

PROGRAM BILL # 263

S.

Senate

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship of this proposal

- | | | | | |
|-----------------|-----------------|----------------|------------------|----------------|
| s20 Adams | s03 Foley | s24 Lanza | s37 Oppenheimer | s09 Skelos |
| s15 Addabbo | s08 Fuschillo | s39 Larkin | s11 Padavan | s14 Smith |
| s55 Alesi | s22 Golden | s01 LaValle | s21 Parker | s25 Squadron |
| s48 Aubertine | s47 Griffo | s40 Leibell | s13 Peralta | s58 Stachowski |
| s42 Bonacic | s06 Hannon | s52 Libous | s30 Perkins | s16 Stavisky |
| s46 Breslin | s36 Hassell- | s45 Little | s61 Ranzenhofer | s35 Stewart- |
| s50 DeFrancisco | Thompson | s05 Marcellino | s56 Robach | Cousins |
| s32 Diaz | s10 Huntley | s62 Maziarz | s41 Saland | s60 Thompson |
| s17 Dilan | s07 Johnson, C. | s43 McDonald | s19 Sampson | s49 Valesky |
| s29 Duane | s04 Johnson, O. | s18 Montgomery | s23 Savino | s59 Volker |
| s33 Espada | s34 Klein | s38 Morahan | s31 Schneiderman | s53 Winner |
| s44 Farley | s26 Krueger | s54 Nozzolio | s28 Serrano | s57 Young |
| s02 Flanagan | s27 Kruger | s12 Onorato | s51 Seward | |

IN SENATE--Introduced by Sen

--read twice and ordered printed,
and when printed to be committed
to the Committee on

----- A.
Assembly

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the multi-sponsorship of this proposal:

- | | | | | |
|-------------------|------------------|-------------------|-----------------|------------------|
| a049 Abbate | a010 Conte | a093 Heastie | a022 Meng | a067 Rosenthal |
| a001 Alessi | a032 Cook | a028 Hevesi | a102 Miller, J. | a118 Russell |
| a021 Alfano | a142 Corwin | a048 Hikind | a038 Miller, M. | a012 Saladino |
| a105 Amedore | a085 Crespo | a018 Hooper | a052 Millman | a113 Sayward |
| a084 Arroyo | a107 Crouch | a144 Hoyt | a103 Molinaro | a029 Scarborough |
| a035 Aubry | a063 Cusick | a060 Hyer-Spencer | a015 Montesano | a016 Schimel |
| a136 Bacalles | a045 Cymbrowitz | a042 Jacobs | a132 Morelle | a140 Schimminger |
| a099 Ball | a138 DelMonte | a095 Jaffee | a003 Murray | a145 Schroeder |
| a124 Barclay | a034 DenDekker | a057 Jeffries | a037 Nolan | a122 Scozzafava |
| a014 Barra | a116 Destito | a131 John | a128 Oaks | a064 Silver |
| a040 Barron | a081 Dinowitz | a112 Jordan | a069 O'Donnell | a100 Skartados |
| a082 Benedetto | a114 Duprey | a074 Kavanagh | a137 O'Mara | a093 Spano |
| a075 Benjamin | a004 Englebright | a065 Kellner | a051 Ortiz | a121 Stirpe |
| a073 Bing | a130 Errigo | a129 Kolb | a150 Parment | a011 Sweeney |
| a055 Boyland | a072 Espalliat | a135 Koon | a088 Paulin | a110 Tedisco |
| a008 Boyle | a071 Farrell | a025 Lancman | a141 Peoples- | a002 Thiele |
| a044 Brennan | a005 Fields | a091 Latimer | Stokes | a061 Titone |
| a092 Brodsky | a123 Finch | a013 Lavine | a058 Perry | a031 Titus |
| a046 Brook-Krasny | a007 Fitzpatrick | a050 Lentol | a023 Pheffer | a062 Tobacco |
| a147 Burling | a143 Gabryszak | a125 Lifton | a068 Powell | a054 Towns |
| a117 Butler | a090 Galef | a127 Lopez, P. | a087 Pretlow | a115 Townsend |
| a101 Cahill | a133 Gantt | a053 Lopez, V. | a146 Quinn | a041 Weinstein |
| a096 Calhoun | a036 Gianaris | a126 Lupardo | a097 Rabbitt | a020 Weisenberg |
| a043 Camara | a077 Gibson | a111 Magee | a009 Raia | a024 Weprin, D. |
| a106 Canestrari | a149 Giglio | a120 Magnarelli | a006 Ramos | a070 Wright |
| a026 Carrozza | a066 Glick | a059 Maisel | a134 Reilich | a094 Zebrowski |
| a089 Castelli | a108 Gordon | a030 Markey | a109 Reilly | a039 |
| a086 Castro | a075 Gottfried | a027 Mayersohn | a078 Rivera, J. | |
| a119 Christensen | a098 Gunther | a019 McDonough | a080 Rivera, N. | |
| a033 Clark | a139 Hawley | a104 McEneny | a076 Rivera, P. | |
| a047 Colton | a148 Hayes | a017 McKeivitt | a056 Robinson | |

