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

6949

2015-2016 Regular Sessions

I N A S S E M B L Y

April 15, 2015

Introduced by M. of A. CRESPO, RAMOS -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to increasing the aviation gasoline rate to twenty-five cents per gallon; to amend the state finance law, in relation to establishing the New York state airport capital development, road, and bridge repair fund; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. Paragraph 1 of subdivision (b) of section 301-e of the tax law, as amended by chapter 2 of the laws of 1995, is amended to read as follows:

(1) The aviation gasoline component shall be determined by multiplying the aviation gasoline rate times the number of gallons of aviation gasoline imported or caused to be imported into this state by an aviation fuel business for use, distribution, storage or sale in the state or produced, refined, manufactured or compounded in the state by an aviation fuel business. Provided that importation of aviation gasoline into the state in the fuel tanks of aircraft shall be importation for use for the purposes of this section. The basic aviation gasoline rate shall be [five and one-half] TWENTY-FIVE cents per gallon. The rate shall be adjusted at the same time as the rates of the components of the petroleum business tax imposed by section three hundred one-a of this article, and the method of making adjustments to the aviation gasoline rate shall be the same as the method used for such rates.

S 2. The state finance law is amended by adding a new section 90-b to read as follows:

S 90-B. NEW YORK STATE AIRPORT CAPITAL DEVELOPMENT, ROAD, AND BRIDGE REPAIR FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE COMMISSIONER OF TAXATION AND FINANCE AND THE STATE COMPTROLLER A FUND TO

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

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BE KNOWN AS THE "NEW YORK STATE AIRPORT CAPITAL DEVELOPMENT, ROAD, AND BRIDGE REPAIR FUND".

2. THE NEW YORK STATE AIRPORT CAPITAL DEVELOPMENT, ROAD, AND BRIDGE REPAIR FUND SHALL CONSIST OF MONEYS APPROPRIATED THERETO, AND REVENUES RECEIVED BY THE DEPARTMENT OF TAXATION AND FINANCE PURSUANT TO THE PROVISIONS OF PARAGRAPH ONE OF SUBDIVISION (B) OF SECTION THREE HUNDRED ONE-E OF THE TAX LAW.

3. MONEYS IN THE NEW YORK STATE AIRPORT CAPITAL DEVELOPMENT, ROAD, AND BRIDGE REPAIR FUND SHALL BE KEPT SEPARATE FROM AND SHALL NOT BE COMMINGLED WITH ANY OTHER MONEYS IN THE CUSTODY OF THE COMMISSIONER OF TAXATION AND FINANCE AND THE STATE COMPTROLLER.

4. MONEYS OF THE FUND SHALL BE MADE AVAILABLE TO THE DEPARTMENT OF TRANSPORTATION AND THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY FOLLOWING THE SELECTION OF A CONTRACTOR AFTER A COMPETITIVE BID OR REQUEST FOR PROPOSAL FOR THE PURPOSE OF AIRPORT CAPITAL DEVELOPMENT, ROAD, AND BRIDGE REPAIR ACROSS NEW YORK STATE.

S 3. The department of transportation and the port authority of New York and New Jersey shall implement rules and regulations for the disbursement of the New York state airport capital development, road, and bridge repair fund, including but not limited to project eligibility and a competitive process by which a contractor will be selected.

S 4. This act shall take effect on the one hundred eightieth day after it shall have become a law and shall expire and be deemed repealed 4 years after such date. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.