STATE OF NEW YORK

4246

2017-2018 Regular Sessions

IN SENATE

February 6, 2017

Introduced by Sen. MURPHY -- 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, the state finance law and the public authorities law, in relation to guaranteed shares of revenue of the metropolitan commuter transportation mobility tax

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

Section 1. Subsections (a) and (b) of section 805 of the tax law, as added by section 1 of part C of chapter 25 of the laws of 2009, are amended to read as follows:

(a) The taxes, interest, and penalties imposed by this article and collected or received by the commissioner shall be deposited daily with such responsible banks, banking houses or trust companies, as may be designated by the comptroller, to the credit of the comptroller in trust for the metropolitan transportation authority **and each respective county of the district as defined by section one thousand two hundred sixty-two of the public authorities law**. An account may be established in one or more of such depositories. Such deposits will be kept separate and apart from all other money in the possession of the comptroller. The comptroller shall require adequate security from all such depositories. Of the total revenue collected or received under this article, the comptroller shall retain such amount as the commissioner may determine to be necessary for refunds under this article. The commissioner is authorized and directed to deduct from the amounts it receives under this article, before deposit into the trust accounts designated by the comptroller, a reasonable amount necessary to effectuate refunds of appropriations of the department to reimburse the department for the costs incurred to administer, collect and distribute the taxes imposed by this article.

(b) On or before the twelfth and twenty-sixth day of each succeeding month, after reserving such amount for such refunds and deducting such

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

LBD06826-01-7

amounts for such costs, as provided for in subsection (a) of this section, the commissioner shall certify to the comptroller the amount of all revenues so received during the prior month as a result of the taxes, interest and penalties so imposed. The amount of revenues so certified shall be paid over by the fifteenth and the final business day of each succeeding month from such account into the mobility tax trust account of the metropolitan transportation authority financial assistance fund established pursuant to section ninety-two-ff of the state finance law, for payment, **to each respective county of the district and as** pursuant to appropriations by the legislature to the metropolitan transportation authority finance fund established pursuant to section twelve hundred seventy-h of the public authorities law.

§ 2. Paragraph (b) of subdivision five of section 92-ff of the state finance law, as added by section 1 of part G of chapter 25 of the laws of 2009, is amended to read as follows:

(b) Moneys in the "mobility tax trust account" shall[~~,~~] **be paid over directly to the chief financial officer of each respective county of the district, in an amount sufficient to defray (i) fifty percent of the local share of operation and maintenance costs for public bus service and (ii) subject to the provisions of section one thousand two hundred seventy-seven of the public authorities law, fifty percent of station operation and maintenance cost, and** pursuant to appropriation by the legislature, be transferred on a monthly basis to the metropolitan transportation authority finance fund established by section twelve hundred seventy-h of the public authorities law and utilized in accordance with said section. It is the intent of the legislature to enact two appropriations from the mobility tax trust account to the metropolitan transportation authority finance fund established by section twelve hundred seventy-h of the public authorities law. One such appropriation shall be equal to the amounts expected to be available for such purpose pursuant to article twenty-three of the tax law or from any other monies described in paragraph (a) of this subdivision during the two thousand nine--two thousand ten fiscal year and shall be effective in that fiscal year. The other such appropriation shall be equal to the amounts expected to be available for such purpose pursuant to article twenty-three of the tax law or from any other monies described in paragraph (a) of this subdivision during the two thousand ten--two thousand eleven fiscal year and shall, notwithstanding the provisions of section forty of this chapter, take effect on the first day of the two thousand ten--two thousand eleven fiscal year and lapse on the last day of that fiscal year. It is the intent of the governor to submit and the legislature to enact for each fiscal year after the two thousand nine--two thousand ten fiscal year in an annual budget bill: (i) an appropriation for the amount expected to be available in the mobility tax trust account during such fiscal year for the metropolitan transportation authority pursuant to article twenty-three of the tax law or any other monies described in paragraph (a) of this subdivision; and (ii) an appropriation for the amount projected by the director of the budget to be deposited in the mobility tax trust account pursuant to article twenty-three of the tax law or from any other monies described in paragraph (a) of this subdivision for the next succeeding fiscal year. Such appropriation for payment of revenues projected to be deposited in the succeeding fiscal year shall, notwithstanding the provisions of section forty of this chapter, take effect on the first day of such succeeding fiscal year and lapse on the last day of such fiscal year. If for any fiscal year commencing on or after the first day of April, two thousand ten the governor fails to

submit a budget bill containing the foregoing, or the legislature fails to enact a bill with such provisions, then the metropolitan transportation authority shall notify the comptroller, the director of the budget, the chairperson of the senate finance committee and the chairperson of the assembly ways and means committee of amounts required to be disbursed from the appropriation made during the preceding fiscal year for payment in such fiscal year. In no event shall the comptroller make any payments from such appropriation prior to May first of such fiscal year, and unless and until the director of the budget, the chairperson of the senate finance committee and the chairperson of the assembly ways and means committee have been notified of the required payments and the timing of such payments to be made from the mobility tax trust account to the metropolitan transportation authority finance fund established by section twelve hundred seventy-h of the public authorities law at least forty-eight hours prior to any such payments. Until such time as payments pursuant to such appropriation are made in full, revenues in the mobility tax trust account shall not be paid over to any person other than the metropolitan transportation authority.

§ 3. The closing paragraph of section 1277 of the public authorities law, as amended by chapter 161 of the laws of 2000, is amended to read as follows:

In the event that a city or county shall fail to make payment to the authority for station maintenance as required pursuant to this section, or any part thereof, the chief executive officer of the authority or such other person as the chairman shall designate shall certify to the state comptroller the amount due and owing the authority at the end of the state fiscal year and the state comptroller shall withhold an equivalent amount from the next succeeding state aid allocated to such county or city from the motor fuel tax and the motor vehicle registration fee distributed pursuant to former section one hundred twelve of the highway law, or amounts distributed pursuant to section ten-c of the highway law, or per capita local assistance pursuant to section fifty-four of the state finance law**, or local assistance pursuant to paragraph (b) of subdivision five of section ninety-two-ff of the state finance law** subject to the following limitations: prior to withholding amounts due the authority from such county or city, the comptroller shall pay in full any amount due the state of New York municipal bond bank agency, on account of any such county's or city's obligation to such agency; the city university construction fund pursuant to the provisions of the city university construction fund act; the New York city housing development corporation, pursuant to the provisions of the New York city housing development corporation act (article twelve of the private housing finance law); and the transit construction fund pursuant to the provisions of title nine-A of **this** article [~~**five of this chapter**~~]. The comptroller shall give the director of the budget notification of any such payment. Such amount or amounts so withheld by the comptroller shall be paid to the authority and the authority shall use such amount for the repayment of the state advances hereby authorized. When such amount or amounts are received by the authority, it shall credit such amounts against any amounts due and owing by the city or county on whose account such amount was withheld and paid.

§ 4. This act shall take effect immediately.