

# STATE OF NEW YORK

1406--A

2021-2022 Regular Sessions

## IN SENATE

January 11, 2021

Introduced by Sens. SANDERS, BIAGGI, COMRIE, HOYLMAN, JACKSON, MAY, MYRIE, RAMOS, RIVERA, SALAZAR, SEPULVEDA, SERRANO, STAVISKY -- 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, 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 Section 280-a of the tax law is REPEALED.  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 Section 92-i of the state finance law is REPEALED.  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  
7 chapter 3 of the laws of 1966, subdivision 7 as added by section 10 of  
8 part SS1 of chapter 57 of the laws of 2008 and such section as renum-  
9 bered by section 1 of chapter 3 of the laws of 1966, is amended to read  
10 as follows:

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

LBD04222-07-1

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

4 2. Such fund shall consist of the revenues derived from the stock  
5 transfer tax imposed by article twelve of the tax law and all other  
6 moneys credited or transferred thereto from any other fund or source  
7 pursuant to law.

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

36 (i) twenty-five percent shall be directed to the metropolitan trans-  
37 portation authority financial assistance fund established pursuant to  
38 section ninety-two-ff of this article, of which fifty percent shall be  
39 used for the purpose of operations and fifty percent shall be used for  
40 the purpose of capital projects;

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

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

50 (iv) nine percent shall be directed to the dedicated highway and  
51 bridge trust fund established pursuant to section eighty-nine-b of this  
52 article, to be directed towards the infrastructure, maintenance and  
53 development of rail lines for AMTRAK in the northeast corridor;

54 (v) five percent shall be directed to the local infrastructure account  
55 of the general fund established pursuant to section seventy-two of this

1 article to be directed to the Consolidated Local Street and Highway  
2 Improvement Program (CHIPS);

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

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

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

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

16 (x) thirteen percent shall be directed to the energy research develop-  
17 ment operating fund pursuant to the provisions of section eighteen  
18 hundred fifty-nine of the public authorities law, to be directed to the  
19 clean energy fund and shall be divided equally among the four investment  
20 portfolios that make up such fund;

21 (xi) two and one-half percent shall be directed to the city university  
22 of New York, of which fifty percent shall be used for the purpose of  
23 capital improvements and infrastructure projects and fifty percent shall  
24 be used for the purpose of supporting academic programs at city of New  
25 York institutions; and

26 (xii) two and one-half percent shall be directed to the state univer-  
27 sity of New York institutions, of which fifty percent shall be used for  
28 the purposes of supporting and expanding services and care at state  
29 university of New York hospitals, state university of New York academic  
30 medical centers and fifty percent shall be used for the purpose of  
31 supporting academic programs at state university of New York insti-  
32 tutions.

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

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

~~47 5. In no fiscal year shall the total amount paid from the fund exceed  
48 the total collections during such fiscal year from the stock transfer  
49 tax pursuant to the provisions of article twelve of the tax law and as  
50 deposited to the credit of the stock transfer tax fund.~~

~~51 6.] All payments from the stock transfer tax fund shall be made on the  
52 audit and warrant of the comptroller on vouchers approved by the commis-  
53 sioner of taxation and finance.~~

~~54 [7. When all the notes and bonds of the municipal assistance corpo-  
55 ration for the city of New York have been fully paid and discharged,  
56 together with interest thereon and interest on unpaid installments of~~

~~1 interest, and the chairman of the corporation makes the final certifi-  
2 cation required by subdivision seven of section ninety-two-d of this  
3 article, the comptroller must notify the commissioner of taxation and  
4 finance that all remaining funds held in the stock transfer tax fund  
5 must be released to the stock transfer incentive fund. From that time  
6 forward, all funds previously deposited in the stock transfer tax fund  
7 pursuant to subdivision two of this section will be deposited directly  
8 into the stock transfer incentive fund pursuant to all the rules, regu-  
9 lations or instructions that the commissioner may prescribe, after  
10 deducting the amount the commissioner determines to be necessary for  
11 reasonable costs of the department in administering, collecting and  
12 distributing the tax imposed by article twelve of the tax law. Notwith-  
13 standing any other provisions of this article, to the extent those  
14 moneys are not required by the stock transfer incentive fund for the  
15 purpose of administering and making distributions in accordance with the  
16 provisions of section two hundred eighty-a of the tax law, as certified  
17 by the commissioner of taxation and finance, the balance will be appro-  
18 priated to the city of New York for the support of local government.]~~

