

3892

2011-2012 Regular Sessions

I N   S E N A T E

March 8, 2011

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Introduced by Sen. AVELLA -- 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 and the state finance law, in relation to the stock transfer tax

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision 1 of section 280-a of the tax law, as amended  
2     by chapter 578 of the laws of 1981, is amended to read as follows:  
3     1. Except as otherwise provided in subdivision fifteen of this  
4     section, where a tax shall have been paid under this article a portion  
5     of the amount paid shall be allowed as a rebate and such portion shall  
6     be paid to the taxpayer but only to the extent that moneys are available  
7     for the payment of such rebates in the stock transfer incentive fund  
8     established pursuant to section ninety-two-i of the state finance law.  
9     The portion of the amount of tax paid which is to be allowed as a rebate  
10    shall be thirty percent of the tax incurred and paid on transactions  
11    subject to the stock transfer tax occurring on and after October first,  
12    nineteen hundred seventy-nine and on or before September thirtieth,  
13    nineteen hundred eighty and sixty percent of the tax incurred and paid  
14    on such transactions occurring on and after October first, nineteen  
15    hundred eighty and on or before September thirtieth, nineteen hundred  
16    eighty-one and all of the amount of tax incurred and paid shall be  
17    allowed as a rebate on transactions subject to the stock transfer tax  
18    occurring on and after October first, nineteen hundred eighty-one AND ON  
19    OR BEFORE SEPTEMBER THIRTIETH, TWO THOUSAND ELEVEN, AND EIGHTY PERCENT  
20    OF THE TAX INCURRED AND PAID SHALL BE ALLOWED AS A REBATE ON SUCH TRANS-  
21    ACTIONS OCCURRING ON AND AFTER OCTOBER FIRST, TWO THOUSAND ELEVEN.  
22    S 2. Subdivision 3 and 4 of section 92-b of the state finance law,  
23    subdivision 3 as amended by chapter 878 of the laws of 1977 and subdivi-

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

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sion 4 as amended by chapter 724 of the laws of 1979, are amended to read as follows:

3. The moneys received from such tax and other sources in such fund, after deducting the amount the commissioner of taxation and finance shall determine to be necessary for reasonable costs of the state tax commission in administering, collecting and distributing such tax, commencing with the fiscal year ending March thirty-first, nineteen hundred seventy-seven, shall be appropriated to (i) the municipal assistance corporation for the city of New York created pursuant to title three of article ten of the public authorities law in order to enable such corporation to fulfill the terms of any agreements made with the holders of its notes and bonds and to carry out its corporate purposes including the maintenance of the capital reserve fund and (ii) to the extent such moneys are not required by such corporation as provided in subdivision seven of section ninety-two-d of this [chapter] ARTICLE and, after deducting the amount such commissioner shall determine to be necessary for reasonable costs of the state tax commission in administering and making distributions in accordance with the provisions of section two hundred eighty-a of the tax law from the stock transfer incentive fund, to the stock transfer incentive fund created pursuant to section ninety-two-i of this [chapter] ARTICLE to enable rebates to be made from such fund under the provisions of section two hundred eighty-a of the tax law and (iii) to the extent such moneys are not required by such fund, as certified by the commissioner of taxation and finance, TWENTY-FIVE PERCENT OF the balance shall be appropriated to the city of New York, for the support of local government AND SEVENTY-FIVE PERCENT OF THE BALANCE SHALL BE PAID INTO THE GENERAL FUND OF THE STATE TREASURY TO THE CREDIT OF THE STATE PURPOSES FUND THEREIN.

