

3517--A

2015-2016 Regular Sessions

I N   S E N A T E

February 11, 2015

---

Introduced by Sens. MARCELLINO, AVELLA, HANNON, HOYLMAN, LATIMER, PANEP-INTO, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- reported favorably from said committee and committed to the Committee on Finance -- 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 SEVENTEEN, DEPOSITS SHALL  
11    BE COMMENCED IN ACCORDANCE WITH THE COURSE OF ACTION SET FORTH IN  
12    SECTION 54-0109 OF THE ENVIRONMENTAL CONSERVATION LAW AND CONCLUDE BY  
13    APRIL FIRST, TWO THOUSAND TWENTY-TWO, FOR PAST TRANSFERS MADE FROM THE  
14    ENVIRONMENTAL 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-

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

LBD08861-03-5

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

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

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

1 is available. Beginning April first, nineteen hundred ninety-seven, the  
2 comptroller shall transfer monthly to the clean water/clean air fund  
3 established pursuant to section ninety-seven-bbb of the state finance  
4 law, all moneys remaining from such taxes, interest and penalties  
5 collected that are not required for deposit in the environmental  
6 protection fund.

7 S 5. This act shall take effect April 1, 2016; provided, however, if  
8 this act shall become a law after such date it shall take effect imme-  
9 diately and shall be deemed to have been in full force and effect on and  
10 after April 1, 2016.