

7137

2011-2012 Regular Sessions

I N A S S E M B L Y

April 13, 2011

Introduced by M. of A. LATIMER -- read once and referred 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.