

2984

2011-2012 Regular Sessions

I N S E N A T E

February 4, 2011

Introduced by Sen. STEWART-COUSINS -- read twice and ordered printed,
and when printed to be committed to the Committee on Investigations
and Government Operations

AN ACT to amend the tax law and chapter 535 of the laws of 1987, amend-
ing the tax law relating to the city of Yonkers personal income tax
surcharge, in relation to extending the expiration date of the
personal income tax surcharge

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

1 Section 1. Subsection (a) of section 1321 of the tax law, as amended
2 by chapter 141 of the laws of 2009, is amended to read as follows:
3 (a) General. Notwithstanding any other provision of law to the
4 contrary, but subject to the limitations and conditions set forth in
5 this article, any city in this state having a population of more than
6 one hundred eighty thousand but less than two hundred fifteen thousand
7 inhabitants, acting through its local legislative body, is hereby
8 authorized and empowered to adopt and amend local laws imposing in any
9 such city, for taxable years beginning after nineteen hundred eighty-
10 three and before two thousand [twelve] FOURTEEN, a city income tax
11 surcharge on residents of such city at a rate not to exceed nineteen and
12 one-quarter percent of the net state tax as defined in section thirteen
13 hundred twenty-three of this article, such city income tax surcharge to
14 be administered, collected and distributed by the commissioner as
15 provided for in this article.
16 S 2. Subsection (c) of section 1321 of the tax law, as amended by
17 chapter 141 of the laws of 2009, is amended to read as follows:
18 (c) Effectiveness of local law and filing with commissioner. (i) A
19 local law enacted pursuant to the authority of this section shall go
20 into effect on the first day of January, nineteen hundred eighty-four
21 and shall apply to taxable years beginning on or after such date and
22 before two thousand [twelve] FOURTEEN. Provided, however, no such local

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

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1 law shall be so effective unless such local law is enacted by July thir-
2 ty-first, nineteen hundred eighty-four and unless a certified copy of
3 such local law is mailed by registered or certified mail to the commis-
4 sioner at the commissioner's office in Albany by such date. (ii) If the
5 requirements of paragraph (i) of this subsection are not met, a local
6 law enacted pursuant to the authority of this section shall go into
7 effect on the first day of the next succeeding January and shall apply
8 to taxable years beginning on or after such date and before two thousand
9 [twelve] FOURTEEN. Provided, however, no such local law shall be so
10 effective unless such local law is enacted at least ninety days prior to
11 the date it is to become effective and unless a certified copy of such
12 local law is mailed by registered or certified mail to the commissioner
13 at such commissioner's office in Albany by such date. However, the
14 commissioner may waive and reduce such ninety day minimum requirements
15 within a period of not less than thirty days prior to such effective
16 date if such commissioner deems such action to be consistent with such
17 commissioner's duties under this article. (iii) Any amendment of such a
18 local law enacted pursuant to the authority of this section, which
19 changes the rate of the income tax surcharge on residents, shall take
20 effect on the first day of January in the year in which such amendment
21 is enacted and shall apply to taxable years beginning on or after such
22 date, if such amendment is enacted on or before July thirty-first of the
23 year in which it is to take effect and a certified copy of such amend-
24 ment is mailed by registered or certified mail to the commissioner at
25 his or her office in Albany by such date. (iv) If the requirements of
26 paragraph (iii) of this subsection are not met, the amendment of such
27 local law shall go into effect on the first day of the next succeeding
28 January and shall apply to taxable years beginning on or after such
29 date, provided that no such amendment shall take effect unless it is
30 enacted at least ninety days prior to the date it is to become effective
31 and a certified copy thereof is mailed by registered or certified mail
32 to the commissioner at his or her office in Albany by such date. (v) Any
33 amendment to the provisions of article twenty-two of this chapter to the
34 extent that such amendment is applicable to the city income tax
35 surcharge imposed under such local law, shall be deemed to have been
36 incorporated in the analogous provision or provisions of such local law.

37 S 3. Subsection (b) of section 1340 of the tax law, as amended by
38 chapter 141 of the laws of 2009, is amended to read as follows:

39 (b) (i) A local law enacted pursuant to the authority of this section
40 shall go into effect on the first day of January, nineteen hundred
41 eighty-four and shall apply to taxable years beginning on or after such
42 date and before two thousand [twelve] FOURTEEN. Provided, however, no
43 such local law shall be so effective unless such local law is enacted by
44 July thirty-first, nineteen hundred eighty-four and unless a certified
45 copy of such local law is mailed by registered or certified mail to the
46 commissioner at such commissioner's office in Albany by such date. (ii)
47 If the requirements of the preceding sentence are not met, a local law
48 enacted pursuant to the authority of this section shall go into effect
49 on the first day of the next succeeding January and shall apply to taxa-
50 ble years beginning on or after such date and before two thousand
51 [twelve] FOURTEEN. Provided, however, no such local law shall be so
52 effective unless such local law is enacted at least ninety days prior to
53 the date it is to become effective and unless a certified copy of such
54 local law is mailed by registered or certified mail to the commissioner
55 at such commissioner's office in Albany by such date. However, the
56 commissioner may waive and reduce such ninety day minimum requirements

1 within a period of not less than thirty days prior to such effective
2 date if such commissioner deems such action to be consistent with such
3 commissioner's duties under this article. (iii) Any amendment of such a
4 local law enacted pursuant to the authority of the section, which chang-
5 es the rate of the income tax surcharge on residents, shall take effect
6 on the first day of January in the year in which such amendment is
7 enacted and shall apply to taxable years beginning on or after such
8 date, if such amendment is enacted on or before July thirty-first of the
9 year in which it is to take effect and a certified copy of such amend-
10 ment is mailed by registered or certified mail to the commissioner at
11 his or her office in Albany by such date. (iv) If the requirements of
12 paragraph (iii) of this subsection are not met, the amendment of such
13 local law shall go into effect on the first day of the next succeeding
14 January and shall apply to taxable years beginning on or after such
15 date, provided that no such amendment shall take effect unless it is
16 enacted at least ninety days prior to the date it is to become effective
17 and a certified copy thereof is mailed by registered or certified mail
18 to the commissioner at his or her office in Albany by such date.

19 S 4. Section 3 of subsection (c) of section 1340 of the tax law, as
20 amended by chapter 141 of the laws of 2009, is amended to read as
21 follows:

22 S 3. Taxable years to which tax imposed by this local law applies. The
23 tax imposed by this local law is imposed for taxable years beginning
24 after December thirty-first, nineteen hundred eighty-three and before
25 January first, two thousand [twelve] FOURTEEN.

26 S 5. Section 6 of chapter 535 of the laws of 1987, amending the tax
27 law relating to the city of Yonkers personal income tax surcharge, as
28 amended by chapter 141 of the laws of 2009, is amended to read as
29 follows:

30 S 6. This act shall take effect immediately and shall apply to taxable
31 years beginning after 1986 provided, however, that section five of this
32 act shall expire on September 30, [2011] 2013.

33 S 6. This act shall take effect immediately.