



RATES CONTAINED IN EITHER SECTION TWO OR TWO-A OF THE MODEL LOCAL LAW AND SUCH RATES MAY BE REDUCED AND INCREASED, PROVIDED THAT THE RATES SHALL NOT BE FIXED HIGHER THAN THOSE CONTAINED IN SECTION TWO-A OF SUCH MODEL LOCAL LAW.

THE TERMS OF SUCH LOCAL LAW SHALL BE SUBSTANTIALLY THE SAME AS THE FOLLOWING MODEL LOCAL LAW EXCEPT THAT THE APPENDIX AND THE SUPPLEMENT TO THE APPENDIX IN SUCH LOCAL LAW MAY BE AMENDED FOR THE PURPOSE OF CONFORMING IT WITH THE UNITED STATES INTERNAL REVENUE CODE OR OTHER FEDERAL LAWS RELATING TO TAXATION AS PRESENTLY IN EFFECT OR AS THEY MAY BE AMENDED.

#### EARNINGS TAX ON NONRESIDENTS

SEC. 1. MEANING OF TERMS.--AS USED IN THIS LOCAL LAW, THE FOLLOWING TERMS SHALL MEAN AND INCLUDE: (A) "ADMINISTRATOR" MEANS THE FINANCE ADMINISTRATOR OR OTHER FISCAL OFFICER OF THE CITY CHARGED WITH ADMINISTRATION OF THE TAX ON EARNINGS OF NONRESIDENTS IMPOSED BY THIS LOCAL LAW, EXCEPT WITH RESPECT TO TAXES IMPOSED FOR ANY TAXABLE YEAR BEGINNING ON OR AFTER JANUARY FIRST, NINETEEN HUNDRED SEVENTY-SIX, SUCH TERM SHALL MEAN STATE TAX COMMISSION.

(B) "CITY" MEANS THE CITY IMPOSING THE TAX.

(C) "PAYROLL PERIOD" AND "EMPLOYER" SHALL MEAN THE SAME AS PAYROLL PERIOD AND EMPLOYER AS DEFINED IN SUBSECTIONS (B) AND (D) OF SECTION THIRTY-FOUR HUNDRED ONE OF THE INTERNAL REVENUE CODE, AND "EMPLOYEE" SHALL ALSO INCLUDE ALL THOSE INCLUDED AS EMPLOYEES IN SUBSECTION (C) OF SUCH SECTION OF SUCH CODE.

(D) "WAGES" SHALL MEAN WAGES AS DEFINED IN SUBSECTION (A) OF SECTION THIRTY-FOUR HUNDRED ONE OF THE INTERNAL REVENUE CODE, EXCEPT THAT (1) WAGES SHALL NOT INCLUDE PAYMENTS FOR ACTIVE SERVICE AS A MEMBER OF THE ARMED FORCES OF THE UNITED STATES AND SHALL NOT INCLUDE, IN THE CASE OF A NONRESIDENT INDIVIDUAL OR PARTNER OF A PARTNERSHIP DOING AN INSURANCE BUSINESS AS A MEMBER OF THE NEW YORK INSURANCE EXCHANGE DESCRIBED IN SECTION SIX THOUSAND TWO HUNDRED ONE OF THE INSURANCE LAW, ANY ITEM OF INCOME, GAIN, LOSS OR DEDUCTION OF SUCH BUSINESS WHICH IS SUCH INDIVIDUAL'S DISTRIBUTIVE OR PRO RATA SHARE FOR FEDERAL INCOME TAX PURPOSES OR WHICH SUCH INDIVIDUAL IS REQUIRED TO TAKE INTO ACCOUNT SEPARATELY FOR FEDERAL INCOME TAX PURPOSES AND (2) WAGES SHALL INCLUDE (I) THE AMOUNT OF MEMBER OR EMPLOYEE CONTRIBUTIONS TO A RETIREMENT SYSTEM OR PENSION FUND PICKED UP BY THE EMPLOYER PURSUANT TO SUBDIVISION F OF SECTION FIVE HUNDRED SEVENTEEN OR SUBDIVISION D OF SECTION SIX HUNDRED THIRTEEN OF THE RETIREMENT AND SOCIAL SECURITY LAW OR SECTION 13-225.1, 13-327.1, 13-125.1, 13-125.2 OR 13-521.1 OF TITLE THIRTEEN OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK OR SUBDIVISION NINETEEN OF SECTION TWENTY-FIVE HUNDRED SEVENTY-FIVE OF THE EDUCATION LAW, (II) THE AMOUNT DEDUCTED OR DEFERRED FROM AN EMPLOYEE'S SALARY UNDER A FLEXIBLE BENEFITS PROGRAM ESTABLISHED PURSUANT TO SECTION TWENTY-THREE OF THE GENERAL MUNICIPAL LAW OR SECTION TWELVE HUNDRED TEN-A OF THE PUBLIC AUTHORITIES LAW, (III) THE AMOUNT BY WHICH AN EMPLOYEE'S SALARY IS REDUCED PURSUANT TO THE PROVISIONS OF SUBDIVISION B OF SECTION 12-126.1 AND SUBDIVISION B OF SECTION 12-126.2 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK, AND (IV) THE AMOUNT OF MEMBER OR EMPLOYEE CONTRIBUTIONS TO A RETIREMENT SYSTEM OR PENSION FUND PICKED UP OR PAID BY THE EMPLOYER FOR MEMBERS OF THE MANHATTAN AND BRONX SURFACE TRANSPORTATION AUTHORITY PENSION PLAN AND TREATED AS EMPLOYER CONTRIBUTIONS IN DETERMINING INCOME TAX TREATMENT UNDER SECTION 414(H) OF THE INTERNAL REVENUE CODE.

