

# STATE OF NEW YORK

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2594

2017-2018 Regular Sessions

## IN SENATE

January 13, 2017

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Introduced by Sen. MARCELLINO -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

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 § 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 nineteen, 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-four, for past transfers made from the  
14 environmental protection fund into the general fund.

15 § 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-  
21 fer moneys from the general fund to the environmental protection fund  
22 for the purpose of maintaining the solvency of the environmental  
23 protection fund. If, in any fiscal year, moneys in the environmental

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

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1 protection fund are deemed insufficient by the director of the division  
2 of the budget to meet actual and anticipated disbursements from enacted  
3 appropriations or reappropriations made pursuant to this section, the  
4 comptroller shall at the direction of the director of the division of  
5 the budget, transfer from the general fund to the environmental  
6 protection fund moneys sufficient to meet such disbursements. Such  
7 transfers shall be made only upon certification of need by the director  
8 of the division of the budget, with copies of such certification filed  
9 with the chairperson of the senate finance committee, the chairperson of  
10 the assembly ways and means committee and the state comptroller. The  
11 aggregate amount of all transfers shall not exceed [~~four hundred forty~~  
12 ~~seven~~] five hundred seven million one hundred seventy-one thousand  
13 dollars. For the purposes of this subdivision, the term insufficient  
14 shall mean that there is not an adequate cash balance to finance all  
15 current fiscal year appropriations and any outstanding prior year obli-  
16 gations.

17 § 4. Section 1421 of the tax law, as amended by chapter 99 of the laws  
18 of 2010, is amended to read as follows:

19 § 1421. Deposit and dispositions of revenues. From the taxes, interest  
20 and penalties attributable to the tax imposed pursuant to section four-  
21 teen hundred two of this article, the amount of one hundred ninety-nine  
22 million three hundred thousand dollars shall be deposited by the comp-  
23 troller in the environmental protection fund established pursuant to  
24 section ninety-two-s of the state finance law for the fiscal year begin-  
25 ning April first, two thousand nine; the amount of one hundred nineteen  
26 million one hundred thousand dollars shall be deposited in such fund for  
27 the fiscal year beginning April first, two thousand ten; the amount of  
28 one hundred seventy-seven million dollars shall be deposited in such  
29 fund for the fiscal year beginning April first, two thousand eighteen;  
30 the amount of two hundred two million dollars shall be deposited in such  
31 fund for the fiscal year beginning April first, two thousand nineteen;  
32 the amount of two hundred thirty-two million dollars shall be deposited  
33 in such fund for the fiscal year beginning April first, two thousand  
34 twenty; the amount of two hundred sixty-two million dollars shall be  
35 deposited in such fund for the fiscal year beginning April first, two  
36 thousand twenty-one; and the amount of two hundred ninety-two million  
37 dollars shall be deposited in such fund for the fiscal year beginning  
38 April first, two thousand twenty-two; and for each fiscal year thereaft-  
39 er. On or before June twelfth, nineteen hundred ninety-five and on or  
40 before the twelfth day of each month thereafter (excepting the first and  
41 second months of each fiscal year), the comptroller shall deposit into  
42 such fund from the taxes, interest and penalties collected pursuant to  
43 such section fourteen hundred two of this article which have been depos-  
44 ited and remain to the comptroller's credit in the banks, banking houses  
45 or trust companies referred to in section one hundred seventy-one-a of  
46 this chapter at the close of business on the last day of the preceding  
47 month, an amount equal to one-tenth of the annual amount required to be  
48 deposited in such fund pursuant to this section for the fiscal year in  
49 which such deposit is required to be made. In the event such amount of  
50 taxes, interest and penalties so remaining to the comptroller's credit  
51 is less than the amount required to be deposited in such fund by the  
52 comptroller, an amount equal to the shortfall shall be deposited in such  
53 fund by the comptroller with subsequent deposits, as soon as the revenue  
54 is available. Beginning April first, nineteen hundred ninety-seven, the  
55 comptroller shall transfer monthly to the clean water/clean air fund  
56 established pursuant to section ninety-seven-bbb of the state finance

1 law, all moneys remaining from such taxes, interest and penalties  
2 collected that are not required for deposit in the environmental  
3 protection fund.

4 § 5. This act shall take effect April 1, 2018; provided, however, if  
5 this act shall become a law after such date it shall take effect imme-  
6 diately and shall be deemed to have been in full force and effect on and  
7 after April 1, 2018.