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

6804

I N S E N A T E

February 9, 2010

Introduced by Sens. MARCELLINO, HANNON, PADAVAN, VOLKER -- 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 a course of action for the repayment of monies transferred from the environmental protection fund to the general fund; and to amend the tax law, in relation to the deposit and disposition of revenues in the environmental protection fund

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

Section 1. Section 54-0109 of the environmental conservation law is amended by adding a new closing paragraph to read as follows:

IN ADDITION, THE DIVISION OF THE BUDGET, IN CONSULTATION WITH THE STATE COMPTROLLER, SHALL DEVELOP A COURSE OF ACTION FOR THE REPAYMENT OVER THE NEXT FIVE YEARS OF MONIES TRANSFERRED FROM THE ENVIRONMENTAL PROTECTION FUND TO THE GENERAL FUND. SUCH COURSE OF ACTION SHALL BE INCLUDED IN THE REPORT.

S 2. Section 92-s of the state finance law is amended by adding a new subdivision 10 to read as follows:

10. NO LATER THAN APRIL FIRST, TWO THOUSAND TWELVE, DEPOSITS SHALL BE COMMENCED IN ACCORDANCE WITH THE COURSE OF ACTION SET FORTH IN SECTION 54-0109 OF THE ENVIRONMENTAL CONSERVATION LAW AND CONCLUDE BY APRIL FIRST, TWO THOUSAND SEVENTEEN, FOR PAST TRANSFERS MADE FROM THE ENVIRONMENTAL PROTECTION FUND INTO THE GENERAL FUND.

S 3. Subdivision 9 of section 92-s of the state finance law, as amended by section 1 of part B of chapter 59 of the laws of 2008, is amended to read as follows:

9. Notwithstanding any other law to the contrary and in accordance with section four of this chapter, the comptroller is hereby authorized at the direction of the director of the division of the budget to transfer moneys from the general fund to the environmental protection fund for the purpose of maintaining the solvency of the environmental protection fund. If, in any fiscal year, moneys in the environmental protection fund are deemed insufficient by the director of the division

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

LBD15472-02-0

of the budget to meet actual and anticipated disbursements from enacted appropriations or reappropriations made pursuant to this section, the comptroller shall at the direction of the director of the division of the budget, transfer from the general fund to the environmental protection fund moneys sufficient to meet such disbursements. Such transfers shall be made only upon certification of need by the director of the division of the budget, with copies of such certification filed with the chairperson of the senate finance committee, the chairperson of the assembly ways and means committee and the state comptroller. The aggregate amount of all transfers shall not exceed [four hundred forty-seven] FIVE HUNDRED SEVEN million one hundred seventy-one thousand dollars.

S 4. Section 1421 of the tax law, as amended by section 1 of part T of chapter 59 of the laws of 2009, is amended to read as follows:

S 1421. Deposit and dispositions of revenues. From the taxes, interest and penalties attributable to the tax imposed pursuant to section fourteen hundred two of this article, the amount of thirty-three and one-half million dollars shall be deposited by the comptroller in the environmental protection fund established pursuant to section ninety-two-s of the state finance law for the fiscal year beginning April first, nineteen hundred ninety-five; the amount of eighty-seven million dollars shall be deposited in such fund for the fiscal years beginning April first, nineteen hundred ninety-six and nineteen hundred ninety-seven; the amount of one hundred twelve million dollars shall be deposited in such fund for the fiscal years beginning April first, nineteen hundred ninety-eight, nineteen hundred ninety-nine, two thousand, two thousand one, two thousand two, two thousand three, two thousand four and two thousand five; the amount of one hundred thirty-seven million dollars shall be deposited in such fund for the fiscal year beginning April first, two thousand six; the amount of two hundred twelve million dollars shall be deposited in such fund for the fiscal year beginning April first, two thousand seven; the amount of two hundred thirty-seven million dollars shall be deposited in such fund for the fiscal year beginning April first, two thousand eight; the amount of one hundred ninety-nine million three hundred thousand dollars shall be deposited in such fund for four fiscal years beginning April first, two thousand nine; AND THE AMOUNT OF TWO HUNDRED EIGHTY-SEVEN MILLION DOLLARS SHALL BE DEPOSITED IN SUCH FUND FOR THE FISCAL YEAR BEGINNING APRIL FIRST, TWO THOUSAND TWELVE; and for each fiscal year thereafter; provided however that at the direction of the director of the budget, an additional amount of up to twenty-five million dollars may be deposited in such fund for the fiscal year beginning April first, two thousand seven and ending March thirty-first, two thousand eight, for disposition as provided under such section. On or before June twelfth, nineteen hundred ninety-five and on or before the twelfth day of each month thereafter (excepting the first and second months of each fiscal year), the comptroller shall deposit into such fund from the taxes, interest and penalties collected pursuant to such section fourteen hundred two of this article which have been deposited and remain to the comptroller's credit in the banks, banking houses or trust companies referred to in section one hundred seventy-one-a of this chapter at the close of business on the last day of the preceding month, an amount equal to one-tenth of the annual amount required to be deposited in such fund pursuant to this section for the fiscal year in which such deposit is required to be made. In the event such amount of taxes, interest and penalties so remaining to the comptroller's credit is less than the amount required

to be deposited in such fund by the comptroller, an amount equal to the shortfall shall be deposited in such fund by the comptroller with subsequent deposits, as soon as the revenue is available. Beginning April first, nineteen hundred ninety-seven, the comptroller shall transfer monthly to the clean water/clean air fund established pursuant to section ninety-seven-bbb of the state finance law, all moneys remaining from such taxes, interest and penalties collected that are not required for deposit in the environmental protection fund.

S 5. This act shall take effect April 1, 2010; provided, however, if this act shall become a law after such date it shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2010.