

STATE OF NEW YORK

1523

2017-2018 Regular Sessions

IN SENATE

January 10, 2017

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 and to creating the statewide pre-k fund

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 seventeen, and thirty
20 percent of the tax incurred and paid shall be allowed as a rebate on
21 such transactions occurring on and after October first, two thousand
22 seventeen.

23 § 2. Subdivisions 3 and 4 of section 92-b of the state finance law,
24 subdivision 3 as amended by chapter 878 of the laws of 1977, subdivision

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

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1 4 as amended by chapter 724 of the laws of 1979, are amended to read as
2 follows:

3 3. The moneys received from such tax and other sources in such fund,
4 after deducting the amount the commissioner of taxation and finance
5 shall determine to be necessary for reasonable costs of the state tax
6 commission in administering, collecting and distributing such tax,
7 commencing with the fiscal year ending March thirty-first, nineteen
8 hundred seventy-seven, shall be appropriated to (i) the municipal
9 assistance corporation for the city of New York created pursuant to
10 title three of article ten of the public authorities law in order to
11 enable such corporation to fulfill the terms of any agreements made with
12 the holders of its notes and bonds and to carry out its corporate
13 purposes including the maintenance of the capital reserve fund and (ii)
14 to the extent such moneys are not required by such corporation as
15 provided in subdivision seven of section ninety-two-d of this [~~chapter~~
16 article] and, after deducting the amount such commissioner shall deter-
17 mine to be necessary for reasonable costs of the state tax commission in
18 administering and making distributions in accordance with the provisions
19 of section two hundred eighty-a of the tax law from the stock transfer
20 incentive fund, to the stock transfer incentive fund created pursuant to
21 section ninety-two-i of this [~~chapter~~] article to enable rebates to be
22 made from such fund under the provisions of section two hundred eighty-a
23 of the tax law and (iii) to the extent such moneys are not required by
24 such fund, as certified by the commissioner of taxation and finance, the
25 balance shall be appropriated to the [~~city of New York, for the support~~
26 ~~of local government~~] statewide pre-k fund established pursuant to
27 section ninety-two-o of this article.

28 4. After the deduction of such costs of the state tax commission in
29 administering, collecting and distributing such tax, the balances in the
30 stock transfer tax fund so appropriated shall be distributed and paid on
31 the last business day of September, December, March and June into the
32 special account established for the municipal assistance corporation for
33 the city of New York in the municipal assistance tax fund established
34 pursuant to subdivision one of section ninety-two-d of this [~~chapter~~
35 article], unless and to the extent the balances in such fund on each such
36 payment day are not required by such corporation as provided in said
37 subdivision seven of said section ninety-two-d in which case the balance
38 not so required, if any, after the deduction of such costs of the state
39 tax commission in administering and making distributions in accordance
40 with the provisions of section two hundred eighty-a of the tax law from
41 the stock transfer incentive fund shall be distributed and paid to the
42 stock transfer incentive fund in the custody of the commissioner of
43 taxation and finance established pursuant to section ninety-two-i of
44 this [~~chapter~~] article and unless and to the extent that the balances in
45 the stock transfer tax fund on each such payment day are not required by
46 the stock transfer incentive fund as provided in such section ninety-
47 two-i of this [~~chapter~~] article in which case the balance not so
48 required, if any, shall be distributed and paid to the [~~chief fiscal~~
49 ~~officer of the city of New York to be paid into the treasury of the city~~
50 ~~to the credit of the general fund or paid by the commissioner of tax-~~
51 ~~ation and finance to such other account or fund as may be designated in~~
52 ~~writing by such chief fiscal officer at least ten business days prior to~~
53 ~~such last day and on each such day, the~~] statewide pre-k fund estab-
54 lished pursuant to section ninety-two-o of this article. The commis-
55 sioner of taxation and finance shall certify to the comptroller the
56 amount deducted for administering, collecting and distributing such tax

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

44 § 3. The state finance law is amended by adding a new section 92-o to
45 read as follows:

46 § 92-o. The statewide pre-k fund. 1. There is hereby established in
47 the joint custody of the commissioner of taxation and finance and the
48 commissioner of education a special fund to be known as the statewide
49 pre-k fund.

50 2. Such fund shall consist of moneys paid thereto from the stock
51 transfer tax fund as provided in subdivision four of section
52 ninety-two-b of this article and all other moneys appropriated, credited
53 or transferred thereto from any other fund or source pursuant to law.

54 3. The moneys in this fund shall be directed for the expansion of
55 pre-kindergarten throughout the state.

1 4. Monies shall be payable from the fund on the audit and warrant of
2 the comptroller on vouchers approved and certified by the commissioner
3 of education.
4 § 4. This act shall take effect September 1, 2017.