

7647--A

2013-2014 Regular Sessions

I N   A S S E M B L Y

May 29, 2013

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Introduced by M. of A. FAHY, ROZIC, MILLMAN, SKARTADOS, RAIA, MONTESANO, LUPINACCI, CAHILL, HOOPER -- Multi-Sponsored by -- M. of A. BRENNAN, COOK, GLICK, McDONALD, McLAUGHLIN, SEPULVEDA, THIELE, WEISENBERG -- read once and referred to the Committee on Environmental Conservation -- recommitted to the Committee on Environmental Conservation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 ASSEMBLY, 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 SIXTEEN, 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-ONE, FOR PAST TRANSFERS MADE FROM THE ENVI-  
14    RONMENTAL 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:

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

LBD10101-03-4

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

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

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

1 comptroller's credit is less than the amount required to be deposited in  
2 such fund by the comptroller, an amount equal to the shortfall shall be  
3 deposited in such fund by the comptroller with subsequent deposits, as  
4 soon as the revenue is available. Beginning April first, nineteen  
5 hundred ninety-seven, the comptroller shall transfer monthly to the  
6 clean water/clean air fund established pursuant to section ninety-sev-  
7 en-bbb of the state finance law, all moneys remaining from such taxes,  
8 interest and penalties collected that are not required for deposit in  
9 the environmental protection fund.

10 S 5. This act shall take effect April 1, 2015; provided, however, if  
11 this act shall become a law after such date it shall take effect imme-  
12 diately and shall be deemed to have been in full force and effect on and  
13 after April 1, 2015.