

4234

2009-2010 Regular Sessions

I N A S S E M B L Y

February 2, 2009

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

AN ACT to amend the tax law, in relation to authorizing the county of Cattaraugus to impose an additional mortgage recording tax; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. The tax law is amended by adding a new section 253-x to  
2 read as follows:

3 S 253-X. RECORDING TAX IMPOSED BY THE COUNTY OF CATTARAUGUS. 1.  
4 CATTARAUGUS COUNTY, ACTING THROUGH ITS LOCAL LEGISLATIVE BODY, IS HEREBY  
5 AUTHORIZED AND EMPOWERED TO ADOPT AND AMEND LOCAL LAWS IMPOSING IN SUCH  
6 COUNTY A TAX OF TWENTY-FIVE CENTS FOR EACH ONE HUNDRED DOLLARS AND EACH  
7 REMAINING MAJOR FRACTION THEREOF OF PRINCIPAL DEBT OR OBLIGATION WHICH  
8 IS OR UNDER ANY CONTINGENCY MAY BE SECURED AT THE DATE OF EXECUTION  
9 THEREOF, OR AT ANY TIME THEREAFTER, BY A MORTGAGE ON REAL PROPERTY SITU-  
10 ATED WITHIN SUCH COUNTY AND RECORDED ON OR AFTER THE DATE UPON WHICH  
11 SUCH TAX TAKES EFFECT AND A TAX OF TWENTY-FIVE CENTS ON SUCH MORTGAGE IF  
12 THE PRINCIPAL DEBT OR OBLIGATION WHICH IS OR BY ANY CONTINGENCY MAY BE  
13 SECURED BY SUCH MORTGAGE IS LESS THAN ONE HUNDRED DOLLARS.

14 2. THE TAXES IMPOSED UNDER THE AUTHORITY OF THIS SECTION SHALL BE  
15 ADMINISTERED AND COLLECTED IN THE SAME MANNER AS THE TAXES IMPOSED UNDER  
16 SUBDIVISION ONE OF SECTION TWO HUNDRED FIFTY-THREE AND PARAGRAPH (B) OF  
17 SUBDIVISION ONE OF SECTION TWO HUNDRED FIFTY-FIVE OF THIS ARTICLE.  
18 EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, ALL THE PROVISIONS OF THIS  
19 ARTICLE RELATING TO OR APPLICABLE TO THE ADMINISTRATION AND COLLECTION  
20 OF THE TAXES IMPOSED BY SUCH SUBDIVISIONS SHALL APPLY TO THE TAXES  
21 IMPOSED UNDER THE AUTHORITY OF THIS SECTION WITH SUCH MODIFICATIONS AS  
22 MAY BE NECESSARY TO ADAPT SUCH LANGUAGE TO THE TAX SO AUTHORIZED. SUCH  
23 PROVISIONS SHALL APPLY WITH THE SAME FORCE AND EFFECT AS IF THOSE  
24 PROVISIONS HAD BEEN SET FORTH IN FULL IN THIS SECTION EXCEPT TO THE

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

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1 EXTENT THAT ANY PROVISION IS EITHER INCONSISTENT WITH A PROVISION OF  
2 THIS SECTION OR NOT RELEVANT TO THE TAX AUTHORIZED BY THIS SECTION. FOR  
3 PURPOSES OF THIS SECTION, ANY REFERENCE IN THIS ARTICLE TO THE TAX OR  
4 TAXES IMPOSED BY THIS ARTICLE SHALL BE DEEMED TO REFER TO A TAX IMPOSED  
5 PURSUANT TO THIS SECTION, AND ANY REFERENCE TO THE PHRASE "WITHIN THIS  
6 STATE" SHALL BE READ AS "WITHIN CATTARAUGUS COUNTY", UNLESS A DIFFERENT  
7 MEANING IS CLEARLY REQUIRED.

