

# STATE OF NEW YORK

7791--B

2019-2020 Regular Sessions

## IN ASSEMBLY

May 22, 2019

Introduced by M. of A. STECK, JACOBSON, LIFTON, MOSLEY, STIRPE, ENGLE-BRIGHT, BURKE, GOTTFRIED, EPSTEIN, PERRY, SIMON, LUPARDO, HUNTER, REYES, ABINANTI, WILLIAMS, BARRON, ARROYO, KIM, BENEDETTO, L. ROSENTHAL, McDONALD, M. G. MILLER, JOYNER -- Multi-Sponsored by -- M. of A. AUBRY, LENTOL -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Ways and Means in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the state finance law, in relation to the repeal of the rebate for stock transfer tax paid and the funds of the stock transfer tax fund and the dedicated infrastructure investment fund; to amend the environmental conservation law, in relation to establishing the safe water infrastructure action program for the purpose of making payments toward the replacement and rehabilitation of existing local municipally-owned and funded drinking water, storm water and sanitary sewer systems; to amend the tax law, in relation to taxes imposed in certain transactions; to repeal section 280-a of the tax law relating to the rebate for stock transfer tax paid; to repeal section 92-i of the state finance law relating to the stock transfer incentive fund; and to repeal certain provisions of the administrative code of the city of New York relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Section 280-a of the tax law is REPEALED.
- 2 § 2. Section 92-i of the state finance law is REPEALED.
- 3 § 3. Section 92-b of the state finance law, as added by chapter 91 of
- 4 the laws of 1965, subdivision 3 as amended by chapter 878 of the laws of
- 5 1977, subdivision 4 as amended by chapter 724 of the laws of 1979,
- 6 subdivision 5 as added and subdivision 6 as renumbered by section 2 of

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

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1 chapter 3 of the laws of 1966, subdivision 7 as added by section 10 of  
2 part SS1 of chapter 57 of the laws of 2008 and such section as renum-  
3 bered by section 1 of chapter 3 of the laws of 1966, is amended to read  
4 as follows:

5 § 92-b. Stock transfer tax fund. 1. There is hereby established in the  
6 custody of the commissioner of taxation and finance a special fund, to  
7 be known as the stock transfer tax fund.

8 2. Such fund shall consist of the revenues derived from the stock  
9 transfer tax imposed by article twelve of the tax law and all other  
10 moneys credited or transferred thereto from any other fund or source  
11 pursuant to law.

12 3. The moneys received from such tax and other sources in such fund~~[~~  
13 ~~after deducting the amount the commissioner of taxation and finance~~  
14 ~~shall determine to be necessary for]~~ shall be used to cover the reason-  
15 able costs of the state tax commission in administering, collecting and  
16 distributing [~~such~~] the stock transfer tax, commencing with the fiscal  
17 year ending March thirty-first, [~~nineteen hundred seventy seven~~] two  
18 thousand twenty-two, [~~shall be appropriated to (i) the municipal assist-~~  
19 ~~ance corporation for the city of New York created pursuant to title~~  
20 ~~three of article ten of the public authorities law in order to enable~~  
21 ~~such corporation to fulfill the terms of any agreements made with the~~  
22 ~~holders of its notes and bonds and to carry out its corporate purposes~~  
23 ~~including the maintenance of the capital reserve fund and (ii) to the~~  
24 ~~extent such moneys are not required by such corporation as provided in~~  
25 ~~subdivision seven of section ninety two d of this chapter and, after~~  
26 ~~deducting the amount such commissioner shall determine to be necessary~~  
27 ~~for reasonable costs of the state tax commission in administering and~~  
28 ~~making distributions in accordance with the provisions of section two~~  
29 ~~hundred eighty a of the tax law from the stock transfer incentive fund,~~  
30 ~~to the stock transfer incentive fund created pursuant to section nine-~~  
31 ~~ty two i of this chapter to enable rebates to be made from such fund~~  
32 ~~under the provisions of section two hundred eighty a of the tax law and~~  
33 ~~(iii) to the extent such moneys are not required by such fund, as certi-~~  
34 ~~fied by the commissioner of taxation and finance, the balance shall be~~  
35 ~~appropriated to the city of New York, for the support of local govern-~~  
36 ~~ment.]~~ and the remainder shall be deposited into the state general fund.  
37 Commencing with the fiscal year ending March thirty-first, two thousand  
38 twenty-three, such remainder shall be deposited into the following  
39 funds:

