

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. LITTLE -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the tax law and the state finance law, in relation to creating the boat launch preservation act and establishing the dedicated boat launch site fund

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "boat launch preservation act".

3 S 2. Legislative intent. The legislature hereby finds that the water-  
4 ways of this great state have always been a vital source of economic  
5 activity. The legislature further finds that although the economic  
6 activity found on today's waterways have more to do with recreational  
7 boating than shipping, it still remains an important factor in the  
8 economic health of the state. It has been found that upwards of one  
9 percent of the gasoline consumed within the state of New York is used to  
10 power vessels traveling on our waterways. It is the intent of the legis-  
11 lature that the taxes collected on such boating gasoline be used to keep  
12 our waterways a viable resource for the next century of New Yorkers.

13 S 3. Subdivision 2 of section 289-e of the tax law, as added by chap-  
14 ter 329 of the laws of 1991, is amended to read as follows:

15 2. All taxes, interest, penalties and fees collected or received by  
16 the commissioner [of taxation and finance after March thirty-first,  
17 nineteen hundred ninety-three] under the taxes imposed by section two  
18 hundred eighty-four of this article AFTER MARCH THIRTY-FIRST, NINETEEN  
19 HUNDRED NINETY-THREE AND BEFORE APRIL FIRST, TWO THOUSAND TEN shall be  
20 deposited in the dedicated highway and bridge trust fund and disposed of  
21 pursuant to section eighty-nine-b of the state finance law; AND ON AND  
22 AFTER APRIL FIRST, TWO THOUSAND TEN, ONE PERCENT OF SUCH TAXES, INTER-

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

1 EST, PENALTIES AND FEES, BUT NOT MORE THAN FIVE MILLION DOLLARS EACH  
2 STATE FISCAL YEAR, SHALL BE DEPOSITED IN THE DEDICATED BOAT LAUNCH SITE  
3 FUND AND DISPOSED OF PURSUANT TO SECTION NINETY-TWO-FF OF THE STATE  
4 FINANCE LAW, AND THE REMAINING AMOUNT SHALL BE DEPOSITED IN THE DEDI-  
5 CATED HIGHWAY AND BRIDGE TRUST FUND AND DISPOSED OF PURSUANT TO SECTION  
6 EIGHTY-NINE-B OF THE STATE FINANCE LAW.

7 S 4. The state finance law is amended by adding a new section 92-ff to  
8 read as follows:

9 S 92-FF. DEDICATED BOAT LAUNCH SITE FUND. 1. THERE IS HEREBY ESTAB-  
10 LISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND COMMISSIONER OF  
11 TAXATION AND FINANCE A SPECIAL FUND TO BE KNOWN AS THE "DEDICATED BOAT  
12 LAUNCH SITE FUND".

13 2. MONEYS IN THE DEDICATED BOAT LAUNCH SITE FUND SHALL BE KEPT SEPA-  
14 RATELY FROM AND SHALL NOT BE COMMINGLED WITH ANY OTHER MONEYS.

15 3. THE DEDICATED BOAT LAUNCH SITE FUND SHALL CONSIST OF THE MONEYS  
16 REQUIRED TO BE DEPOSITED THEREIN PURSUANT TO THE PROVISIONS OF SUBDIVI-  
17 SION TWO OF SECTION TWO HUNDRED EIGHTY-NINE-E OF THE TAX LAW AND ANY  
18 OTHER MONEYS APPROPRIATED THERETO.

19 4. THE MONEYS IN SUCH FUND SHALL BE APPROPRIATED BY THE LEGISLATURE  
20 AND DISBURSED FOR COSTS INCURRED FOR THE DESIGN, CONSTRUCTION, MAINTEN-  
21 NANCE AND IMPROVEMENT OF STATE AND MUNICIPALLY OWNED BOAT LAUNCHING  
22 SITES OR BOAT ACCESS SITES. DISBURSEMENTS FROM SUCH FUND SHALL BE MADE  
23 UPON THE AUDIT AND WARRANT OF THE STATE COMPTROLLER.

24 5. THE COMPTROLLER SHALL INVEST THE MONEYS OF THE DEDICATED BOAT  
25 LAUNCH SITE FUND PURSUANT TO SECTION NINETY-EIGHT-A OF THIS ARTICLE. ANY  
26 INCOME EARNED THEREFROM SHALL BE ADDED TO AND BECOME PART OF THE FUND.

27 6. THE COMPTROLLER SHALL ANNUALLY ON OR BEFORE JANUARY FIRST, ISSUE A  
28 REPORT LISTING THE PRINCIPAL IN, EARNED INCOME ON AND EARNED INCOME  
29 ACCRUED TO PRINCIPAL OF THE FUND. A COPY OF SUCH REPORT SHALL BE TRANS-  
30 MITTED TO THE DIRECTOR OF THE DIVISION OF BUDGET, THE CHAIR AND RANKING  
31 MINORITY MEMBER OF THE SENATE FINANCE COMMITTEE, AND THE CHAIR AND RANK-  
32 ING MINORITY MEMBER OF THE ASSEMBLY WAYS AND MEANS COMMITTEE.

33 S 5. This act shall take effect immediately.