(E) "NET EARNINGS FROM SELF-EMPLOYMENT" SHALL MEAN THE SAME AS NET EARNINGS FROM SELF-EMPLOYMENT AS DEFINED IN SUBSECTION (A) OF SECTION FOURTEEN HUNDRED TWO OF THE INTERNAL REVENUE CODE, EXCEPT THAT THE

1 DEDUCTION FOR WAGES AND SALARIES PAID OR INCURRED FOR THE TAXABLE YEAR  
2 WHICH IS NOT ALLOWED PURSUANT TO SECTION TWO HUNDRED EIGHTY-C OF SUCH  
3 CODE SHALL BE ALLOWED, AND EXCEPT THAT AN ESTATE OR TRUST SHALL BE  
4 DEEMED TO HAVE NET EARNINGS FROM SELF-EMPLOYMENT DETERMINED IN THE SAME  
5 MANNER AS IF IT WERE AN INDIVIDUAL SUBJECT TO THE TAX ON SELF-EMPLOYMENT  
6 INCOME IMPOSED BY SECTION FOURTEEN HUNDRED ONE OF THE INTERNAL REVENUE  
7 CODE DIMINISHED BY (1) THE AMOUNT OF ANY DEDUCTION ALLOWED BY SUBSECTION  
8 (C) OF SECTION SIX HUNDRED FORTY-TWO OF THE INTERNAL REVENUE CODE AND  
9 (2) THE DEDUCTIONS ALLOWED BY SECTIONS SIX HUNDRED FIFTY-ONE AND SIX  
10 HUNDRED SIXTY-ONE OF SAID CODE TO THE EXTENT THAT THEY REPRESENT  
11 DISTRIBUTIONS OR PAYMENTS TO A RESIDENT OF THE CITY. HOWEVER, "TRADE OR  
12 BUSINESS" AS USED IN SUBSECTION (A) OF SECTION FOURTEEN HUNDRED TWO OF  
13 SUCH CODE SHALL MEAN THE SAME AS TRADE OR BUSINESS AS DEFINED IN  
14 SUBSECTION (C) OF SECTION FOURTEEN HUNDRED TWO OF SUCH CODE, EXCEPT THAT  
15 PARAGRAPHS (4), (5) AND (6) OF SUCH SUBSECTION SHALL NOT APPLY IN DETER-  
16 MINING NET EARNINGS FROM SELF-EMPLOYMENT TAXABLE UNDER THIS LOCAL LAW.  
17 PROVIDED HOWEVER, IN THE CASE OF A NONRESIDENT INDIVIDUAL OR PARTNER OF  
18 A PARTNERSHIP DOING AN INSURANCE BUSINESS DESCRIBED IN SECTION SIX THOU-  
19 SAND TWO HUNDRED ONE OF THE INSURANCE LAW, ANY ITEM OF INCOME, GAIN,  
20 LOSS OR DEDUCTION OF SUCH BUSINESS WHICH IS THE INDIVIDUAL'S DISTRIBUTU-  
21 TIVE OR PRO RATA SHARE FOR FEDERAL INCOME TAX PURPOSES OR WHICH THE  
22 INDIVIDUAL IS REQUIRED TO TAKE INTO ACCOUNT SEPARATELY FOR FEDERAL  
23 INCOME TAX PURPOSES SHALL NOT BE CONSIDERED TO BE "NET EARNINGS FROM  
24 SELF-EMPLOYMENT".

