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

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2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. GOLDFEDER -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law and the state finance law, in relation to the establishment of the airport community redevelopment enterprise program

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

Section 1. The environmental conservation law is amended by adding a new article 48 to read as follows:

ARTICLE 48

AIRPORT COMMUNITY REDEVELOPMENT ENTERPRISE PROGRAM

SECTION 48-0101. LEGISLATIVE FINDINGS AND INTENT.
48-0103. DEFINITIONS.
48-0105. DISTRIBUTION OF FUNDS.
48-0107. COMMUNITY ENRICHMENT FUNCTIONS.
48-0109. AIRPORT CATASTROPHE FUND DISTRIBUTION.

S 48-0101. LEGISLATIVE FINDINGS AND INTENT.

THE LEGISLATURE FINDS THAT AIR TRAVEL, PARTICULARLY TO AND FROM LARGE AIRPORTS, IMPOSES COSTS ON RESIDENTS AND BUSINESSES IN SURROUNDING AREAS. AIR TRAVEL INHERENTLY CREATES POLLUTION, NOISE, AND TRAFFIC CONGESTION. THEREFORE, IT IS THE INTENT OF THE LEGISLATURE TO HELP ALLEVIATE THE INHERENT PROBLEMS BY CREATING THE AIRPORT COMMUNITY REDEVELOPMENT ENTERPRISE (ACRE) PROGRAM. THIS PROGRAM IS INTENDED TO IMPROVE NEIGHBORHOODS THAT SERVE LARGE VOLUME AIRPORTS AND THAT BEAR THE PROBLEMS CREATED BY THE AIRPORTS.

S 48-0103. DEFINITIONS.

FOR PURPOSES OF THIS ARTICLE, THE FOLLOWING WORDS SHALL HAVE THE FOLLOWING MEANINGS:

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

LBD00027-01-3

1. "AIRPORT ZONE" SHALL MEAN THE APPROPRIATE AREA AROUND AN AIRPORT SERVING AT LEAST 1.5 MILLION PASSENGERS PER YEAR, CONSISTING OF ONE PRIMARY TARGETED ZONE AND ONE SECONDARY TARGETED ZONE.

2. "AUXILIARY ORGANIZATION" SHALL MEAN POLICE DEPARTMENTS, FIRE DEPARTMENTS, AMBULANCE SERVICES, AND ANY OTHER ORGANIZATION USED PRIMARILY AS A SERVICE FOR PUBLIC BENEFIT IN TARGETED ZONES.

3. "PRIMARY TARGETED ZONE" SHALL MEAN THAT AREA WITHIN A TEN MILE RADIUS OF AN AIRPORT.

4. "SECONDARY TARGETED ZONE" SHALL MEAN THAT AREA IN A RADIUS OF MORE THAN TEN BUT LESS THAN TWENTY-FIVE MILES OF AN AIRPORT.

S 48-0105. DISTRIBUTION OF FUNDS.

ALL MONEYS IN THE AIRPORT COMMUNITY REDEVELOPMENT ENTERPRISE FUND, AS DEFINED IN SECTION EIGHTY-NINE-H OF THE STATE FINANCE LAW, SHALL BE DISTRIBUTED AS FOLLOWS:

1. TWENTY-FIVE PERCENT OF THE MONIES COLLECTED SHALL BE USED TO SUBSIDIZE AUXILIARY ORGANIZATIONS.

2. FIVE PERCENT OF THE MONIES COLLECTED SHALL BE TRANSFERRED TO THE AIRPORT CATASTROPHE FUND, AS DEFINED IN SECTION EIGHTY-NINE-I OF THE STATE FINANCE LAW.

3. THIRTY-FIVE PERCENT OF THE MONIES COLLECTED SHALL BE USED IN PRIMARY TARGETED ZONES AND THIRTY-FIVE PERCENT OF THE MONIES COLLECTED SHALL BE USED IN SECONDARY TARGETED ZONES.

4. ALL MONIES DISTRIBUTED PURSUANT TO SUBDIVISION THREE OF THIS SECTION SHALL BE DISTRIBUTED EQUALLY AMONG ALL QUALIFYING AIRPORT ZONES.

