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

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, PANEPINTO, 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:

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 SEVENTEEN, 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 TWENTY-TWO, 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 trans-

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

LBD08861-03-5

fer 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 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. FOR THE PURPOSES OF THIS SUBDIVISION, THE TERM INSUFFICIENT SHALL MEAN THAT THERE IS NOT AN ADEQUATE CASH BALANCE TO FINANCE ALL CURRENT FISCAL YEAR APPROPRIATIONS AND ANY OUTSTANDING PRIOR YEAR OBLIGATIONS.

S 4. Section 1421 of the tax law, as amended by chapter 99 of the laws of 2010, 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 one hundred ninety-nine million three hundred thousand 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, two thousand nine; the amount of one hundred nineteen million one hundred thousand dollars shall be deposited in such fund for the fiscal year beginning April first, two thousand ten; THE AMOUNT OF ONE HUNDRED SEVENTY-SEVEN MILLION DOLLARS SHALL BE DEPOSITED IN SUCH FUND FOR THE FISCAL YEAR BEGINNING APRIL FIRST, TWO THOUSAND SIXTEEN; THE AMOUNT OF TWO HUNDRED TWO MILLION DOLLARS SHALL BE DEPOSITED IN SUCH FUND FOR THE FISCAL YEAR BEGINNING APRIL FIRST, TWO THOUSAND SEVENTEEN; THE AMOUNT OF TWO HUNDRED THIRTY-TWO MILLION DOLLARS SHALL BE DEPOSITED IN SUCH FUND FOR THE FISCAL YEAR BEGINNING APRIL FIRST, TWO THOUSAND EIGHTEEN; THE AMOUNT OF TWO HUNDRED SIXTY-TWO MILLION DOLLARS SHALL BE DEPOSITED IN SUCH FUND FOR THE FISCAL YEAR BEGINNING APRIL FIRST, TWO THOUSAND NINETEEN; AND THE AMOUNT OF TWO HUNDRED NINETY-TWO MILLION DOLLARS SHALL BE DEPOSITED IN SUCH FUND FOR THE FISCAL YEAR BEGINNING APRIL FIRST, TWO THOUSAND TWENTY; and for each fiscal year thereafter. 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, 2016; 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, 2016.