

STATE OF NEW YORK

1205--A

2023-2024 Regular Sessions

IN SENATE

January 10, 2023

Introduced by Sen. GOUNARDES -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- 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:

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

3 14. Notwithstanding subdivision one of this section and any other law
4 to the contrary, the revenue (including fees, taxes, interest and penal-
5 ties) from the taxes imposed pursuant to subparagraph (ii) of paragraph
6 five of subdivision (c) of section twelve hundred sixty-one of the tax
7 law which are paid in accordance with subdivision one of section five
8 hundred fifty-three-j of the public authorities law into the central
9 business district tolling capital lockbox fund established by section
10 five hundred fifty-three-j of the public authorities law shall be allo-
11 cated pursuant to statute but without appropriation.

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

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

19 § 3. Subdivision 1 of section 553-j of the public authorities law, as
20 added by section 5 of subpart A of part ZZZ of chapter 59 of the laws of
21 2019, is amended to read as follows:

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

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1 1. The authority shall establish a fund to be known as the central
2 business district tolling capital lockbox fund which shall be kept sepa-
3 rate from and shall not be commingled with any other monies of the
4 authority. The fund shall consist of all monies received by the authori-
5 ty pursuant to article forty-four-C of the vehicle and traffic law,
6 subdivision twelve-a of section five hundred fifty-three of this title,
7 and revenues of the real estate transfer tax deposited pursuant to
8 subdivision (b) of section fourteen hundred twenty-one of the tax law,
9 and sales tax pursuant to subdivision (c) of section eleven hundred
10 forty-eight of the tax law, [~~subparagraph (B) of paragraph five of~~
11 ~~subdivision (c) of section twelve hundred sixty-one of the tax law, and~~]
12 funds appropriated from the central business district trust fund estab-
13 lished pursuant to section [~~ninty-nine-ff~~] ninety-nine-ff of the state
14 finance law, and, without appropriation, the revenue including taxes,
15 interest and penalties collected in accordance with subparagraph (ii) of
16 paragraph five of subdivision (c) of section twelve hundred sixty-one of
17 the tax law.

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

21 (c) Provided however, after funds are distributed pursuant to subdivi-
22 sion (b) of this section but before such funds are distributed pursuant
23 to subdivision (a) of this section, funds shall be deposited by the
24 comptroller into the New York central business district trust fund
25 established pursuant to section ninety-nine-ff of the state finance law
26 in accordance with the following schedule: (1) in state fiscal year two
27 thousand nineteen - two thousand twenty, one hundred twelve million five
28 hundred thousand dollars; (2) in state fiscal year two thousand twenty -
29 two thousand twenty-one, one hundred fifty million dollars; and (3) in
30 state fiscal year two thousand twenty-one - two thousand twenty-two and
31 every succeeding state fiscal year, an amount equal to one hundred one
32 percent of the amount deposited in the immediately preceding state
33 fiscal year. The funds deposited into the New York central business
34 district trust fund shall be deposited monthly in equal installments
35 without appropriation.

36 § 5. Subparagraph (ii) of paragraph 5 of subdivision (c) of section
37 1261 of the tax law, as amended by section 2 of part RR of chapter 57 of
38 the laws of 2022, is amended to read as follows:

39 (ii) After withholding the taxes, penalties and interest imposed by
40 the city of New York on and after August first, two thousand eight as
41 provided in subparagraph (i) of this paragraph, the comptroller shall
42 withhold a portion of such taxes, penalties and interest sufficient to
43 deposit annually into the central business district tolling capital
44 lockbox established pursuant to section five hundred fifty-three-j of
45 the public authorities law: (A) in state fiscal year two thousand nine-
46 teen - two thousand twenty, one hundred twenty-seven million five
47 hundred thousand dollars; (B) in state fiscal year two thousand twenty -
48 two thousand twenty-one, one hundred seventy million dollars; (C) in
49 state fiscal year two thousand twenty-one - two thousand twenty-two and
50 every succeeding state fiscal year, an amount equal to one hundred one
51 percent of the amount deposited in the immediately preceding state
52 fiscal year. The funds shall be deposited monthly in equal installments
53 without appropriation. During the period that the comptroller is
54 required to withhold amounts and make payments described in this para-
55 graph, the city of New York has no right, title or interest in or to
56 those taxes, penalties and interest required to be paid into the above

1 referenced central business district tolling capital lockbox. In addi-
2 tion, the comptroller shall withhold a portion of such taxes, penalties
3 and interest in the amount of one hundred fifty million dollars, to be
4 withheld in four quarterly installments on January fifteenth, April
5 fifteenth, July fifteenth and October fifteenth of each year, and shall
6 deposit such amounts into the New York State Agency Trust Fund,
7 Distressed Provider Assistance Account.

8 § 6. Subparagraph (ii) of paragraph 5 of subdivision (c) of section
9 1261 of the tax law, as added by section 6-b of part G of chapter 59 of
10 the laws of 2019, is amended to read as follows:

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

30 § 7. This act shall take effect immediately; provided that the amend-
31 ments to subparagraph (ii) of paragraph 5 of subdivision (c) of section
32 1261 of the tax law made by section five of this act shall be subject to
33 the expiration and reversion of such subparagraph pursuant to section 5
34 of part ZZ of chapter 56 of the laws of 2020, as amended, when upon such
35 date the provisions of section six of this act shall take effect.