25 (F) "TAXABLE YEAR" SHALL MEAN THE TAXPAYER'S TAXABLE YEAR FOR FEDERAL  
26 INCOME TAX PURPOSES.

27 (G) RESIDENT INDIVIDUAL.--A RESIDENT INDIVIDUAL MEANS AN INDIVIDUAL:

28 (1) WHO IS DOMICILED IN THE CITY, UNLESS (A) HE OR SHE MAINTAINS NO  
29 PERMANENT PLACE OF ABODE IN THE CITY, MAINTAINS A PERMANENT PLACE OF  
30 ABODE ELSEWHERE, AND SPENDS IN THE AGGREGATE NOT MORE THAN THIRTY DAYS  
31 OF THE TAXABLE YEAR IN THE CITY, OR (B) (I) WITHIN ANY PERIOD OF FIVE  
32 HUNDRED FORTY-EIGHT CONSECUTIVE DAYS HE OR SHE IS PRESENT IN A FOREIGN  
33 COUNTRY OR COUNTRIES FOR AT LEAST FOUR HUNDRED FIFTY DAYS, AND (II)  
34 DURING SUCH PERIOD OF FIVE HUNDRED FORTY-EIGHT CONSECUTIVE DAYS HE OR  
35 SHE IS NOT PRESENT IN THE CITY FOR MORE THAN NINETY DAYS AND DOES NOT  
36 MAINTAIN A PERMANENT PLACE OF ABODE IN THE CITY AT WHICH HIS SPOUSE  
37 (UNLESS SUCH SPOUSE IS LEGALLY SEPARATED) OR MINOR CHILDREN ARE PRESENT  
38 FOR MORE THAN NINETY DAYS, AND (III) DURING ANY PERIOD OF LESS THAN  
39 TWELVE MONTHS, WHICH WOULD BE TREATED AS A SEPARATE TAXABLE PERIOD BASED  
40 ON A CHANGE OF RESIDENT STATUS, AND WHICH PERIOD IS CONTAINED WITHIN  
41 SUCH PERIOD OF FIVE HUNDRED FORTY-EIGHT CONSECUTIVE DAYS, HE OR SHE IS  
42 PRESENT IN THE CITY FOR A NUMBER OF DAYS WHICH DOES NOT EXCEED AN AMOUNT  
43 WHICH BEARS THE SAME RATIO TO NINETY AS THE NUMBER OF DAYS CONTAINED IN  
44 SUCH PERIOD OF LESS THAN TWELVE MONTHS BEARS TO FIVE HUNDRED  
45 FORTY-EIGHT, OR

46 (2) WHO IS NOT DOMICILED IN THE CITY BUT MAINTAINS A PERMANENT PLACE  
47 OF ABODE IN THE CITY AND SPENDS IN THE AGGREGATE MORE THAN ONE HUNDRED  
48 EIGHTY-THREE DAYS OF THE TAXABLE YEAR IN THE CITY, UNLESS SUCH INDIVID-  
49 UAL IS IN ACTIVE SERVICE IN THE ARMED FORCES OF THE UNITED STATES.

50 (H) NONRESIDENT INDIVIDUAL.--A NONRESIDENT INDIVIDUAL MEANS AN INDI-  
51 VIDUAL WHO IS NOT A RESIDENT.

