

STATE OF NEW YORK

2895--A

2023-2024 Regular Sessions

IN ASSEMBLY

January 31, 2023

Introduced by M. of A. GONZALEZ-ROJAS, MAMDANI, DINOWITZ, SEAWRIGHT, SEPTIMO, SIMONE, GALLAGHER, MITAYNES, SHRESTHA, CARROLL, HYNDMAN, CUNNINGHAM, SIMON, DARLING, TAPIA -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 3 of section 99-ff of the state finance law, as added by section 6-c of part G of chapter 59 of the laws of 2019, is amended to read as follows:

3. Uses of funds. [~~Following appropriation by the legislature, moneys~~] Moneys shall be available for distribution to the central business district tolling capital lockbox fund established pursuant to section five hundred fifty-three-j of the public authorities law.

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

LBD02284-02-3

§ 3. 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 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.

§ 4. Subdivision (c) of section 1148 of the tax law, as added by section 6-a of part G of chapter 59 of the laws of 2019, is amended to read as follows:

(c) Provided however, after funds are distributed pursuant to subdivision (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 without appropriation.

§ 5. 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

1 required to withhold amounts and make payments described in this para-
2 graph, the city of New York has no right, title or interest in or to
3 those taxes, penalties and interest required to be paid into the above
4 referenced central business district tolling capital lockbox. In addi-
5 tion, the comptroller shall withhold a portion of such taxes, penalties
6 and interest in the amount of one hundred fifty million dollars, to be
7 withheld in four quarterly installments on January fifteenth, April
8 fifteenth, July fifteenth and October fifteenth of each year, and shall
9 deposit such amounts into the New York State Agency Trust Fund,
10 Distressed Provider Assistance Account.

11 § 6. Subparagraph (ii) of paragraph 5 of subdivision (c) of section
12 1261 of the tax law, as added by section 6-b of part G of chapter 59 of
13 the laws of 2019, is amended to read as follows:

14 (ii) After withholding the taxes, penalties and interest imposed by
15 the city of New York on and after August first, two thousand eight as
16 provided in subparagraph (i) of this paragraph, the comptroller shall
17 withhold a portion of such taxes, penalties and interest sufficient to
18 deposit annually into the central business district tolling capital
19 lockbox established pursuant to section five hundred fifty-three-j of
20 the public authorities law: (A) in state fiscal year two thousand nine-
21 teen - two thousand twenty, one hundred twenty-seven million five
22 hundred thousand dollars; (B) in state fiscal year two thousand twenty -
23 two thousand twenty-one, one hundred seventy million dollars; and (C) in
24 state fiscal year two thousand twenty-one - two thousand twenty-two and
25 every succeeding state fiscal year, an amount equal to one hundred one
26 percent of the amount deposited in the immediately preceding state
27 fiscal year. The funds shall be deposited monthly in equal installments
28 without appropriation. During the period that the comptroller is
29 required to withhold amounts and make payments described in this para-
30 graph, the city of New York has no right, title or interest in or to
31 those taxes, penalties and interest required to be paid into the above
32 referenced central business district tolling capital lockbox.

33 § 7. This act shall take effect immediately; provided that the amend-
34 ments to subparagraph (ii) of paragraph 5 of subdivision (c) of section
35 1261 of the tax law made by section five of this act shall be subject to
36 the expiration and reversion of such subparagraph pursuant to section 5
37 of part ZZ of chapter 56 of the laws of 2020, as amended, when upon such
38 date the provisions of section six of this act shall take effect.