4. After the deduction of such costs of the state tax commission in administering, collecting and distributing such tax, the balances in the stock transfer tax fund so appropriated shall be distributed and paid on the last business day of September, December, March and June into the special account established for the municipal assistance corporation for the city of New York in the municipal assistance tax fund established pursuant to subdivision one of section ninety-two-d of this [chapter] ARTICLE, unless and to the extent the balances in such fund on each such payment day are not required by such corporation as provided in said subdivision seven of said section ninety-two-d in which case the balance not so required, if any, after the deduction of such costs of the state tax commission in administering and making distributions in accordance with the provisions of section two hundred eighty-a of the tax law from the stock transfer incentive fund shall be distributed and paid to the stock transfer incentive fund in the custody of the commissioner of taxation and finance established pursuant to section ninety-two-i of this [chapter] ARTICLE and unless and to the extent that the balances in the stock transfer tax fund on each such payment day are not required by the stock transfer incentive fund as provided in such section ninety-two-i of this [chapter] ARTICLE in which case TWENTY-FIVE PERCENT OF the balance not so required, if any, shall be distributed and paid to the chief fiscal officer of the city of New York to be paid into the treasury of the city to the credit of the general fund [or paid by the commissioner of taxation and finance to such other account or fund as may be designated in writing by such chief fiscal officer at least ten business days prior to such last day and on each such day, the] AND SEVENTY-FIVE PERCENT OF THE BALANCE NOT SO REQUIRED, SHALL BE PAID INTO THE GENERAL FUND OF THE STATE TREASURY TO THE CREDIT OF THE STATE

1 PURPOSES FUND THEREIN. THE commissioner of taxation and finance shall  
2 certify to the comptroller the amount deducted for administering,  
3 collecting and distributing such tax during such quarterly period and  
4 shall pay such amount into the general fund of the state treasury to the  
5 credit of the state purposes fund therein. In no event shall any amount  
6 (other than the amount to be deducted for administering, collecting and  
7 distributing such tax) be distributed or paid from the stock transfer  
8 tax fund to any person other than the municipal assistance corporation  
9 for the city of New York unless and until the aggregate of all payments  
10 certified to the comptroller as required by such corporation in order to  
11 comply with its agreements with the holders of its notes and bonds and  
12 to carry out its corporate purposes, including the maintenance of the  
13 capital reserve fund, which remain unappropriated or unpaid to such  
14 corporation shall have been appropriated to such corporation and shall  
15 have been paid in full provided, however, that no person, including such  
16 corporation or the holders of its notes or bonds shall have any lien on  
17 such tax and such agreements shall be executory only to the extent of  
18 the balances available to the state in such fund. If the balances in  
19 such fund are not required by such corporation pursuant to the  
20 provisions of this subdivision, on each such last business day of  
21 September, December, March and June, the commissioner of taxation and  
22 finance shall certify to the comptroller the amount deducted for admin-  
23 istering and making distributions in accordance with the provisions of  
24 section two hundred eighty-a of the tax law from the stock transfer  
25 incentive fund during such quarterly period and he shall pay such amount  
26 into the general fund of the state treasury to the credit of the state  
27 purposes fund therein. To the extent such moneys are not required by  
28 such corporation, as provided in subdivision seven of section ninety-  
29 two-d of this [chapter] ARTICLE, no amount thereof (other than such  
30 amount to be deducted for administering, collecting and distributing  
31 such tax and such costs in administering and making distributions in  
32 accordance with the provisions of section two hundred eighty-a of the  
33 tax law from the stock transfer incentive fund) shall be distributed or  
34 paid from the stock transfer tax fund other than to such stock transfer  
35 incentive fund in the custody of the commissioner of taxation and  
36 finance unless and until the aggregate of all payments certified to the  
37 comptroller by such commissioner pursuant to the provisions of such  
38 incentive fund as necessary to provide payments on account of rebates  
39 authorized pursuant to section two hundred eighty-a of the tax law which  
40 remain unappropriated or unpaid to such fund shall have been appropri-  
41 ated to such fund and shall have been paid in full provided, however,  
42 that no person, including any taxpayer under article twelve of the tax  
43 law or any member or dealer referred to in subdivisions two-a and six of  
44 section two hundred eighty-a of such law, shall have any lien on this  
45 fund or the stock transfer incentive fund.

46 S 3. This act shall take effect September 1, 2011.