

8227--A

2015-2016 Regular Sessions

I N   A S S E M B L Y

June 12, 2015

---

Introduced by M. of A. BRENNAN, WRIGHT, NOLAN, RODRIGUEZ, SIMON, HEVESI, KIM, QUART, KAVANAGH, McDONOUGH -- read once and referred to the Committee on Ways and Means -- recommitted to the Committee on Ways and Means in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public authorities law, the state finance law and the tax law, in relation to the funding of the multi-year capital program of the metropolitan transportation authority; and making an appropriation therefor

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

1     Section 1. Legislative findings and declaration of purpose. 1. The  
2     metropolitan transportation authority (MTA) is essential to meeting the  
3     basic mobility and economic needs of the citizens of the MTA region in  
4     the state. The contributions of such mass transportation services are  
5     also essential to addressing fundamental environmental policy and social  
6     needs of the state's residents.  
7     2. The MTA must continue to function as the primary provider of  
8     reasonably priced, safe and reliable mass transportation services in the  
9     MTA region. It is of vital importance to the ability of the metropolitan  
10    transportation authority to meet the continued need for mobility and for  
11    the economic health of the MTA and the state that additional dedicated  
12    sources of reliable funding are made promptly available.  
13    3. It is the intent of the legislature to continue to fund the multi-  
14    year capital program of the MTA to ensure the continuation of reasonable  
15    fares and provide for a safe, reliable, efficient mass transportation  
16    system.  
17    S 2. Subdivision (a) of section 1225-g of the public authorities law,  
18    as added by chapter 576 of the laws of 1972, is amended to read as  
19    follows:

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

LBD11634-03-6

1 (a) To enable the fund to realize its public and governmental purpose,  
2 the fund may enter into agreements with the transportation authority, to  
3 which the transit authority may be a party, pursuant to which the trans-  
4 portation authority may plan, design, construct, acquire, extend, recon-  
5 struct, rehabilitate, modernize, or otherwise improve any transit facil-  
6 ity, and the fund may lease any such transit facility from the  
7 transportation authority. The fund may apply the resources of the fund  
8 to the payment of rentals and other payments required from the fund by  
9 any such lease or other agreement and may pledge such resources as secu-  
10 rity for such payments to the transportation authority with respect to  
11 such leases or other agreements. THE FUND SHALL ENTER INTO SUCH LEASES  
12 OR OTHER AGREEMENTS WITH THE TRANSPORTATION AUTHORITY PROVIDING FOR THE  
13 PAYMENT OF RENTALS AND OTHER PAYMENTS SUFFICIENT TO ALLOW THE TRANSPOR-  
14 TATION AUTHORITY TO FINANCE THE COSTS OF PLANNING AND DESIGN, ACQUISSI-  
15 TION, CONSTRUCTION, RECONSTRUCTION, REPLACEMENT, IMPROVEMENT, RECONDI-  
16 TIONING, REHABILITATION AND PRESERVATION, INCLUDING THE ACQUISITION OF  
17 REAL PROPERTY AND INTERESTS THEREIN REQUIRED OR EXPECTED TO BE REQUIRED  
18 IN CONNECTION THEREWITH, OF TRANSIT FACILITIES, NOT TO EXCEED FOUR  
19 BILLION FIVE HUNDRED MILLION DOLLARS, WHICH ARE CAPITAL ELEMENTS SET  
20 FORTH IN THE TWO THOUSAND FIFTEEN--TWO THOUSAND NINETEEN CAPITAL PROGRAM  
21 PLANS APPROVED BY THE METROPOLITAN TRANSPORTATION AUTHORITY CAPITAL  
22 PROGRAM REVIEW BOARD.

23 S 3. Subdivision 1 of section 2799-gg of the public authorities law,  
24 as amended by chapter 182 of the laws of 2009, is amended to read as  
25 follows:

26 1. The authority shall have the power and is hereby authorized from  
27 time to time to issue bonds, in conformity with applicable provisions of  
28 the uniform commercial code, in such principal amounts as it may deter-  
29 mine to be necessary pursuant to section twenty-seven hundred ninety-  
30 nine-ff of this title to pay the cost of any project and to fund  
31 reserves to secure such bonds, including incidental expenses in  
32 connection therewith, AND TO PAY THE COST OF ANY PROJECT OR ELEMENT  
33 CONTAINED IN A BUDGETED AND APPROVED CAPITAL PLAN OF THE METROPOLITAN  
34 TRANSPORTATION AUTHORITY.