8 3. WHERE THE REAL PROPERTY COVERED BY THE MORTGAGE SUBJECT TO THE TAX  
9 IMPOSED PURSUANT TO THE AUTHORITY OF THIS SECTION IS SITUATED IN THIS  
10 STATE BUT WITHIN AND WITHOUT THE COUNTY IMPOSING SUCH TAX, THE AMOUNT OF  
11 SUCH TAX DUE AND PAYABLE TO SUCH COUNTY SHALL BE DETERMINED IN A MANNER  
12 SIMILAR TO THAT PRESCRIBED IN THE FIRST UNDESIGNATED PARAGRAPH OF  
13 SECTION TWO HUNDRED SIXTY OF THIS ARTICLE WHICH CONCERNS REAL PROPERTY  
14 SITUATED IN TWO OR MORE COUNTIES. WHERE SUCH PROPERTY IS SITUATED BOTH  
15 WITHIN SUCH COUNTY AND WITHOUT THE STATE, THE AMOUNT DUE AND PAYABLE TO  
16 SUCH COUNTY SHALL BE DETERMINED IN THE MANNER PRESCRIBED IN THE SECOND  
17 UNDESIGNATED PARAGRAPH OF SUCH SECTION TWO HUNDRED SIXTY WHICH CONCERNS  
18 PROPERTY SITUATED WITHIN AND WITHOUT THE STATE. WHERE REAL PROPERTY IS  
19 SITUATED WITHIN AND WITHOUT THE COUNTY IMPOSING SUCH TAX, THE RECORDING  
20 OFFICER OF THE JURISDICTION IN WHICH THE MORTGAGE IS FIRST RECORDED  
21 SHALL BE REQUIRED TO COLLECT THE TAXES IMPOSED PURSUANT TO THIS SECTION.

22 4. A TAX IMPOSED PURSUANT TO THE AUTHORITY OF THIS SECTION SHALL BE IN  
23 ADDITION TO THE TAXES IMPOSED BY SECTION TWO HUNDRED FIFTY-THREE OF THIS  
24 ARTICLE.

25 5. NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE TO THE CONTRARY, THE  
26 BALANCE OF ALL MONEYS PAID TO THE RECORDING OFFICER OF THE COUNTY OF  
27 CATTARAUGUS DURING EACH MONTH UPON ACCOUNT OF THE TAX IMPOSED PURSUANT  
28 TO THE AUTHORITY OF THIS SECTION, AFTER DEDUCTING THE NECESSARY EXPENSES  
29 OF HIS OR HER OFFICE AS PROVIDED IN SECTION TWO HUNDRED SIXTY-TWO OF  
30 THIS ARTICLE, EXCEPT TAXES PAID UPON MORTGAGES WHICH UNDER THE  
31 PROVISIONS OF THIS SECTION OR SECTION TWO HUNDRED SIXTY OF THIS ARTICLE  
32 ARE FIRST TO BE APPORTIONED BY THE COMMISSIONER, SHALL BE PAID OVER BY  
33 SUCH OFFICER ON OR BEFORE THE TENTH DAY OF EACH SUCCEEDING MONTH TO THE  
34 TREASURER OF CATTARAUGUS COUNTY AND, AFTER THE DEDUCTION BY SUCH TREAS-  
35 URER OF THE NECESSARY EXPENSES OF HIS OR HER OFFICE PROVIDED IN SECTION  
36 TWO HUNDRED SIXTY-TWO OF THIS ARTICLE SHALL BE DEPOSITED IN THE GENERAL  
37 FUND OF THE COUNTY OF CATTARAUGUS. NOTWITHSTANDING THE PROVISIONS OF  
38 THE PRECEDING SENTENCE, THE TAX SO IMPOSED AND PAID UPON MORTGAGES  
39 COVERING REAL PROPERTY SITUATED IN TWO OR MORE COUNTIES, WHICH UNDER THE  
40 PROVISIONS OF THIS SECTION OR SECTION TWO HUNDRED SIXTY OF THIS ARTICLE  
41 ARE FIRST TO BE APPORTIONED BY THE COMMISSIONER, SHALL BE PAID OVER BY  
42 THE RECORDING OFFICER RECEIVING THE SAME AS PROVIDED BY THE DETERMI-  
43 NATION OF THE COMMISSIONER.

44 6. ANY LOCAL LAW IMPOSING A TAX PURSUANT TO THE AUTHORITY OF THIS  
45 SECTION OR REPEALING OR SUSPENDING SUCH A TAX SHALL TAKE EFFECT ONLY ON  
46 THE FIRST DAY OF A CALENDAR MONTH. SUCH A LOCAL LAW SHALL NOT BE EFFEC-  
47 TIVE UNLESS A CERTIFIED COPY THEREOF IS MAILED BY REGISTERED OR CERTI-  
48 FIED MAIL TO THE COMMISSIONER AT THE COMMISSIONER'S OFFICE IN ALBANY AT  
49 LEAST THIRTY DAYS PRIOR TO THE DATE THE LOCAL LAW SHALL TAKE EFFECT.

50 7. CERTIFIED COPIES OF ANY LOCAL LAW DESCRIBED IN THIS SECTION SHALL  
51 ALSO BE FILED WITH THE COUNTY CLERK OF THE COUNTY OF CATTARAUGUS, THE  
52 SECRETARY OF STATE AND THE STATE COMPTROLLER WITHIN FIVE DAYS AFTER THE  
53 DATE IT IS DULY ENACTED.

54 S 2. This act shall take effect immediately and shall expire and be  
55 deemed repealed December 1, 2012.