the chairperson of the senate finance committee, the chairperson of
10 the assembly ways and means committee and the state comptroller. The
11 aggregate amount of all transfers shall not exceed [four hundred forty-
12 seven] FIVE HUNDRED SEVEN million one hundred seventy-one thousand
13 dollars. FOR THE PURPOSES OF THIS SUBDIVISION, THE TERM INSUFFICIENT
14 SHALL MEAN THAT THERE IS NOT AN ADEQUATE CASH BALANCE TO FINANCE ALL
15 CURRENT FISCAL YEAR APPROPRIATIONS AND ANY OUTSTANDING PRIOR YEAR OBLI-
16 GATIONS.

17 S 4. Section 1421 of the tax law, as amended by chapter 99 of the laws
18 of 2010, is amended to read as follows:

19 S 1421. Deposit and dispositions of revenues. From the taxes, interest
20 and penalties attributable to the tax imposed pursuant to section four-
21 teen hundred two of this article, the amount of one hundred ninety-nine
22 million three hundred thousand dollars shall be deposited by the comp-
23 troller in the environmental protection fund established pursuant to
24 section ninety-two-s of the state finance law for the fiscal year begin-
25 ning April first, two thousand nine; the amount of one hundred nineteen
26 million one hundred thousand dollars shall be deposited in such fund for
27 the fiscal year beginning April first, two thousand ten; THE AMOUNT OF
28 ONE HUNDRED FORTY-NINE MILLION DOLLARS SHALL BE DEPOSITED IN SUCH FUND
29 FOR THE FISCAL YEAR BEGINNING APRIL FIRST, TWO THOUSAND FOURTEEN; THE
30 AMOUNT OF ONE HUNDRED SEVENTY-NINE MILLION DOLLARS SHALL BE DEPOSITED IN
31 SUCH FUND FOR THE FISCAL YEAR BEGINNING APRIL FIRST, TWO THOUSAND
32 FIFTEEN; THE AMOUNT OF TWO HUNDRED NINE MILLION DOLLARS SHALL BE DEPOS-
33 ITED IN SUCH FUND FOR THE FISCAL YEAR BEGINNING APRIL FIRST, TWO THOU-
34 SAND SIXTEEN; THE AMOUNT OF TWO HUNDRED THIRTY-NINE MILLION DOLLARS
35 SHALL BE DEPOSITED IN SUCH FUND FOR FOUR FISCAL YEARS BEGINNING APRIL
36 FIRST, TWO THOUSAND SEVENTEEN; AND THE AMOUNT OF TWO HUNDRED SEVENTY-TWO
37 MILLION DOLLARS SHALL BE DEPOSITED IN SUCH FUND FOR THE FISCAL YEAR
38 BEGINNING APRIL FIRST, TWO THOUSAND EIGHTEEN; and for each fiscal year
39 thereafter. On or before June twelfth, nineteen hundred ninety-five and
40 on or before the twelfth day of each month thereafter (excepting the
41 first and second months of each fiscal year), the comptroller shall
42 deposit into such fund from the taxes, interest and penalties collected
43 pursuant to such section fourteen hundred two of this article which have
44 been deposited and remain to the comptroller's credit in the banks,
45 banking houses or trust companies referred to in section one hundred
46 seventy-one-a of this chapter at the close of business on the last day
47 of the preceding month, an amount equal to one-tenth of the annual
48 amount required to be deposited in such fund pursuant to this section
49 for the fiscal year in which such deposit is required to be made. In the
50 event such amount of taxes, interest and penalties so remaining to the
51 comptroller's credit is less than the amount required to be deposited in
52 such fund by the comptroller, an amount equal to the shortfall shall be
53 deposited in such fund by the comptroller with subsequent deposits, as
54 soon as the revenue is available. Beginning April first, nineteen
55 hundred ninety-seven, the comptroller shall transfer monthly to the
56 clean water/clean air fund established pursuant to section ninety-sev-

1 en-bbb of the state finance law, all moneys remaining from such taxes,
2 interest and penalties collected that are not required for deposit in
3 the environmental protection fund.

4 S 5. This act shall take effect April 1, 2014; provided, however, if
5 this act shall become a law after such date it shall take effect imme-
6 diately and shall be deemed to have been in full force and effect on and
7 after April 1, 2014.