STATE OF NEW YORK

2049--A

2021-2022 Regular Sessions

IN SENATE

January 19, 2021

Introduced by Sen. AKSHAR -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- recommitted to the Committee on Investigations and Government Operations in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the tax law and the state finance law, in relation to providing for the deposit into the dedicated highway and bridge trust fund of a portion of the sales tax revenue from the sale of motor fuel; and to repeal certain provisions of the state finance law relating thereto

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

Section 1. Section 1148 of the tax law, as amended by section 6-a of part G of chapter 59 of the laws of 2019, is amended to read as follows:

§ 1148. Deposit and disposition of revenue. (a) All taxes, interest and penalties collected or received by the commissioner under this article shall be deposited and disposed of pursuant to the provisions of section one hundred seventy-one-a of this chapter; provided however, the comptroller shall on or before the twelfth day of each month, pay all such taxes, interest and penalties collected under this article and remaining to the comptroller's credit in such banks, banking houses or trust companies at the close of business on the last day of the preceding month, into the general fund of the state treasury.

(a-1) Provided however, before the funds may be distributed pursuant to subdivision (a) of this section, one cent of the taxes collected or received by the commissioner under this article for the retail sale of each gallon of motor fuel shall be deposited in the special obligation reserve and payment account of the dedicated highway and bridge trust fund, established by section eighty-nine-b of the state finance law.

(b) Provided however, [~~before~~] **after** the funds [~~may be~~] **are** distributed pursuant to subdivision [~~(a)~~] **(a-1)** of this section **but before such funds are distributed pursuant to subdivision (a) of this section**, such funds shall be distributed as otherwise provided in sections

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

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ninety-two-d, ninety-two-h, and ninety-two-r of the state finance law and sections eleven hundred two, eleven hundred four and eleven hundred nine of this article.

(c) Provided however, after funds are distributed pursuant to [~~subdivision~~] **subdivisions (a-1) and** (b) of this section but before such funds are distributed pursuant to subdivision (a) of this section, funds shall be deposited by the comptroller into the New York central business district trust fund established pursuant to section ninety-nine-ff of the state finance law in accordance with the following schedule: (1) in state fiscal year two thousand nineteen - two thousand twenty, one hundred twelve million five hundred thousand dollars; (2) in state fiscal year two thousand twenty - two thousand twenty-one, one hundred fifty million dollars; and (3) in state fiscal year two thousand twenty-one - two thousand twenty-two and every succeeding state fiscal year, an amount equal to one hundred one percent of the amount deposited in the immediately preceding state fiscal year. The funds deposited into the New York central business district trust fund shall be deposited monthly in equal installments.

§ 2. Subdivision (a-1) of section 1148 of the tax law, as added by section one of this act, is amended to read as follows:

(a-1) Provided however, before the funds may be distributed pursuant to subdivision (a) of this section, [~~one cent~~] **two cents** of the taxes collected or received by the commissioner under this article for the retail sale of each gallon of motor fuel shall be deposited in the special obligation reserve and payment account of the dedicated highway and bridge trust fund, established by section eighty-nine-b of the state finance law.

§ 3. Subdivision (a-1) of section 1148 of the tax law, as amended by section two of this act, is amended to read as follows:

(a-1) Provided however, before the funds may be distributed pursuant to subdivision (a) of this section, [~~two~~] **three** cents of the taxes collected or received by the commissioner under this article for the retail sale of each gallon of motor fuel shall be deposited in the special obligation reserve and payment account of the dedicated highway and bridge trust fund, established by section eighty-nine-b of the state finance law.

§ 4. Subdivision (a-1) of section 1148 of the tax law, as amended by section three of this act, is amended to read as follows:

(a-1) Provided however, before the funds may be distributed pursuant to subdivision (a) of this section, [~~three~~] **four** cents of the taxes collected or received by the commissioner under this article for the retail sale of each gallon of motor fuel shall be deposited in the special obligation reserve and payment account of the dedicated highway and bridge trust fund, established by section eighty-nine-b of the state finance law.

