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

9462

I N A S S E M B L Y

March 5, 2012

Introduced by M. of A. CASTRO -- read once and referred to the Committee on Banks

AN ACT to amend the banking law and the general business law, in relation to establishing a wire transfer fee on all wire transfers and transmissions to foreign countries; and to amend the education law and the state finance law, in relation to establishing the undocumented student education fund

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

Section 1. The banking law is amended by adding a new section 9-v to read as follows:

S 9-V. WIRE TRANSFER FEE. 1. EVERY ORGANIZATION UNDER THE SUPERVISION OF THE DEPARTMENT SHALL COLLECT A FEE ON EACH TRANSACTION FOR AN AMOUNT EQUAL TO .5 PERCENT OF THE TRANSACTION.

2. THE FEE PRESCRIBED BY SUBDIVISION ONE OF THIS SECTION SHALL BE REMITTED QUARTERLY TO THE STATE COMPTROLLER FOR DEPOSIT INTO THE UNDOCUMENTED STUDENT EDUCATION FUND ESTABLISHED PURSUANT TO SECTION NINETY-SEVEN-LLLL OF THE STATE FINANCE LAW. ALL REQUIRED FORMS AND REMITTANCES SHALL BE FILED WITH THE DEPARTMENT OF TAXATION AND FINANCE NOT LATER THAN THE FIFTEENTH DAY OF THE MONTH FOLLOWING THE CLOSE OF EACH CALENDAR QUARTER.

3. FOR THE PURPOSES OF THIS SECTION, THE TERM "TRANSACTION" SHALL MEAN THE WIRE TRANSFER OR OTHER TRANSMISSION OF MONEY FROM WITHIN THIS STATE TO ANY FOREIGN COUNTRY.

S 2. Subdivision 4 of section 383 of the banking law, as amended by chapter 360 of the laws of 1984, is amended to read as follows:

4. To receive money for transmission and to transmit such money, SUBJECT TO SECTION NINE-V OF THIS CHAPTER, and to sell money orders and travel checks as agent for any corporation, association or joint stock company empowered to sell such instruments through agents in the state of New York.

S 3. Paragraph (b) of subdivision 7 of section 454 of the banking law, as added by chapter 679 of the laws of 2003, is amended to read as follows:

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

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(b) To collect, receive and disburse funds, SUBJECT TO SECTION NINE-V OF THIS CHAPTER, in connection with the issuance of negotiable checks, money orders, travelers checks and other payment instruments to members, and to charge a fee for such services;

S 4. The banking law is amended by adding a new section 641-a to read as follows:

S 641-A. WIRE TRANSFER FEE. 1. EVERY LICENSEE SHALL COLLECT A FEE ON EACH TRANSACTION FOR AN AMOUNT EQUAL TO .5 PERCENT OF THE TRANSACTION.

2. THE FEE PRESCRIBED BY SUBDIVISION ONE OF THIS SECTION SHALL BE REMITTED QUARTERLY TO THE STATE COMPTROLLER FOR DEPOSIT INTO THE UNDOCUMENTED STUDENT EDUCATION FUND ESTABLISHED PURSUANT TO SECTION NINETY-SEVEN-LLLL OF THE STATE FINANCE LAW. ALL REQUIRED FORMS AND REMITTANCES SHALL BE FILED WITH THE DEPARTMENT OF TAXATION AND FINANCE NOT LATER THAN THE FIFTEENTH DAY OF THE MONTH FOLLOWING THE CLOSE OF EACH CALENDAR QUARTER.

3. FOR THE PURPOSES OF THIS SECTION, THE TERM "TRANSACTION" SHALL MEAN THE WIRE TRANSFER OR OTHER TRANSMISSION OF MONEY FROM WITHIN THIS STATE TO ANY FOREIGN COUNTRY.

S 5. The general business law is amended by adding a new section 165-a to read as follows:

S 165-A. TRANSACTION FEE. 1. EVERY AGENT SHALL COLLECT A FEE ON EACH TRANSACTION FOR AN AMOUNT EQUAL TO .5 PERCENT OF THE TRANSACTION.

2. THE FEE PRESCRIBED BY SUBDIVISION ONE OF THIS SECTION SHALL BE REMITTED QUARTERLY TO THE STATE COMPTROLLER FOR DEPOSIT INTO THE UNDOCUMENTED STUDENT EDUCATION FUND ESTABLISHED PURSUANT TO SECTION NINETY-SEVEN-LLLL OF THE STATE FINANCE LAW. ALL REQUIRED FORMS AND REMITTANCES SHALL BE FILED WITH THE DEPARTMENT OF TAXATION AND FINANCE NOT LATER THAN THE FIFTEENTH DAY OF THE MONTH FOLLOWING THE CLOSE OF EACH CALENDAR QUARTER.