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

22 (c) Sources of funds. The sources of funds shall consist of all moneys  
23 collected therefor, or moneys credited, appropriated or transferred  
24 thereto from any other fund or source pursuant to law or any other  
25 moneys made available for the purposes of the fund, including but not  
26 limited to funds transferred from the stock transfer tax fund pursuant  
27 to subdivision three of section ninety-two-b of this article and funds  
28 transferred from the stock transfer incentive fund established by  
29 section ninety-two-i of this article and repealed by a chapter of the  
30 laws of two thousand twenty-one, which amended this paragraph. Any  
31 interest received by the comptroller on moneys on deposit shall be  
32 retained and become part of the fund, unless otherwise directed by law.

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

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

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

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

44 § 3-0323. Safe water and infrastructure action program.

45 1. Notwithstanding any other provisions of this chapter or any other  
46 law and subject to an appropriation made therefor and in accordance with  
47 the provisions of this section and with the rules and regulations  
48 promulgated by the commissioner in connection therewith, on and after  
49 the first day of April, two thousand twenty-two, a consolidated local  
50 infrastructure program is hereby established for the purpose of making  
51 payments toward the replacement and rehabilitation of existing local  
52 municipally-owned and funded drinking water, storm water and sanitary  
53 sewer systems. For purposes of this section, such program shall apply to  
54 any county, city, town or village drinking water system, storm water  
55 system or sanitary sewer system within the state that is not under the  
56 maintenance and/or operational jurisdiction of the state nor any private

1 entity. The commissioner, in conjunction with the environmental facili-  
2 ties corporation, shall promulgate all necessary rules and regulations  
3 to carry out the program so that an equitable distribution of aid shall  
4 be made for the general operation and/or general maintenance of any  
5 existing county, city, town and village drinking water system, storm  
6 water system or sanitary sewer system.

7 2. On or before the twenty-fifth day of April, June, September and  
8 November of each state fiscal year commencing with the state fiscal year  
9 beginning on April first, two thousand twenty-three, there shall be  
10 distributed and paid to counties, cities, towns and villages an amount  
11 equal to the moneys appropriated for the purposes of this section  
12 divided by the number of payment dates in that state fiscal year. Such  
13 amounts shall be distributed and paid pursuant to subdivision three of  
14 this section.

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

18 4. Monies made available may be used to match other state and federal  
19 funds made available for such projects. The funds may also be used to  
20 support special improvement districts created to provide drinking water,  
21 waste water and storm water services under articles twelve, twelve-A,  
22 twelve-C and thirteen of the town law. The remainder of the apportion-  
23 ment may be used for any existing drinking water, storm water or sewer  
24 system purchases, including but not limited to, the acquisition of mate-  
25 rials for the replacement or rehabilitation.

26 5. For any city, town, or village which proposes infrastructure  
27 consolidation under this section or merges with another municipality,  
28 the funds appropriated under this section may fund costs associated with  
29 such consolidation.

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

35 § 9. Subdivision 3 of section 270 of the tax law, as amended by chap-  
36 ter 301 of the laws of 1967, is amended and two new subdivisions 3-a and  
37 9 are added to read as follows:

38 3. It shall be the duty of the person or persons [~~making or effectuating the sale or transfer, including the person or persons~~] to whom the  
39 sale or transfer is made, to pay the tax provided by this article,  
40 unless the parties to the sale or transfer agree to otherwise allocate  
41 the cost of such tax among themselves; provided, however, that this  
42 subdivision shall not apply to any sale or transfer wherein the vendor  
43 or transferor is a governmental entity or international organization  
44 which is not subject to the tax.

45  
46 3-a. No purchaser of a stock or other certificate in a transaction  
47 covered under this article shall have legal title or ownership of such  
48 stock or certificate unless such purchaser has proof of purchase demon-  
49 strating that such tax has been paid. Such proof of purchase shall  
50 consist of either: (a) a receipt for the transaction showing that such  
51 tax has been paid, the amount of such tax paid, and a representation  
52 that such amount constitutes payment in full; or (b) a stamp required  
53 pursuant to subdivision four of this section.

54 9. Notwithstanding any other provision to the contrary, a transaction  
55 referred to in subdivision one of this section is subject to tax if any  
56 activity in furtherance of the transaction occurs within the state or if

1 a party involved in the transaction satisfies a nexus with New York  
2 state which shall be defined as broadly as is permitted under the United  
3 States Constitution.  
4 § 10. This act shall take effect immediately.