52 (I) RESIDENT ESTATE OR TRUST.--A RESIDENT ESTATE OR TRUST MEANS: (1)  
53 THE ESTATE OF A DECEDENT WHO AT HIS OR HER DEATH WAS DOMICILED IN THE  
54 CITY,

(2) A TRUST, OR A PORTION OF A TRUST, CONSISTING OF PROPERTY TRANSFERRED BY WILL OF A DECEDENT WHO AT HIS OR HER DEATH WAS DOMICILED IN THE CITY, OR

(3) A TRUST, OR PORTION OF A TRUST, CONSISTING OF THE PROPERTY OF:

(A) A PERSON DOMICILED IN THE CITY AT THE TIME SUCH PROPERTY WAS TRANSFERRED TO THE TRUST, IF SUCH TRUST OR PORTION OF A TRUST WAS THEN IRREVOCABLE, OR IF IT WAS THEN REVOCABLE AND HAS NOT SUBSEQUENTLY BECOME IRREVOCABLE; OR

(B) A PERSON DOMICILED IN THE CITY AT THE TIME SUCH TRUST, OR PORTION OF A TRUST, BECAME IRREVOCABLE, IF IT WAS REVOCABLE WHEN SUCH PROPERTY WAS TRANSFERRED TO THE TRUST BUT HAS SUBSEQUENTLY BECOME IRREVOCABLE. FOR THE PURPOSES OF THE FOREGOING, A TRUST OR PORTION OF A TRUST IS REVOCABLE IF IT IS SUBJECT TO A POWER, EXERCISABLE IMMEDIATELY OR AT ANY FUTURE TIME, TO REVEST TITLE IN THE PERSON WHOSE PROPERTY CONSTITUTES SUCH TRUST OR PORTION OF A TRUST, AND A TRUST OR PORTION OF A TRUST BECOMES IRREVOCABLE WHEN THE POSSIBILITY THAT SUCH POWER MAY BE EXERCISED HAS BEEN TERMINATED.

(J) NONRESIDENT ESTATE OR TRUST.--A NONRESIDENT ESTATE OR TRUST MEANS AN ESTATE OR TRUST WHICH IS NOT A RESIDENT.

(K) UNLESS A DIFFERENT MEANING IS CLEARLY REQUIRED, ANY TERM USED IN THIS LOCAL LAW SHALL HAVE THE SAME MEANING AS WHEN USED IN A COMPARABLE CONTEXT IN THE LAWS OF THE UNITED STATES RELATING TO FEDERAL TAXES BUT SUCH MEANING SHALL BE SUBJECT TO THE EXCEPTIONS OR MODIFICATIONS PRESCRIBED IN OR PURSUANT TO THE LAWS OF THIS STATE. ANY REFERENCE IN THIS LOCAL LAW TO THE INTERNAL REVENUE CODE, THE INTERNAL REVENUE CODE OF NINETEEN HUNDRED EIGHTY-SIX OR TO THE LAWS OF THE UNITED STATES SHALL MEAN THE PROVISIONS OF THE INTERNAL REVENUE CODE OF NINETEEN HUNDRED EIGHTY-SIX (UNLESS A REFERENCE TO THE INTERNAL REVENUE CODE OF NINETEEN HUNDRED FIFTY-FOUR IS CLEARLY INTENDED), AND AMENDMENTS THERETO, AND OTHER PROVISIONS OF THE LAWS OF THE UNITED STATES RELATING TO FEDERAL TAXES, AS THE SAME ARE INCLUDED IN THIS LOCAL LAW AS AN APPENDIX AND SUPPLEMENT TO THE APPENDIX OR AS INCLUDED BY REFERENCE TO AN APPENDIX AND SUPPLEMENT TO THE APPENDIX OF A TITLE ENACTED BY THE SAME LOCAL LAW AS ENACTS THIS LOCAL LAW. (THE QUOTATION OF THE AFORESAID LAWS OF THE UNITED STATES IS INTENDED TO MAKE THEM A PART OF THIS LOCAL LAW AND TO AVOID CONSTITUTIONAL UNCERTAINTIES WHICH MIGHT RESULT IF SUCH LAWS WERE MERELY INCORPORATED BY REFERENCE. THE QUOTATION OF A PROVISION OF THE FEDERAL INTERNAL REVENUE CODE OR OF ANY OTHER LAW OF THE UNITED STATES SHALL NOT NECESSARILY MEAN THAT IT IS APPLICABLE TO OR HAS RELEVANCE TO THIS LOCAL LAW.)

