

11327

I N   A S S E M B L Y

June 3, 2010

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Introduced by COMMITTEE ON RULES -- (at request of M. of A. Magee) --  
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  
Madison to impose an additional mortgage recording tax and providing  
for the repeal of such provisions upon the expiration thereof

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

1     Section 1. The tax law is amended by adding a new section 253-y to  
2     read as follows:  
3     S 253-Y. RECORDING TAX IMPOSED BY THE COUNTY OF MADISON. 1.     MADISON  
4     COUNTY, ACTING THROUGH ITS LOCAL LEGISLATIVE BODY, IS HEREBY AUTHORIZED  
5     AND EMPOWERED TO ADOPT AND AMEND LOCAL LAWS IMPOSING IN SUCH COUNTY A  
6     TAX OF TWENTY-FIVE CENTS FOR EACH ONE HUNDRED DOLLARS AND EACH REMAINING  
7     MAJOR FRACTION THEREOF OF PRINCIPAL DEBT OR OBLIGATION WHICH IS OR UNDER  
8     ANY CONTINGENCY MAY BE SECURED AT THE DATE OF EXECUTION THEREOF, OR AT  
9     ANY TIME THEREAFTER, BY A MORTGAGE ON REAL PROPERTY SITUATED WITHIN SUCH  
10    COUNTY AND RECORDED ON OR AFTER THE DATE UPON WHICH SUCH TAX TAKES  
11    EFFECT AND A TAX OF TWENTY-FIVE CENTS ON SUCH MORTGAGE IF THE PRINCIPAL  
12    DEBT OR OBLIGATION WHICH IS OR BY ANY CONTINGENCY MAY BE SECURED BY SUCH  
13    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  
25    EXTENT THAT ANY PROVISION IS EITHER INCONSISTENT WITH A PROVISION OF  
26    THIS SECTION OR NOT RELEVANT TO THE TAX AUTHORIZED BY THIS SECTION. FOR  
27    PURPOSES OF THIS SECTION, ANY REFERENCE IN THIS ARTICLE TO THE TAX OR

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

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1 TAXES IMPOSED BY THIS ARTICLE SHALL BE DEEMED TO REFER TO A TAX IMPOSED  
2 PURSUANT TO THIS SECTION, AND ANY REFERENCE TO THE PHRASE "WITHIN THIS  
3 STATE" SHALL BE READ AS "WITHIN MADISON COUNTY", UNLESS A DIFFERENT  
4 MEANING IS CLEARLY REQUIRED.

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

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

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

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

47 7. CERTIFIED COPIES OF ANY LOCAL LAW DESCRIBED IN THIS SECTION SHALL  
48 ALSO BE FILED WITH THE COUNTY CLERK OF THE COUNTY OF MADISON, THE SECRE-  
49 TARY OF STATE AND THE STATE COMPTROLLER WITHIN FIVE DAYS AFTER THE DATE  
50 IT IS DULY ENACTED.

51 S 2. This act shall take effect on the sixtieth day after it shall  
52 have become a law and shall expire and be deemed repealed when debt  
53 service payments to fund federally mandated improvements of the emergen-  
54 cy communications system upgrade project implemented by board resolution  
55 207-09 shall terminate. The board of supervisors of the county of Madi-  
56 son shall notify the legislative bill drafting commission of the date of

1 the termination of such debt service payments in order that the commis-  
2 sion may maintain an accurate and timely effective data base of the  
3 official text of the laws of the state of New York in furtherance of  
4 effecting the provisions of section 44 of the legislative law and  
5 section 70-b of the public officers law.