# STATE OF NEW YORK

2895

2023-2024 Regular Sessions

# IN ASSEMBLY

January 31, 2023

Introduced by M. of A. GONZALEZ-ROJAS, MAMDANI -- read once and referred to the Committee on Ways and Means

AN ACT to amend the state finance law, the public authorities law and the tax law, in relation to directing payment of certain taxes into the central business district tolling capital lockbox fund to be made without appropriation

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

Section 1. Section 4 of the state finance law is amended by adding a new subdivision 14 to read as follows:

**14. Notwithstanding subdivision one of this section and any other law to the contrary, the revenue (including fees, taxes, interest and penalties) from the taxes imposed pursuant to subparagraph (ii) of paragraph five of subdivision (c) of section twelve hundred sixty-one of the tax law which are paid in accordance with subdivision one of section five hundred fifty-three-j of the public authorities law into the central business district tolling capital lockbox fund established by section five hundred fifty-three-j of the public authorities law shall be allocated pursuant to statute but without appropriation.**

§ 2. Subdivision 1 of section 553-j of the public authorities law, as added by section 5 of subpart A of part ZZZ of chapter 59 of the laws of 2019, is amended to read as follows:

1. The authority shall establish a fund to be known as the central business district tolling capital lockbox fund which shall be kept separate from and shall not be commingled with any other monies of the authority. The fund shall consist of all monies received by the authority pursuant to article forty-four-C of the vehicle and traffic law, subdivision twelve-a of section five hundred fifty-three of this title, and revenues of the real estate transfer tax deposited pursuant to subdivision (b) of section fourteen hundred twenty-one of the tax law, and sales tax pursuant to subdivision (c) of section eleven hundred

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

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forty-eight of the tax law, [~~subparagraph (B) of paragraph five of subdivision (c) of section twelve hundred sixty-one of the tax law, and~~] funds appropriated from the central business district trust fund established pursuant to section [~~ninty-nine-ff~~] ninety-nine-ff of the state finance law, and, without appropriation, the revenue including taxes, interest and penalties collected in accordance with subparagraph (ii) of paragraph five of subdivision (c) of section twelve hundred sixty-one of the tax law.

§ 3. Subparagraph (ii) of paragraph 5 of subdivision (c) of section 1261 of the tax law, as amended by section 2 of part RR of chapter 57 of the laws of 2022, is amended to read as follows:

(ii) After withholding the taxes, penalties and interest imposed by the city of New York on and after August first, two thousand eight as provided in subparagraph (i) of this paragraph, the comptroller shall withhold a portion of such taxes, penalties and interest sufficient to deposit annually into the central business district tolling capital lockbox established pursuant to section five hundred fifty-three-j of the public authorities law: (A) in state fiscal year two thousand nineteen - two thousand twenty, one hundred twenty-seven million five hundred thousand dollars; (B) in state fiscal year two thousand twenty - two thousand twenty-one, one hundred seventy million dollars; (C) 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 shall be deposited monthly in equal installments without appropriation. During the period that the comptroller is required to withhold amounts and make payments described in this paragraph, the city of New York has no right, title or interest in or to those taxes, penalties and interest required to be paid into the above referenced central business district tolling capital lockbox. In addition, the comptroller shall withhold a portion of such taxes, penalties and interest in the amount of one hundred fifty million dollars, to be withheld in four quarterly installments on January fifteenth, April fifteenth, July fifteenth and October fifteenth of each year, and shall deposit such amounts into the New York State Agency Trust Fund, Distressed Provider Assistance Account.

§ 4. Subparagraph (ii) of paragraph 5 of subdivision (c) of section 1261 of the tax law, as added by section 6-b of part G of chapter 59 of the laws of 2019, is amended to read as follows:

(ii) After withholding the taxes, penalties and interest imposed by the city of New York on and after August first, two thousand eight as provided in subparagraph (i) of this paragraph, the comptroller shall withhold a portion of such taxes, penalties and interest sufficient to deposit annually into the central business district tolling capital lockbox established pursuant to section five hundred fifty-three-j of the public authorities law: (A) in state fiscal year two thousand nineteen - two thousand twenty, one hundred twenty-seven million five hundred thousand dollars; (B) in state fiscal year two thousand twenty - two thousand twenty-one, one hundred seventy million dollars; and (C) 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 shall be deposited monthly in equal installments without appropriation. During the period that the comptroller is required to withhold amounts and make payments described in this paragraph, the city of New York has no right, title or interest in or to

those taxes, penalties and interest required to be paid into the above referenced central business district tolling capital lockbox.

§ 5. This act shall take effect immediately; provided that the amendments to subparagraph (ii) of paragraph 5 of subdivision (c) of section 1261 of the tax law made by section three of this act shall be subject to the expiration and reversion of such subparagraph pursuant to section 5 of part ZZ of chapter 56 of the laws of 2020, as amended, when upon such date the provisions of section four of this act shall take effect.