40 (i) twenty-five percent shall be directed to the metropolitan trans-  
41 portation authority financial assistance fund established pursuant to  
42 section ninety-two-ff of this article;

43 (ii) ten percent shall be directed to the division of housing and  
44 community renewal for the purpose of capital projects and other improve-  
45 ments to address issues relating to conditions of governance and habita-  
46 bility, including but not limited to, heating, mold, or lead, and other  
47 such conditions affecting the health and safety of tenants at housing  
48 developments owned or operated by the New York city housing authority;

49 (iii) fifteen percent shall be directed to the highway and bridge  
50 capital account in the dedicated highway and bridge trust fund estab-  
51 lished pursuant to section eighty-nine-b of this article;

52 (iv) ten percent shall be directed to the dedicated highway and bridge  
53 trust fund established pursuant to section eighty-nine-b of this arti-  
54 cle, to be directed towards the infrastructure, maintenance and develop-  
55 ment of rail lines for AMTRAK in the northeast corridor;

1 (v) five percent shall be directed to the local infrastructure account  
2 of the general fund established pursuant to section seventy-two of this  
3 article to be directed to the Consolidated Local Street and Highway  
4 Improvement Program (CHIPS);

5 (vi) five percent shall be directed to the local infrastructure  
6 account of the general fund to be dedicated to the safe water and  
7 infrastructure action program as established by section 3-0323 of the  
8 environmental conservation law;

9 (vii) five percent shall be directed to the municipal assistance state  
10 aid fund established pursuant to section ninety-two-e of this article;

11 (viii) five percent shall be directed to the dedicated mass transpor-  
12 tation trust fund to the credit of the non-MTA account for payment to  
13 downstate transit systems other than those transit systems operated by  
14 the metropolitan transportation authority;

15 (ix) five percent shall be directed to the dedicated mass transporta-  
16 tion trust fund to the credit of the non-MTA account for payment to  
17 upstate transit systems; and

18 (x) fifteen percent shall be directed to the energy research and  
19 development operating fund pursuant to the provisions of section eigh-  
20 teen hundred fifty-nine of the public authorities law, to be directed to  
21 the clean energy fund and shall be divided equally among the four  
22 investment portfolios that make up such fund.