(L) THE TERM "PARTNERSHIP" SHALL INCLUDE, UNLESS A DIFFERENT MEANING IS CLEARLY REQUIRED, A SUBCHAPTER K LIMITED LIABILITY COMPANY. THE TERM "SUBCHAPTER K LIMITED LIABILITY COMPANY" SHALL MEAN A LIMITED LIABILITY COMPANY CLASSIFIED AS A PARTNERSHIP FOR FEDERAL INCOME TAX PURPOSES.

THE TERM "LIMITED LIABILITY COMPANY" MEANS A DOMESTIC LIMITED LIABILITY COMPANY OR A FOREIGN LIMITED LIABILITY COMPANY, AS DEFINED IN SECTION ONE HUNDRED TWO OF THE LIMITED LIABILITY COMPANY LAW, A LIMITED LIABILITY INVESTMENT COMPANY FORMED PURSUANT TO SECTION FIVE HUNDRED SEVEN OF THE BANKING LAW, OR A LIMITED LIABILITY TRUST COMPANY FORMED PURSUANT TO SECTION ONE HUNDRED TWO-A OF THE BANKING LAW.

SEC. 2. PERSONS SUBJECT TO TAX.--(A) IMPOSITION OF TAX.--A TAX IS HEREBY IMPOSED FOR EACH TAXABLE YEAR ENDING ON OR AFTER JULY FIRST, NINETEEN HUNDRED SIXTY-SIX ON THE WAGES EARNED, AND NET EARNINGS FROM SELF-EMPLOYMENT, WITHIN THE CITY, OF EVERY NONRESIDENT INDIVIDUAL, ESTATE AND TRUST WHICH SHALL COMPRISE:

(1) A TAX AT THE RATE OF ONE-FOURTH OF ONE PERCENT ON ALL WAGES.

(2) A TAX AT THE RATE OF THREE-EIGHTHS OF ONE PERCENT ON ALL NET EARNINGS FROM SELF-EMPLOYMENT.

(B) EXCLUSION.--(1) IN COMPUTING THE AMOUNT OF WAGES AND NET EARNINGS FROM SELF-EMPLOYMENT TAXABLE UNDER SUBSECTION (A), THERE SHALL BE ALLOWED AN EXCLUSION AGAINST THE TOTAL OF WAGES AND NET EARNINGS FROM SELF-EMPLOYMENT IN ACCORDANCE WITH THE FOLLOWING TABLE:

TOTAL OF WAGES AND NET EARNINGS FROM SELF-EMPLOYMENT	EXCLUSION ALLOWABLE
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NOT OVER \$10,000	\$3,000
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OVER \$10,000 BUT NOT OVER \$20,000	\$2,000
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OVER \$20,000 BUT NOT OVER \$30,000	\$1,000
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OVER \$30,000	NONE
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(2) THE EXCLUSION ALLOWABLE SHALL BE APPLIED PRO RATA AGAINST WAGES AND NET EARNINGS FROM SELF-EMPLOYMENT.

(3) FOR TAXABLE PERIODS OF LESS THAN ONE YEAR, THE EXCLUSION ALLOWABLE SHALL BE PRORATED PURSUANT TO REGULATIONS OF THE ADMINISTRATOR.

(C) LIMITATION.--IN NO EVENT SHALL A TAXPAYER BE SUBJECT TO THE TAX UNDER THIS LOCAL LAW IN AN AMOUNT GREATER THAN HE OR SHE WOULD BE REQUIRED TO PAY IF HE OR SHE WERE A RESIDENT OF THE CITY AND SUBJECT TO A TAX ON PERSONAL INCOME OF RESIDENTS OF THE CITY ADOPTED BY THE CITY PURSUANT TO AUTHORITY GRANTED BY THE GENERAL CITY LAW.