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the
Committee on

TAXLA

(Relates to real estate transfer tax deposits into the environmental protection fund and to make appropriations for the support of government)

Tax. EPF rl es trnsf tx depos

AN ACT

to amend the tax law, in relation to real estate transfer tax deposits into the environmental protection fund and to make appropriations for the support of government

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1) Single House Bill (introduced and printed separately in either or both houses). Uni-Bill (introduced simultaneously in both houses and printed as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2 signed copies of bill and 4 copies of memorandum in support (single house); or 4 signed copies of bill and 8 copies of memorandum in support (uni-bill).

1 Section 1. Section 1421 of the tax law, as amended by section 1 of
2 part T of chapter 59 of the laws of 2009, is amended to read as follows:
3 § 1421. Deposit and dispositions of revenues. From the taxes, interest
4 and penalties attributable to the tax imposed pursuant to section four-
5 teen hundred two of this article, the amount of [thirty-three and one-
6 half million] one hundred ninety-nine million three hundred thousand
7 dollars shall be deposited by the comptroller in the environmental
8 protection fund established pursuant to section ninety-two-s of the
9 state finance law for the fiscal year beginning April first, [nineteen
10 hundred ninety-five] two thousand nine; the amount of [eighty-seven
11 million dollars shall be deposited in such fund for the fiscal years
12 beginning April first, nineteen hundred ninety-six and nineteen hundred
13 ninety-seven; the amount of one hundred twelve million dollars shall be
14 deposited in such fund for the fiscal years beginning April first, nine-
15 teen hundred ninety-eight, nineteen hundred ninety-nine, two thousand,
16 two thousand one, two thousand two, two thousand three, two thousand
17 four and two thousand five; the amount of one hundred thirty-seven
18 million dollars shall be deposited in such fund for the fiscal year
19 beginning April first, two thousand six; the amount of two hundred
20 twelve million dollars shall be deposited in such fund for the fiscal
21 year beginning April first, two thousand seven; the amount of two
22 hundred thirty-seven million dollars shall be deposited in such fund for
23 the fiscal year beginning April first, two thousand eight; the amount of
24 one hundred ninety-nine million three hundred thousand dollars shall be
25 deposited in such fund for four fiscal years beginning April first, two
26 thousand nine;] one hundred thirty-two million three hundred thousand
27 dollars shall be deposited in such fund for the fiscal year beginning
28 April first, two thousand ten; and for each fiscal year thereafter[;

1 provided however that at the direction of the director of the budget, an
2 additional amount of up to twenty-five million dollars may be deposited
3 in such fund for the fiscal year beginning April first, two thousand
4 seven and ending March thirty-first, two thousand eight, for disposition
5 as provided under such section]. On or before June twelfth, nineteen
6 hundred ninety-five and on or before the twelfth day of each month ther-
7 eafter (excepting the first and second months of each fiscal year), the
8 comptroller shall deposit into such fund from the taxes, interest and
9 penalties collected pursuant to such section fourteen hundred two of
10 this article which have been deposited and remain to the comptroller's
11 credit in the banks, banking houses or trust companies referred to in
12 section one hundred seventy-one-a of this chapter at the close of busi-
13 ness on the last day of the preceding month, an amount equal to one-
14 tenth of the annual amount required to be deposited in such fund pursu-
15 ant to this section for the fiscal year in which such deposit is
16 required to be made. In the event such amount of taxes, interest and
17 penalties so remaining to the comptroller's credit is less than the
18 amount required to be deposited in such fund by the comptroller, an
19 amount equal to the shortfall shall be deposited in such fund by the
20 comptroller with subsequent deposits, as soon as the revenue is avail-
21 able. Beginning April first, nineteen hundred ninety-seven, the comp-
22 troller shall transfer monthly to the clean water/clean air fund estab-
23 lished pursuant to section ninety-seven-bbb of the state finance law,
24 all moneys remaining from such taxes, interest and penalties collected
25 that are not required for deposit in the environmental protection fund.

