

2713--A

Cal. No. 591

2009-2010 Regular Sessions

I N S E N A T E

February 27, 2009

Introduced by Sen. SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading

AN ACT to amend the tax law, in relation to extending the period during which the county of Herkimer is authorized to impose additional sales and compensating use taxes

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

1 Section 1. Clause 19 of subparagraph (i) of the opening paragraph of
2 section 1210 of the tax law, as amended by chapter 438 of the laws of
3 2007, is amended to read as follows:
4 (19) the county of Herkimer is hereby further authorized and empowered
5 to adopt and amend local laws, ordinances or resolutions imposing such
6 taxes at a rate which is one percent additional to the three percent
7 rate authorized above in this paragraph for such county for the period
8 beginning September first, nineteen hundred ninety-four, and ending
9 November thirtieth, two thousand [nine] ELEVEN;
10 S 2. Section 1210-E of the tax law, as added by chapter 438 of the
11 laws of 2007, is amended to read as follows:
12 S 1210-E. Sales and compensating use taxes within Herkimer county. In
13 addition to the taxes imposed by section twelve hundred ten of this
14 subpart or any other provision of law, the county of Herkimer is hereby
15 authorized and empowered to adopt and amend local laws, ordinances or
16 resolutions imposing within the territorial limits of such county addi-
17 tional sales and compensating use taxes at the rate of one-quarter of
18 one percent for the period beginning December first, two thousand seven
19 and ending November thirtieth, two thousand [nine] ELEVEN, which taxes
20 shall be identical to the taxes imposed by such county pursuant to the

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

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1 authority of section twelve hundred ten of this subpart. Except as here-
2 inafter provided, all provisions of this article, including the defi-
3 nition and exemption provisions and the provisions relating to the
4 administration, collection and distribution by the commissioner, shall
5 apply for purposes of the taxes authorized by this section in the same
6 manner and with the same force and effect as if the language of this
7 article had been incorporated in full in this section and had expressly
8 referred to the taxes authorized by this section; provided, however,
9 that any provision relating to a maximum rate shall be calculated with-
10 out reference to the rate of additional sales and compensating use taxes
11 herein authorized. For purposes of part IV of this article, relating to
12 the disposition of revenues resulting from taxes collected and adminis-
13 tered by the commissioner, the additional sales and compensating use
14 taxes authorized by this section imposed under the authority of section
15 twelve hundred ten of this subpart and all provisions relating to the
16 deposit, administration and disposition of taxes, penalties and interest
17 relating to taxes imposed by a county under the authority of section
18 twelve hundred ten of this subpart shall, except as otherwise provided
19 in this section, apply to the additional sales and compensating use
20 taxes authorized by this section.

21 S 3. Section 1262-s of the tax law, as added by chapter 438 of the
22 laws of 2007, is amended to read as follows:

23 S 1262-s. Disposition of net collections from the additional one-quar-
24 ter of one percent rate of sales and compensating use taxes in the coun-
25 ty of Herkimer. Notwithstanding any contrary provision of law, if the
26 county of Herkimer imposes the additional one-quarter of one percent
27 rate of sales and compensating use taxes authorized by section twelve
28 hundred ten-E of this article for all or any portion of the period
29 beginning December first, two thousand seven and ending November thirti-
30 eth, two thousand [nine] ELEVEN, the county shall use all net
31 collections from such additional one-quarter of one percent rate to pay
32 the county's expenses for the construction of additional correctional
33 facilities. The net collections from the additional rate imposed pursu-
34 ant to section twelve hundred ten-E shall be deposited in a special fund
35 to be created by such county separate and apart from any other funds and
36 accounts of the county. Any and all remaining net collections from such
37 additional tax, after the expenses of such construction are paid, shall
38 be deposited by the county of Herkimer in the general fund of such coun-
39 ty for any county purpose.

40 S 4. This act shall take effect immediately.