SEC. 2-A. PERSONS SUBJECT TO TAX.--(A) IMPOSITION OF TAX.--(1) A TAX IS HEREBY IMPOSED FOR EACH TAXABLE YEAR ENDING ON OR AFTER JULY FIRST, NINETEEN HUNDRED SIXTY-SIX AND ON OR BEFORE DECEMBER THIRTY-FIRST, NINETEEN HUNDRED SEVENTY AND FOR EACH TAXABLE YEAR BEGINNING AFTER DECEMBER THIRTY-FIRST, NINETEEN HUNDRED NINETY-NINE, ON THE WAGES EARNED, AND NET EARNINGS FROM SELF-EMPLOYMENT, WITHIN THE CITY, OF EVERY NONRESIDENT INDIVIDUAL, ESTATE AND TRUST WHICH SHALL COMPRISE:

(I) A TAX AT THE RATE OF ONE-FOURTH OF ONE PERCENT ON ALL WAGES.

(II) A TAX AT THE RATE OF THREE-EIGHTHS OF ONE PERCENT ON ALL NET EARNINGS FROM SELF-EMPLOYMENT.

(2) FOR EACH TAXABLE YEAR BEGINNING ON OR AFTER JANUARY FIRST, NINETEEN HUNDRED SEVENTY-ONE AND ENDING ON OR BEFORE DECEMBER THIRTY-FIRST, NINETEEN HUNDRED NINETY-NINE, A TAX IS HEREBY IMPOSED ON THE WAGES EARNED, AND NET EARNINGS FROM SELF-EMPLOYMENT, WITHIN THE CITY, OF EVERY NONRESIDENT INDIVIDUAL, ESTATE AND TRUST WHICH SHALL COMPRISE:

(I) A TAX AT THE RATE OF FORTY-FIVE HUNDREDTHS OF ONE PERCENT ON ALL WAGES.

(II) A TAX AT THE RATE OF SIXTY-FIVE HUNDREDTHS OF ONE PERCENT ON ALL NET EARNINGS FROM SELF-EMPLOYMENT.

(3) FOR EACH TAXABLE YEAR BEGINNING IN NINETEEN HUNDRED SEVENTY AND ENDING IN NINETEEN HUNDRED SEVENTY-ONE, TWO TENTATIVE TAXES SHALL BE COMPUTED, THE FIRST AS PROVIDED IN PARAGRAPH (1) AND THE SECOND AS PROVIDED IN PARAGRAPH (2), AND THE TAX FOR EACH SUCH YEAR SHALL BE THE SUM OF THAT PROPORTION OF EACH TENTATIVE TAX WHICH THE NUMBER OF DAYS IN NINETEEN HUNDRED SEVENTY AND THE NUMBER OF DAYS IN NINETEEN HUNDRED SEVENTY-ONE, RESPECTIVELY, BEARS TO THE NUMBER OF DAYS IN THE ENTIRE TAXABLE YEAR.

(4) FOR EACH TAXABLE YEAR BEGINNING IN NINETEEN HUNDRED NINETY-NINE AND ENDING IN TWO THOUSAND, TWO TENTATIVE TAXES SHALL BE COMPUTED, THE FIRST AS PROVIDED IN PARAGRAPH (2) AND THE SECOND AS PROVIDED IN PARAGRAPH (1), AND THE TAX FOR EACH SUCH YEAR SHALL BE THE SUM OF THAT PROPORTION OF EACH TENTATIVE TAX WHICH THE NUMBER OF DAYS IN NINETEEN HUNDRED NINETY-NINE AND THE NUMBER OF DAYS IN TWO THOUSAND, RESPECTIVELY, BEARS TO THE NUMBER OF DAYS IN THE ENTIRE TAXABLE YEAR.

(B) EXCLUSION.--(1) IN COMPUTING THE AMOUNT OF WAGES AND NET EARNINGS FROM SELF-EMPLOYMENT TAXABLE UNDER SUBSECTION (A), THERE SHALL BE ALLOWED AN EXCLUSION AGAINST THE TOTAL OF WAGES AND NET EARNINGS FROM SELF-EMPLOYMENT IN ACCORDANCE WITH THE FOLLOWING TABLE:

TOTAL OF WAGES AND NET EARNINGS FROM SELF-EMPLOYMENT	EXCLUSION ALLOWABLE
NOT OVER \$10,000	\$3,000
OVER \$10,000 BUT NOT OVER \$20,000	\$2,000
OVER \$20,000 BUT NOT OVER \$30,000	\$1,000
OVER \$30,000	NONE

(2) THE EXCLUSION ALLOWABLE SHALL BE APPLIED PRO RATA AGAINST WAGES AND NET EARNINGS FROM SELF-EMPLOYMENT.