26 § 2. (a) The several amounts specified in this act for capital
27 projects, or so much thereof as shall be necessary to accomplish the
28 purpose of the appropriations, are appropriated by comprehensive

1 construction programs (hereinafter referred to by the abbreviation CCP),
 2 purposes, and projects designated by the appropriations, and authorized
 3 to be made available as hereinafter provided to the respective public
 4 officers; such appropriations shall be deemed to provide all costs
 5 necessary and pertinent to accomplish the intent of the appropriations
 6 and are appropriated in accordance with the provisions of section 93 of
 7 the state finance law.

8 (b) No moneys appropriated by this act shall be available for payment
 9 until a certificate of approval has been issued by the director of the
 10 budget, who shall file such certificate with the department of audit and
 11 control, the chairperson of the senate finance committee and the chair-
 12 person of the assembly ways and means committee.

13 (c) The appropriations contained in this act shall be available for
 14 the fiscal year beginning on April 1, 2010.

15 DEPARTMENT OF ENVIRONMENTAL CONSERVATION

16 CAPITAL PROJECTS

17 ENVIRONMENT AND RECREATION (CCP) 143,000,000
 18 -----

19 Environmental Protection Fund

20 Environment and Recreation Purpose

21 For services and expenses of projects and
 22 purposes authorized by section 92-s of

1 the state finance law to receive funding
2 from the solid waste account in accord-
3 ance with a programmatic and financial
4 plan to be approved by the director of
5 the budget, including suballocation to
6 other state departments and agencies,
7 according to the following:

8 Non-hazardous landfill closure projects
9 (09LC10ER) 668,000

10 Municipal waste reduction or recycling
11 projects (09MR10ER) 7,639,000

12 Secondary materials regional marketing
13 assistance and energy conservation
14 services projects (09SM10ER) 1,050,000

15 Pesticides program (09PD10ER) 575,000

16 Notwithstanding any law to the contrary,
17 for assessment and recovery of any
18 natural resource damages (09RD10ER) 430,000

19 Notwithstanding any law to the contrary,
20 for the pollution prevention institute;
21 including \$573,000 for the Green Initi-
22 ative Institute and \$24,000 for the

1 Interstate Chemicals Clearinghouse
 2 (09PP10ER) 2,149,000

3 For services and expenses of projects and
 4 purposes authorized by section 92-s of
 5 the state finance law to receive funding
 6 from the parks, recreation and historic
 7 preservation account in accordance with
 8 a programmatic and financial plan to be
 9 approved by the director of the budget,
 10 including suballocation to other state
 11 departments and agencies, according to
 12 the following:

13 Local waterfront revitalization programs,
 14 notwithstanding any law to the contrary,
 15 not less than, \$5,730,000 for waterfront
 16 revitalization projects which are in or
 17 primarily serve areas where demographic
 18 and other relevant data for such areas
 19 demonstrate that the areas are densely
 20 populated and have sustained physical
 21 deterioration, decay, neglect, or disin-
 22 vestment, or where a substantial propor-
 23 tion of the residential population is of
 24 low income or is otherwise disadvantaged
 25 and is underserved with respect to the
 26 existing recreational opportunities in

1 the area; and provided further this
 2 appropriation shall not be construed to
 3 restrict the use of any additional
 4 monies for such projects; \$477,000 for
 5 Buffalo Waterfront; \$286,000 for Niagara
 6 River Greenway; and \$668,000 for Hudson
 7 and Champlain Docks (09WR10ER) 11,459,000

8 Parks, recreation and historic preserva-
 9 tion projects, notwithstanding any law
 10 to the contrary, not less than,
 11 \$5,730,000 for municipal parks projects
 12 which are in or primarily serve areas
 13 where demographic and other relevant
 14 data for such areas demonstrate that the
 15 areas are densely populated and have
 16 sustained physical deterioration, decay,
 17 neglect or disinvestment or where a
 18 substantial proportion of the residen-
 19 tial population is of low income or is
 20 otherwise disadvantaged and is under-
 21 served with respect to the existing
 22 recreational opportunities in the area,
 23 and notwithstanding any law to the
 24 contrary, \$239,000 for Olmstead Park
 25 (09MP10ER) 11,459,000