§ 5. Paragraph (a) of subdivision 3 of section 89-b of the state finance law, as amended by section 4 of chapter 368 of the laws of 2019, is amended to read as follows:

(a) The special obligation reserve and payment account shall consist (i) of all moneys required to be deposited in the dedicated highway and bridge trust fund pursuant to the provisions of sections two hundred five, two hundred eighty-nine-e, three hundred one-j, five hundred fifteen**, eleven hundred forty-eight** and eleven hundred sixty-seven of the tax law, section four hundred one and article [~~twelve-d~~] **twelve-D** of the vehicle and traffic law, and section thirty-one of chapter fifty-six of the laws of nineteen hundred ninety-three, (ii) all fees, fines or

penalties collected by the commissioner of transportation and the commissioner of motor vehicles pursuant to section fifty-two, section three hundred twenty-six, section eighty-eight of the highway law, subdivision fifteen of section three hundred eighty-five of the vehicle and traffic law, section two of part U1 of chapter sixty-two of the laws of two thousand three, subdivision (d) of section three hundred four-a, paragraph one of subdivision (a) and subdivision (d) of section three hundred five, subdivision six-a of section four hundred fifteen and subdivision (g) of section twenty-one hundred twenty-five of the vehicle and traffic law, section fifteen of this chapter, excepting moneys deposited with the state on account of betterments performed pursuant to subdivision twenty-seven or subdivision thirty-five of section ten of the highway law, and section one hundred forty-five of the transportation law, (iii) any moneys collected by the department of transportation for services provided pursuant to agreements entered into in accordance with section ninety-nine-r of the general municipal law, and (iv) any other moneys collected therefor or credited or transferred thereto from any other fund, account or source.

§ 6. Paragraph (a) of subdivision 3 of section 89-b of the state finance law, as amended by section 5 of chapter 368 of the laws of 2019, is amended to read as follows:

(a) The special obligation reserve and payment account shall consist (i) of all moneys required to be deposited in the dedicated highway and bridge trust fund pursuant to the provisions of sections two hundred eighty-nine-e, three hundred one-j, five hundred fifteen**, eleven hundred forty-eight** and eleven hundred sixty-seven of the tax law, section four hundred one and article [~~twelve-d~~] **twelve-D** of the vehicle and traffic law, and section thirty-one of chapter fifty-six of the laws of nineteen hundred ninety-three, (ii) all fees, fines or penalties collected by the commissioner of transportation and the commissioner of motor vehicles pursuant to section fifty-two, section three hundred twenty-six, section eighty-eight of the highway law, subdivision fifteen of section three hundred eighty-five of the vehicle and traffic law, section fifteen of this chapter, excepting moneys deposited with the state on account of betterments performed pursuant to subdivision twenty-seven or subdivision thirty-five of section ten of the highway law, and section one hundred forty-five of the transportation law, (iii) any moneys collected by the department of transportation for services provided pursuant to agreements entered into in accordance with section ninety-nine-r of the general municipal law, and (iv) any other moneys collected therefor or credited or transferred thereto from any other fund, account or source.

§ 7. Paragraph (a) of subdivision 3 of section 89-b of the state finance law, as amended by section 8 of part UU of chapter 59 of the laws of 2018, is REPEALED.

§ 8. This act shall take effect April 1, 2022; provided, that:

(a) section two of this act shall take effect April 1, 2023;

(b) section three of this act shall take effect April 1, 2024;

(c) section four of this act shall take effect April 1, 2025; and

(d) the amendments to paragraph (a) of subdivision 3 of section 89-b of the state finance law, made by section five of this act, shall be subject to the expiration and reversion of such paragraph pursuant to section 13 of part U1 of chapter 62 of the laws of 2003, as amended, when upon such date the provisions of section six of this act shall take effect.