

# STATE OF NEW YORK

7086

2019-2020 Regular Sessions

## IN ASSEMBLY

April 5, 2019

Introduced by M. of A. DILAN -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, the state finance law and the public authorities 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 nineteen, 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 nineteen.

22 § 2. Subdivisions 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-  
24 sion 4 as amended by chapter 724 of the laws of 1979, are amended to  
25 read as follows:

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

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

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

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

43 § 3. Subdivision 1 of section 1270-a of the public authorities law, as  
44 amended by section 14 of part H of chapter 25 of the laws of 2009, is  
45 amended to read as follows:

46 1. The authority shall create and establish a fund to be known as the  
47 "metropolitan transportation authority special assistance fund" which  
48 shall be kept separate from and shall not be commingled with any other  
49 moneys of the authority. The special assistance fund shall consist of  
50 three separate accounts: (i) the "transit account", (ii) the "commuter  
51 railroad account" and (iii) the "corporate transportation account".

52 The authority shall make deposits in the transit account and the  
53 commuter railroad account of the moneys received by it pursuant to the  
54 provisions of subdivision one of section two hundred eighty-a of the tax  
55 law, subdivisions three and four of section ninety-two-b of the state  
56 finance law, and subdivision one of section two hundred sixty-one of the

1 tax law in accordance with the provisions thereof, and shall make depos-  
2 its in the corporate transportation account of the moneys received by it  
3 pursuant to the provisions of subdivision two of section two hundred  
4 sixty-one of the tax law and section ninety-two-ff of the state finance  
5 law.

6 § 4. This act shall take effect September 1, 2019.