1 Notwithstanding any law to the contrary,
2 for state parks and land and easement
3 infrastructure, access and stewardship
4 projects which shall include capital
5 projects: (i) on state parks and state
6 owned lands acquired pursuant to
7 sections 54-0303 and 56-0307 of the
8 environmental conservation law and (ii)
9 on state parks or state owned lands and
10 easements under the jurisdiction of the
11 department of environmental conservation
12 or the office of parks, recreation and
13 historic preservation for access oppor-
14 tunities for people with disabilities;
15 access to the State Forest Preserve;
16 State reforestation, Wildlife Management
17 areas and conservation easement lands;
18 recreational trail construction and
19 maintenance; Catskill and Adirondack
20 campground improvements to public access
21 and sanitation facilities; environmental
22 education; conservation education facil-
23 ity improvements; archeological, histor-
24 ic, cultural and natural resource
25 surveys, forest health surveys, inter-
26 pretation, and inventories; Forest
27 Preserve and state forest unit manage-
28 ment planning; conservation easement

1 public recreation planning; habitat
 2 restoration and enhancement; state fish
 3 hatchery improvements; water access
 4 facilities and safety improvements;
 5 public beach facility development and
 6 improvement; public access improvements
 7 at day use areas; state historic site
 8 exterior restoration; and cabin area and
 9 camping facility development, restora-
 10 tion and reconstruction (09ST10ER) 28,486,000

11 Notwithstanding subdivision 7 of section
 12 92-s of the state finance law or any
 13 other law to the contrary, for services
 14 and expenses of the Hudson River Park
 15 Trust for projects related to the devel-
 16 opment of the Hudson River Park consist-
 17 ent with provisions of chapter 592 of
 18 the laws of 1998; provided, however,
 19 such funds shall not be available for
 20 suballocation to any public benefit
 21 corporation or public authority with the
 22 exception of the Hudson River Park Trust
 23 and shall be available solely for the
 24 liabilities incurred by the Hudson River
 25 Park Trust or by other state departments
 26 or agencies on behalf of the Hudson
 27 River Park Trust and shall be available

1 solely for the liabilities incurred by
 2 the Hudson River Park Trust or by other
 3 state departments or agencies on behalf
 4 of the Hudson River Park Trust on or
 5 after April 1, 1999. Provided further
 6 that, the comptroller is hereby author-
 7 ized and directed to release monies to
 8 the Hudson River Park Trust in amounts
 9 set forth in a schedule approved by the
 10 director of the budget (09HR10ER) 2,865,000

11 Notwithstanding any law to the contrary,
 12 for zoos, botanical gardens and aquaria
 13 program (09ZB10ER) 4,774,000

14 Notwithstanding any law to the contrary,
 15 for alterations, rehabilitation and
 16 improvements of various park facilities
 17 and historic sites, including personal
 18 service, nonpersonal service and fringe
 19 benefits (09PK10ER) 5,000,000

20 Notwithstanding any law to the contrary,
 21 for services and expenses of park oper-
 22 ations of various park facilities and
 23 historic sites, including personal
 24 service, non-personal service and fringe
 25 benefits (09P010ER) 6,000,000

1 For services and expenses of projects and
 2 purposes authorized by section 92-s of
 3 the state finance law to receive funding
 4 from the open space account in accord-
 5 ance with a programmatic and financial
 6 plan to be approved by the director of
 7 the budget, including suballocation to
 8 other state departments and agencies,
 9 according to the following:

| | | |
|----|--|------------|
| 10 | Albany Pine Bush Preserve Commission | |
| 11 | (09AP10ER) | 1,910,000 |
| 12 | Long Island Central Pine Barrens Planning | |
| 13 | (09LP10ER) | 1,050,000 |
| 14 | Long Island South Shore Estuary Reserve | |
| 15 | (09SE10ER) | 859,000 |
| 16 | Agricultural non-point source abatement | |
| 17 | and control projects (09AN10ER) | 13,368,000 |
| 18 | Non-agricultural non-point source abate- | |
| 19 | ment and control projects (09NP10ER) | 4,775,000 |
| 20 | Agriculture and farmland protection activ- | |
| 21 | ities (09FP10ER) | 10,026,000 |