35 The aggregate principal amount of such bonds, notes or other obli-  
36 gations outstanding shall not exceed [thirteen billion, five hundred  
37 million dollars (\$13,500,000,000)] EIGHTEEN BILLION DOLLARS  
38 (\$18,000,000,000), excluding bonds, notes or other obligations issued  
39 pursuant to sections twenty-seven hundred ninety-nine-ss and twenty-sev-  
40 en hundred ninety-nine-tt of this title; provided, however, that upon  
41 any refunding or repayment of bonds (which term shall not, for this  
42 purpose, include bond anticipation notes), the total aggregate principal  
43 amount of outstanding bonds, notes or other obligations may be greater  
44 than [thirteen billion, five hundred million dollars (\$13,500,000,000)]  
45 EIGHTEEN BILLION DOLLARS (\$18,000,000,000) only if the refunding or  
46 repayment bonds, notes or other obligations were issued in accordance  
47 with the provisions of subparagraph (a) of subdivision two of paragraph  
48 b of section 90.10 of the local finance law, as amended from time to  
49 time. Notwithstanding the foregoing, bonds, notes or other obligations  
50 issued by the authority may be outstanding in an amount greater than the  
51 amount permitted by the preceding sentence, provided that such addi-  
52 tional amount at issuance, together with the amount of indebtedness  
53 contracted by the city of New York, shall not exceed the limit  
54 prescribed by section 104.00 of the local finance law. The authority  
55 shall have the power from time to time to refund any bonds of the  
56 authority by the issuance of new bonds whether the bonds to be refunded

1 have or have not matured, and may issue bonds partly to refund bonds of  
2 the authority then outstanding and partly to pay the cost of any project  
3 pursuant to section twenty-seven hundred ninety-nine-ff of this title.  
4 Bonds issued by the authority shall be payable solely out of particular  
5 revenues or other moneys of the authority as may be designated in the  
6 proceedings of the authority under which the bonds shall be authorized  
7 to be issued, subject to any agreements entered into between the author-  
8 ity and the city, and subject to any agreements with the holders of  
9 outstanding bonds pledging any particular revenues or moneys.

10 S 4. Subdivision 3 of section 92-ff of the state finance law, as added  
11 by section 1 of part G of chapter 25 of the laws of 2009, is amended to  
12 read as follows:

13 3. Such fund shall consist of all moneys collected [therefore] THERE-  
14 FOR or credited or transferred thereto from any other fund, account or  
15 source, including, without limitation, the revenues derived from the  
16 metropolitan commuter transportation mobility tax imposed by article  
17 twenty-three of the tax law; REVENUES DERIVED FROM SECTION SIX HUNDRED  
18 NINETY-EIGHT-A OF THE TAX LAW; revenues derived from the special supple-  
19 mental tax on passenger car rentals imposed by section eleven hundred  
20 sixty-six-a of the tax law; revenues derived from the transportation  
21 surcharge imposed by article twenty-nine-A of the tax law; the supple-  
22 mental registration fees imposed by article seventeen-C of the vehicle  
23 and traffic law; and the supplemental metropolitan commuter transporta-  
24 tion district license fees imposed by section five hundred three of the  
25 vehicle and traffic law. Any interest received by the comptroller on  
26 moneys on deposit in the metropolitan transportation authority financial  
27 assistance fund shall be retained in and become a part of such fund.

28 S 5. Section 698 of the tax law, as amended by chapter 477 of the laws  
29 of 1998, is amended to read as follows:

30 S 698. Deposit and disposition of revenue. [All] EXCEPT AS PROVIDED  
31 IN SECTION SIX HUNDRED NINETY-EIGHT-A OF THIS PART, ALL taxes, interest  
32 and penalties collected or received by the commissioner under this arti-  
33 cle shall be deposited and disposed of pursuant to the provisions of  
34 section one hundred seventy-one-a of this chapter. Notwithstanding the  
35 foregoing, unemployment insurance contributions and payments and aggre-  
36 gate withholding taxes collected or received by the commissioner from  
37 employers in a single remittance accompanying the quarterly combined  
38 withholding, wage reporting and unemployment insurance returns required  
39 by paragraph four of subsection (a) of section six hundred seventy-four  
40 of this article shall, if necessary, be deposited into an account to be  
41 maintained jointly by the department and the department of labor at such  
42 responsible bank, banking house or trust company as may be designated by  
43 the comptroller. The comptroller shall require adequate security from  
44 such depository. Such departments shall determine the proper allocation  
45 of the monies in such account as between unemployment insurance contrib-  
46 utions and payments and aggregate withholding taxes. Unemployment insur-  
47 ance contributions and payments shall then be deposited and disposed of  
48 pursuant to the provisions of title four of article eighteen of the  
49 labor law, and aggregate withholding taxes shall be deposited and  
50 disposed of pursuant to the provisions of sections one hundred seventy-  
51 one-a, thirteen hundred thirteen and thirteen hundred thirty-three of  
52 this chapter, as applicable.