3. FOR THE PURPOSES OF THIS SECTION, THE TERM "TRANSACTION" SHALL MEAN THE WIRE TRANSFER OR OTHER TRANSMISSION OF MONEY FROM WITHIN THIS STATE TO ANY FOREIGN COUNTRY.

S 6. Section 305 of the education law is amended by adding a new subdivision 43 to read as follows:

43. THE COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONER OF TAXATION AND FINANCE, SHALL PROMULGATE RULES AND REGULATIONS PROVIDING FOR THE IMPLEMENTATION OF SUBDIVISION THREE OF SECTION NINETY-SEVEN-LLLL OF THE STATE FINANCE LAW.

S 7. The state finance law is amended by adding a new section 97-llll to read as follows:

S 97-LLLL. UNDOCUMENTED STUDENT EDUCATION FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE COMMISSIONER OF TAXATION AND FINANCE AND THE COMMISSIONER OF EDUCATION A FUND TO BE KNOWN AS THE "UNDOCUMENTED STUDENT EDUCATION FUND".

2. (A) SUCH FUND SHALL CONSIST OF MONEYS PAID THERETO FROM THE WIRE TRANSFER FEE AS PROVIDED IN SECTIONS NINE-V AND SIX HUNDRED FORTY-ONE-A OF THE BANKING LAW, THE TRANSACTION FEE AS PROVIDED IN SECTION ONE HUNDRED SIXTY-FIVE-A OF THE GENERAL BUSINESS LAW AND ALL OTHER MONEYS APPROPRIATED, TRANSFERRED OR CREDITED THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW.

(B) ANY MONEYS IN SUCH ACCOUNT MAY BE INVESTED BY THE STATE COMPTROLLER PURSUANT TO SECTION NINETY-EIGHT-A OF THIS ARTICLE AND ANY INCOME FROM SUCH INVESTMENT SHALL BE CREDITED TO THE FUND.

3. MONEYS IN THE ACCOUNT SHALL BE MADE AVAILABLE FOR THE PAYMENT OF TUITION AND OTHER FEES AND CHARGES, BUT SHALL NOT BE MADE AVAILABLE FOR ROOM AND BOARD, OF A STUDENT WHO IS ATTENDING A CITY UNIVERSITY OF NEW

YORK OR THE STATE UNIVERSITY OF NEW YORK AND WHO IS WITHOUT LAWFUL IMMIGRATION STATUS OR IS AN UNDOCUMENTED PERSON, IF SUCH STUDENT:

(A) ENTERED THE UNITED STATES BEFORE THE AGE OF EIGHTEEN; AND

(B) ATTENDED AN APPROVED HIGH SCHOOL IN THIS STATE FOR TWO OR MORE YEARS, GRADUATED FROM AN APPROVED HIGH SCHOOL IN THIS STATE AND APPLIED FOR ATTENDANCE AT AN INSTITUTION OR EDUCATIONAL UNIT OF THE STATE UNIVERSITY WITHIN FIVE YEARS OF RECEIVING A NEW YORK STATE HIGH SCHOOL DIPLOMA; OR

(C) ATTENDED AN APPROVED NEW YORK STATE PROGRAM FOR GENERAL EQUIVALENCY DIPLOMA EXAM PREPARATION, RECEIVED A GENERAL EQUIVALENCY DIPLOMA ISSUED WITHIN NEW YORK STATE AND APPLIED FOR ATTENDANCE AT AN INSTITUTION OR EDUCATIONAL UNIT OF THE STATE UNIVERSITY WITHIN FIVE YEARS OF RECEIVING A GENERAL EQUIVALENCY DIPLOMA ISSUED WITHIN NEW YORK STATE.

A STUDENT WITHOUT LAWFUL IMMIGRATION STATUS SHALL ALSO BE REQUIRED TO FILE AN AFFIDAVIT WITH SUCH INSTITUTION OR EDUCATIONAL UNIT STATING THAT THE STUDENT HAS FILED AN APPLICATION TO LEGALIZE HIS OR HER IMMIGRATION STATUS, OR WILL FILE SUCH AN APPLICATION AS SOON AS HE OR SHE IS ELIGIBLE TO DO SO.

4. MONIES SHALL BE PAYABLE FROM THE FUND ON THE AUDIT AND WARRANT OF THE COMPTROLLER ON VOUCHERS APPROVED AND CERTIFIED BY THE COMMISSIONER OF EDUCATION.

5. TO THE EXTENT PRACTICABLE, THE COMMISSIONER OF EDUCATION SHALL ENSURE THAT ALL MONIES RECEIVED DURING A FISCAL YEAR ARE EXPENDED PRIOR TO THE END OF THAT FISCAL YEAR.

S 8. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized to be made on or before such date.