1 Biodiversity stewardship and research, and
 2 notwithstanding any law to the contrary,
 3 \$72,000 for Cayuga Island (09BD10ER) 477,000

4 Notwithstanding any law to the contrary,
 5 for the land trust alliance for the
 6 purpose of awarding grants on a compet-
 7 itive basis to local land trusts,
 8 provided that up to 10 percent of such
 9 amount may be made available for admin-
 10 istrative costs and/or technical assist-
 11 ance (09LT10ER) 1,504,000

12 Notwithstanding any law to the contrary,
 13 for urban forestry projects, provided
 14 that no less than \$250,000 shall be made
 15 available for such programs in cities
 16 with populations of 65,000 or more
 17 (09UF10ER) 477,000

18 Notwithstanding any law to the contrary,
 19 for the Hudson River Estuary Management
 20 Plan prepared pursuant to section
 21 11-0306 of the environmental conserva-
 22 tion law (09HE10ER) 3,820,000

23 Notwithstanding any law to the contrary,
 24 for state assistance payments, pursuant

1 to a smart growth program, provided on a
 2 competitive basis, to counties, cities,
 3 towns, or villages to establish, update
 4 or implement comprehensive plans in a
 5 manner consistent with smart growth;
 6 provided, however, that up to 25 percent
 7 of such payments may be awarded to not-
 8 for-profit organizations for such
 9 purposes (09SG10ER) 382,000

10 Notwithstanding any law to the contrary,
 11 for the Finger Lakes-Lake Ontario
 12 Watershed Protection Alliance (09FL10ER)
 13 1,146,000

14 Notwithstanding any law to the contrary,
 15 for the state share of costs of wastewa-
 16 ter treatment improvement projects
 17 undertaken by municipalities to upgrade
 18 municipal systems to meet stormwater,
 19 combined sewer overflow, sanitary sewer
 20 overflow and wastewater treatment
 21 discharge requirements with priority
 22 given to systems that are in violation
 23 of title 8 of article 17 of the environ-
 24 mental conservation law and aquatic
 25 habitat restoration projects undertaken
 26 by municipalities and not-for-profit

1 corporations for aquatic habitat resto-
 2 ration projects as defined in subdivi-
 3 sion 1 of section 56-0101 of the envi-
 4 ronmental conservation law (09WQ10ER) 1,910,000

5 Notwithstanding any law to the contrary
 6 for New York ocean and Great Lakes
 7 ecosystem conservation projects,
 8 consistent with the policy articulated
 9 in article 14 of the environmental
 10 conservation law (09GL10ER) 5,729,000

11 Notwithstanding any law to the contrary,
 12 for the implementation of the recommen-
 13 dations of the invasive species task
 14 force prepared pursuant to chapter 324
 15 of the laws of 2003 and for the purposes
 16 set forth in chapter 674 of the laws of
 17 2007 including not less than \$95,000 for
 18 Lake George, provided that not less than
 19 \$1,000,000 be made available for inva-
 20 sive species eradication, and including
 21 grants related to the control and
 22 management of invasive species. Such
 23 funding for grants shall be provided on
 24 a competitive basis in consultation with
 25 the New York Invasive Species Council
 26 (09IS10ER) 4,583,000

1 Notwithstanding any law to the contrary,
 2 for Soil and Water Conservation District
 3 activities as authorized for reimburse-
 4 ment in section 11-a of the soil and
 5 water conservation districts law
 6 (09SW10ER) 3,000,000

7 Notwithstanding any law to the contrary,
 8 for Agricultural Waste Management
 9 projects (09AW10ER) 430,000

10 Notwithstanding any law to the contrary,
 11 for taxes on public lands and payments
 12 pursuant to sections 532 through 546 of
 13 the real property tax law (09TX10ER) 5,000,000

14 § 3. Severability clause. If any clause, sentence, paragraph, subdivi-
 15 sion, section or part of this act shall be adjudged by any court of
 16 competent jurisdiction to be invalid, such judgment shall not affect,
 17 impair, or invalidate the remainder thereof, but shall be confined in
 18 its operation to the clause, sentence, paragraph, subdivision, section
 19 or part thereof directly involved in the controversy in which such judg-
 20 ment shall have been rendered. It is hereby declared to be the intent of
 21 the legislature that this act would have been enacted even if such
 22 invalid provisions had not been included herein.

23 § 4. This act shall take effect immediately and shall be deemed to
 24 have been in full force and effect on and after April 1, 2010.