53 S 6. The tax law is amended by adding a new section 698-a to read as  
54 follows:

55 S 698-A. DEPOSIT AND DISPOSITION OF CERTAIN REVENUE. NOTWITHSTANDING  
56 THE PROVISIONS OF SECTION SIX HUNDRED NINETY-EIGHT OF THIS PART TO THE

1 CONTRARY, FOR TAXABLE YEAR TWO THOUSAND SIXTEEN, THREE-TENTHS (.3)  
2 PERCENT; FOR TAXABLE YEAR TWO THOUSAND SEVENTEEN, SIX-TENTHS (.6)  
3 PERCENT; AND FOR TAXABLE YEAR TWO THOUSAND EIGHTEEN, NINE-TENTHS (.9)  
4 PERCENT, OF THE TAXES, INTEREST AND PENALTIES COLLECTED OR RECEIVED BY  
5 THE COMMISSIONER UNDER THIS ARTICLE FROM TAXPAYERS RESIDING IN THE  
6 METROPOLITAN COMMUTER TRANSPORTATION DISTRICT ESTABLISHED PURSUANT TO  
7 SECTION TWELVE HUNDRED SIXTY-TWO OF THE PUBLIC AUTHORITIES LAW SHALL BE  
8 DEPOSITED AND DISPOSED OF PURSUANT TO SECTION EIGHT HUNDRED FIVE OF THIS  
9 CHAPTER. FOR TAXABLE YEARS BEGINNING IN TWO THOUSAND NINETEEN, ONE AND  
10 TWO-TENTHS (1.2) PERCENT OF THE TAXES, INTEREST AND PENALTIES COLLECTED  
11 OR RECEIVED BY THE COMMISSIONER UNDER THIS ARTICLE FROM TAXPAYERS RESID-  
12 ING IN THE METROPOLITAN COMMUTER TRANSPORTATION DISTRICT ESTABLISHED  
13 PURSUANT TO SECTION TWELVE HUNDRED SIXTY-TWO OF THE PUBLIC AUTHORITIES  
14 LAW SHALL BE DEPOSITED AND DISPOSED OF PURSUANT TO SECTION EIGHT HUNDRED  
15 FIVE OF THIS CHAPTER.

16 S 7. Subsection (a) of section 805 of the tax law, as added by section  
17 1 of part C of chapter 25 of the laws of 2009, is amended to read as  
18 follows:

19 (a) The taxes, interest, and penalties imposed by this article AND BY  
20 SECTION SIX HUNDRED NINETY-EIGHT-A OF THIS CHAPTER and collected or  
21 received by the commissioner shall be deposited daily with such respon-  
22 sible banks, banking houses or trust companies, as may be designated by  
23 the comptroller, to the credit of the comptroller in trust for the  
24 metropolitan transportation authority. An account may be established in  
25 one or more of such depositories. Such deposits will be kept separate  
26 and apart from all other money in the possession of the comptroller. The  
27 comptroller shall require adequate security from all such depositories.  
28 Of the total revenue collected or received under this article, the comp-  
29 troller shall retain such amount as the commissioner may determine to be  
30 necessary for refunds under this article. The commissioner is authorized  
31 and directed to deduct from the amounts it receives under this article,  
32 before deposit into the trust accounts designated by the comptroller, a  
33 reasonable amount necessary to effectuate refunds of appropriations of  
34 the department to reimburse the department for the costs incurred to  
35 administer, collect and distribute the taxes imposed by this article.

36 S 8. The sum of one billion dollars (\$1,000,000,000), or so much  
37 thereof as may be necessary, is hereby appropriated to the metropolitan  
38 transportation authority from any moneys in the state treasury in the  
39 capital projects fund - dedicated infrastructure investment fund to the  
40 credit of the infrastructure investment account - special infrastructure  
41 purpose, not otherwise appropriated, for the costs of capital projects  
42 for the planning and design, acquisition, construction, reconstruction,  
43 replacement, improvement, reconditioning, rehabilitation and preserva-  
44 tion, including the acquisition of real property and interests therein  
45 required or expected to be required in connection therewith, of urban  
46 and commuter passenger, freight rail, omnibus, mass transit and rapid  
47 transit systems, facilities and equipment, including acquisition, which  
48 are capital elements set forth in the 2015-2019 capital program plans  
49 approved by the metropolitan transportation authority capital program  
50 review board. Such sum shall be payable on the audit and warrant of the  
51 state comptroller on vouchers certified or approved by the metropolitan  
52 transportation authority, or its duly designated representative in the  
53 manner provided by law. No expenditure shall be made from this appropri-  
54 ation until a certificate of approval of availability shall have been  
55 issued by the director of the budget and filed with the state comp-  
56 troller and a copy filed with the chair of the senate finance committee

1 and the chair of the assembly ways and means committee. Such certificate  
2 may be amended from time to time by the director of the budget and a  
3 copy of each such amendment shall be filed with the state comptroller,  
4 the chair the senate finance committee and the chair of the assembly  
5 ways and means committee.

6 S 9. This act shall take effect April 1, 2017.