23 4. ~~[After the deduction of such costs of the state tax commission in~~  
24 ~~administering, collecting and distributing such tax, the balances in the~~  
25 ~~stock transfer tax fund so appropriated shall be distributed and paid on~~  
26 ~~the last business day of September, December, March and June into the~~  
27 ~~special account established for the municipal assistance corporation for~~  
28 ~~the city of New York in the municipal assistance tax fund established~~  
29 ~~pursuant to subdivision one of section ninety-two-d of this chapter,~~  
30 ~~unless and to the extent the balances in such fund on each such payment~~  
31 ~~day are not required by such corporation as provided in said subdivision~~  
32 ~~seven of said section ninety-two-d in which case the balance not so~~  
33 ~~required, if any, after the deduction of such costs of the state tax~~  
34 ~~commission in administering and making distributions in accordance with~~  
35 ~~the provisions of section two hundred eighty-a of the tax law from the~~  
36 ~~stock transfer incentive fund shall be distributed and paid to the stock~~  
37 ~~transfer incentive fund in the custody of the commissioner of taxation~~  
38 ~~and finance established pursuant to section ninety-two-i of this chapter~~  
39 ~~and unless and to the extent that the balances in the stock transfer tax~~  
40 ~~fund on each such payment day are not required by the stock transfer~~  
41 ~~incentive fund as provided in such section ninety-two-i of this chapter~~  
42 ~~in which case the balance not so required, if any, shall be distributed~~  
43 ~~and paid to the chief fiscal officer of the city of New York to be paid~~  
44 ~~into the treasury of the city to the credit of the general fund or paid~~  
45 ~~by the commissioner of taxation and finance to such other account or~~  
46 ~~fund as may be designated in writing by such chief fiscal officer at~~  
47 ~~least ten business days prior to such last day and on each such day, the~~  
48 ~~commissioner of taxation and finance shall certify to the comptroller~~  
49 ~~the amount deducted for administering, collecting and distributing such~~  
50 ~~tax during such quarterly period and shall pay such amount into the~~  
51 ~~general fund of the state treasury to the credit of the state purposes~~  
52 ~~fund therein. In no event shall any amount (other than the amount to be~~  
53 ~~deducted for administering, collecting and distributing such tax) be~~  
54 ~~distributed or paid from the stock transfer tax fund to any person other~~  
55 ~~than the municipal assistance corporation for the city of New York~~  
56 ~~unless and until the aggregate of all payments certified to the comp-~~

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

37 ~~5. In no fiscal year shall the total amount paid from the fund exceed~~  
38 ~~the total collections during such fiscal year from the stock transfer~~  
39 ~~tax pursuant to the provisions of article twelve of the tax law and as~~  
40 ~~deposited to the credit of the stock transfer tax fund.~~

41 ~~6.] All payments from the stock transfer tax fund shall be made on the~~  
42 ~~audit and warrant of the comptroller on vouchers approved by the commis-~~  
43 ~~sioner of taxation and finance.~~

44 ~~[7. When all the notes and bonds of the municipal assistance corpo-~~  
45 ~~ration for the city of New York have been fully paid and discharged,~~  
46 ~~together with interest thereon and interest on unpaid installments of~~  
47 ~~interest, and the chairman of the corporation makes the final certif-~~  
48 ~~ication required by subdivision seven of section ninety-two-d of this~~  
49 ~~article, the comptroller must notify the commissioner of taxation and~~  
50 ~~finance that all remaining funds held in the stock transfer tax fund~~  
51 ~~must be released to the stock transfer incentive fund. From that time~~  
52 ~~forward, all funds previously deposited in the stock transfer tax fund~~  
53 ~~pursuant to subdivision two of this section will be deposited directly~~  
54 ~~into the stock transfer incentive fund pursuant to all the rules, regu-~~  
55 ~~lations or instructions that the commissioner may prescribe, after~~  
56 ~~deducting the amount the commissioner determines to be necessary for~~

~~1 reasonable costs of the department in administering, collecting and  
2 distributing the tax imposed by article twelve of the tax law. Notwith-  
3 standing any other provisions of this article, to the extent those  
4 moneys are not required by the stock transfer incentive fund for the  
5 purpose of administering and making distributions in accordance with the  
6 provisions of section two hundred eighty-a of the tax law, as certified  
7 by the commissioner of taxation and finance, the balance will be appro-  
8 priated to the city of New York for the support of local government.]~~

9 § 4. Paragraph (c) of subdivision 1 of section 93-b of the state  
10 finance law, as added by section 1 of part H of chapter 60 of the laws  
11 of 2015, is amended to read as follows:

12 (c) Sources of funds. The sources of funds shall consist of all moneys  
13 collected therefor, or moneys credited, appropriated or transferred  
14 thereto from any other fund or source pursuant to law or any other  
15 moneys made available for the purposes of the fund, including but not  
16 limited to funds transferred from the stock transfer tax fund pursuant  
17 to subdivision three of section ninety-two-b of this article and funds  
18 transferred from the stock transfer incentive fund established by  
19 section ninety-two-i of this article and repealed by a chapter of the  
20 laws of two thousand twenty, which amended this paragraph. Any interest  
21 received by the comptroller on moneys on deposit shall be retained and  
22 become part of the fund, unless otherwise directed by law.