S 48-0107. COMMUNITY ENRICHMENT FUNCTIONS.

ALL MONIES DISTRIBUTED PURSUANT TO SUBDIVISION THREE OF SECTION 48-0105 OF THIS ARTICLE SHALL BE USED TO ACCOMPLISH THE FOLLOWING TASKS:

1. PROVIDE REAL PROPERTY TAX ABATEMENTS TO PROPERTY OWNERS LOCATED WITHIN TARGETED ZONES.

2. PROVIDE EDUCATIONAL AND TRAINING PROGRAMS TO BENEFIT THE MEMBERS OF COMMUNITIES LOCATED WITHIN TARGETED ZONES.

3. FUND PUBLIC WORKS PROJECTS WITHIN TARGETED ZONES TO ENHANCE THE AESTHETIC BEAUTY OF THE COMMUNITIES WITHIN SUCH ZONES.

S 48-0109. AIRPORT CATASTROPHE FUND DISTRIBUTION.

ALL MONIES DEPOSITED INTO THE AIRPORT CATASTROPHE FUND SHALL BE USED FOR VICTIM COMPENSATION AND REHABILITATION OF AREAS AFFECTED BY AN AIRPORT DISASTER.

S 2. The state finance law is amended by adding two new sections 89-h and 89-i to read as follows:

S 89-H. AIRPORT COMMUNITY REDEVELOPMENT ENTERPRISE FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE COMMISSIONER OF TAXATION AND FINANCE AND THE COMPTROLLER, A SPECIAL FUND TO BE KNOWN AS THE "AIRPORT COMMUNITY REDEVELOPMENT ENTERPRISE FUND".

2. SUCH FUND SHALL CONSIST OF ALL MONEYS RECEIVED BY THE STATE PURSUANT TO SECTION THREE HUNDRED ONE-E OF THE TAX LAW.

3. MONEYS IN THE AIRPORT COMMUNITY REDEVELOPMENT ENTERPRISE FUND SHALL BE KEPT SEPARATE AND APART AND SHALL NOT BE COMMINGLED WITH ANY OTHER MONEYS IN THE CUSTODY OF THE COMPTROLLER.

4. THE MONEYS IN SUCH FUND SHALL BE EXPENDED ONLY FOR THE PURPOSES SPELLED OUT IN ARTICLE FORTY-EIGHT OF THE ENVIRONMENTAL CONSERVATION LAW.

5. IF A CITY RECEIVING MONEY PURSUANT TO ARTICLE FORTY-EIGHT OF THE ENVIRONMENTAL CONSERVATION LAW FAILS TO MEET ITS OBLIGATIONS OR SPENDS SUCH FUNDS IN A MANNER INCONSISTENT WITH THE PROVISIONS SET FORTH IN SUCH ARTICLE, THEN THE COMPTROLLER IS AUTHORIZED TO WITHHOLD ANY ADDITIONAL MONIES TO SUCH CITY.

S 89-I. AIRPORT CATASTROPHE FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE COMMISSIONER OF TAXATION AND FINANCE AND THE COMPTROLLER, A SPECIAL FUND TO BE KNOWN AS THE "AIRPORT CATASTROPHE FUND".

2. SUCH FUND SHALL CONSIST OF ALL MONEYS TRANSFERRED BY THE STATE PURSUANT TO SUBDIVISION TWO OF SECTION 48-0105 OF THE ENVIRONMENTAL CONSERVATION LAW.

3. MONEYS IN THE AIRPORT CATASTROPHE FUND SHALL BE KEPT SEPARATE AND APART AND SHALL NOT BE COMMINGLED WITH ANY OTHER MONEYS IN THE CUSTODY OF THE COMPTROLLER.

4. THE MONEYS IN SUCH FUND SHALL BE EXPENDED ONLY FOR THE PURPOSES SPELLED OUT IN SECTION 48-0109 OF THE ENVIRONMENTAL CONSERVATION LAW.

S 3. This act shall take effect immediately and shall apply to any taxes imposed on or after April 1, 2013.