S T A T E O F N E W Y O R K

S. 2638 A. 3735

2011-2012 Regular Sessions

S E N A T E - A S S E M B L Y

January 27, 2011

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

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

AN ACT to amend the tax law, in relation to requiring a revenue distribution agreement for equitable allocation within the county of Suffolk for public safety purposes of sales and compensating use tax

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

Section 1. Subdivision (c) of section 1262-j of the tax law, as amended by chapter 283 of the laws of 2009, is amended to read as follows:

(c) Notwithstanding any provision of law to the contrary, of the net collections received by the county of Suffolk as a result of the increase of one percent to the tax authorized by section twelve hundred ten of this article for the period beginning June first, two thousand one and ending November thirtieth, two thousand [eleven] THIRTEEN, imposed by local laws or resolutions (by simple majority) by the county legislature, and signed by the county executive, the county of Suffolk shall allocate such net collections as follows: no less than one-eighth and no more than three-eighths of such net collections received shall be dedicated for public safety purposes and the balance shall be deposited in the general fund of the county of Suffolk. COMMENCING DECEMBER FIRST, TWO THOUSAND ELEVEN, THE NET COLLECTIONS RECEIVED THAT ARE DEDICATED TO PUBLIC SAFETY PURPOSES FROM THE ADDITIONAL RATES IMPOSED PURSUANT TO THIS SECTION SHALL BE DEPOSITED IN A SPECIAL FUND TO BE CREATED BY SUCH COUNTY SEPARATE AND APART FROM ANY OTHER FUNDS AND ACCOUNTS OF THE COUNTY TO BE USED FOR GENERAL FUND PURPOSES. IF THE COUNTY ALLOCATES MONIES FROM SUCH SPECIAL FUND FOR PROPERTY TAX STABILIZATION AND RELIEF

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

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TO THE SUFFOLK COUNTY POLICE DISTRICT, THEN THE COUNTY SHALL ALLOCATE MONIES TO THE TOWNS AND VILLAGES WHICH ARE NOT PART OF THE SUFFOLK COUNTY POLICE DISTRICT IN ORDER TO ENSURE EQUITABLE DISTRIBUTION COUNTY-WIDE. THE ALLOCATIONS FROM THE SPECIAL FUND CREATED PURSUANT TO THIS SECTION SHALL BE SUBJECT TO A REVENUE DISTRIBUTION AGREEMENT ENTERED INTO PURSUANT TO THE AUTHORITY OF SUBDIVISION (C) OF SECTION TWELVE HUNDRED SIXTY-TWO OF THIS PART IN ORDER TO ENSURE PROPERTY TAX RELIEF ON A COUNTY-WIDE BASIS. THE REVENUE DISTRIBUTION AGREEMENT SHALL BE CODIFIED IN THE COUNTY CHARTER AND REMAIN IN EFFECT AS LONG AS SUCH SALES AND COMPENSATING USE TAX COMPONENT IS IN EFFECT, OR ANY SUCCESSOR COMPONENT, FOR SUCH PUBLIC SAFETY PURPOSES. THE AMOUNTS TO BE ALLOCATED IN REDUCTION OF THE SUFFOLK COUNTY POLICE DISTRICT TAXES AND TO THE TOWNS AND VILLAGES WHICH ARE NOT PART OF THE SUFFOLK COUNTY POLICE DISTRICT SHALL BE DETERMINED ON EITHER: (1) THE BASIS OF THE RESPECTIVE POPULATIONS OF THE SEVERAL TOWNS AND VILLAGES IN SUCH COUNTY, DETERMINED IN ACCORDANCE WITH THE LATEST FEDERAL CENSUS OR SPECIAL POPULATION CENSUS TAKEN PURSUANT TO SECTION TWENTY OF THE GENERAL MUNICIPAL LAW, COMPLETED AND PUBLISHED PRIOR TO THE END OF THE QUARTER FOR WHICH THE ALLOCATION IS MADE, WHICH SPECIAL POPULATION MUST INCLUDE THE ENTIRE AREA OF THE COUNTY; OR (2) THE BASIS OF THE NINETEEN HUNDRED NINETY-FOUR AMOUNTS ALLOCATED AND UNIFORMLY INCREASING IN PROPORTIONALITY ACROSS THE COUNTY AND TAKING INTO ACCOUNT ANY SUCCESSOR COMPONENT FOR THE SALES AND COMPENSATING USE TAX, NOTWITHSTANDING ANY YEAR OF INEQUITABLE DISTRIBUTION BY THE COUNTY OF SUFFOLK TO TOWNS AND VILLAGES OUTSIDE OF THE SUFFOLK COUNTY POLICE DISTRICT. HOWEVER, IF THE COUNTY ALLOCATES MONIES FROM SUCH SPECIAL FUND DIRECTLY TO THE GENERAL FUND TO REDUCE THE TAX LEVY FOR COUNTY-WIDE PUBLIC SAFETY PURPOSES, THE CORRESPONDING PROPERTY TAX RELIEF IS PROVIDED ON A COUNTY-WIDE BASIS AND ON THE BASIS OF FULL VALUATION OF REAL PROPERTY AND NO FURTHER REVENUE DISTRIBUTION AGREEMENT IS REQUIRED.

S 2. This act shall take effect immediately with allocation and distributions of net collections to be proposed within the 2011 budget of the county of Suffolk.