23 § 5. Subdivision (c) of section 11-503 of the administrative code of  
24 the city of New York is REPEALED.

25 § 6. Subdivision 12 of section 11-604 of the administrative code of  
26 the city of New York is REPEALED.

27 § 7. All monies accumulated in the stock transfer incentive fund  
28 established pursuant to section 92-i of the state finance law on the  
29 effective date of this act shall be transferred to the dedicated infras-  
30 tructure investment fund as established by section 93-b of the state  
31 finance law for the purposes set forth in such section.

32 § 8. The environmental conservation law is amended by adding a new  
33 section 3-0323 to read as follows:

34 § 3-0323. Safe water and infrastructure action program.

35 1. Notwithstanding any other provisions of this chapter or any other  
36 law and subject to an appropriation made therefor and in accordance with  
37 the provisions of this section and with the rules and regulations  
38 promulgated by the commissioner in connection therewith, on and after  
39 the first day of April, two thousand twenty-one, a consolidated local  
40 infrastructure program is hereby established for the purpose of making  
41 payments toward the replacement and rehabilitation of existing local  
42 municipally-owned and funded drinking water, storm water and sanitary  
43 sewer systems. For purposes of this section, such program shall apply to  
44 any county, city, town or village drinking water system, storm water  
45 system or sanitary sewer system within the state that is not under the  
46 maintenance and/or operational jurisdiction of the state nor any private  
47 entity. The commissioner, in conjunction with the environmental facili-  
48 ties corporation, shall promulgate all necessary rules and regulations  
49 to carry out the program so that an equitable distribution of aid shall  
50 be made for the general operation and/or general maintenance of any  
51 existing county, city, town and village drinking water system, storm  
52 water system or sanitary sewer system.

53 2. On or before the twenty-fifth day of April, June, September and  
54 November of each state fiscal year commencing with the state fiscal year  
55 beginning on April first, two thousand twenty-one, there shall be  
56 distributed and paid to counties, cities, towns and villages an amount

1 equal to the moneys appropriated for the purposes of this section  
2 divided by the number of payment dates in that state fiscal year. Such  
3 amounts shall be distributed and paid pursuant to subdivision three of  
4 this section.

5 3. Amounts shall be distributed for local drinking water, storm water  
6 and sanitary sewer systems based upon the total length and width of all  
7 pipelines and mains owned and operated by the municipality.

8 4. Monies made available may be used to match other state and federal  
9 funds made available for such projects. The funds may also be used to  
10 support special improvement districts created to provide drinking water,  
11 waste water and storm water services under articles twelve, twelve-A,  
12 twelve-C and thirteen of the town law. The remainder of the apportion-  
13 ment may be used for any existing drinking water, storm water or sewer  
14 system purchases, including but not limited to, the acquisition of mate-  
15 rials for the replacement or rehabilitation.

16 5. For any city, town, or village which proposes infrastructure  
17 consolidation under this section or merges with another municipality,  
18 the funds appropriated under this section may fund costs associated with  
19 such consolidation.

20 6. For each fiscal year, starting in two thousand twenty-one, funds  
21 are to be made available to the local infrastructure assistance account  
22 of the general fund, and distributed from that account, in an amount  
23 that is at least equal to those appropriated and made available in the  
24 Consolidated Local Street and Highway Improvement Program (CHIPS).

25 § 9. Section 270 of the tax law is amended by adding a new subdivision  
26 9 to read as follows:

27 9. Notwithstanding any other provision to the contrary, a transaction  
28 referred to in subdivision one of this section is subject to tax if any  
29 activity in furtherance of the transaction occurs within the state or if  
30 a party involved in the transaction satisfies a nexus with New York  
31 state which shall be defined as broadly as is permitted under the United  
32 States Constitution.

33 § 10. This act shall take effect April 1, 2021.