(3) FOR TAXABLE PERIODS OF LESS THAN ONE YEAR, THE EXCLUSION ALLOWABLE SHALL BE PRORATED PURSUANT TO REGULATIONS OF THE ADMINISTRATOR.

(C) LIMITATION.--IN NO EVENT SHALL A TAXPAYER BE SUBJECT TO THE TAX UNDER THIS LOCAL LAW IN AN AMOUNT GREATER THAN HE OR SHE WOULD BE REQUIRED TO PAY IF HE OR SHE WERE A RESIDENT OF THE CITY AND SUBJECT TO A TAX ON PERSONAL INCOME OF RESIDENTS OF THE CITY ADOPTED BY THE CITY PURSUANT TO AUTHORITY GRANTED BY THE GENERAL CITY LAW OR THE TAX LAW.

SEC. 3. TAXABLE YEARS TO WHICH TAX IMPOSED BY THIS LOCAL LAW APPLIES; TAX FOR TAXABLE YEARS BEGINNING PRIOR TO AND ENDING AFTER JULY FIRST, NINETEEN HUNDRED SIXTY-SIX.--(A) GENERAL.-- THE TAX IMPOSED BY THIS LOCAL LAW IS IMPOSED FOR EACH TAXABLE YEAR BEGINNING WITH TAXABLE YEARS ENDING ON OR AFTER JULY FIRST, NINETEEN HUNDRED SIXTY-SIX.

(B) ALTERNATE METHODS FOR DETERMINING TAX FOR TAXABLE YEARS ENDING ON OR AFTER JULY FIRST, NINETEEN HUNDRED SIXTY-SIX.-- (1) THE TAX FOR ANY TAXABLE YEAR ENDING ON OR AFTER JULY FIRST, NINETEEN HUNDRED SIXTY-SIX AND ON OR BEFORE JUNE THIRTIETH, NINETEEN HUNDRED SIXTY-SEVEN, SHALL BE THE SAME PART OF THE TAX WHICH WOULD HAVE BEEN IMPOSED HAD THIS LOCAL LAW BEEN IN EFFECT FOR THE ENTIRE TAXABLE YEAR AS THE NUMBER OF MONTHS (OR MAJOR PORTIONS THEREOF) OF THE TAXABLE YEAR OCCURRING AFTER JULY FIRST, NINETEEN HUNDRED SIXTY-SIX IS OF THE NUMBER OF MONTHS (OR MAJOR PORTIONS THEREOF) IN THE TAXABLE YEAR.

(2) (I) IN LIEU OF THE METHOD OF COMPUTATION OF TAX PRESCRIBED IN PARAGRAPH (1), IF THE TAXPAYER MAINTAINS ADEQUATE RECORDS FOR ANY TAXABLE YEAR ENDING ON OR AFTER JULY FIRST, NINETEEN HUNDRED SIXTY-SIX AND ON OR BEFORE JUNE THIRTIETH, NINETEEN HUNDRED SIXTY-SEVEN, THE TAX FOR SUCH TAXABLE YEAR, AT THE ELECTION OF THE TAXPAYER, MAY BE COMPUTED ON THE BASIS OF THE WAGES WHICH THE TAXPAYER WOULD HAVE REPORTED HAD HE OR SHE FILED A FEDERAL INCOME TAX RETURN FOR A TAXABLE YEAR BEGINNING JULY FIRST, NINETEEN HUNDRED SIXTY-SIX AND ENDING WITH THE CLOSE OF SUCH TAXABLE YEAR ENDING ON OR BEFORE JUNE THIRTIETH, NINETEEN HUNDRED SIXTY-SEVEN, AND THE NET EARNINGS FROM SELF-EMPLOYMENT WHICH THE TAXPAYER WOULD HAVE REPORTED FOR FEDERAL INCOME TAX PURPOSES HAD HE OR SHE FILED A SELF-EMPLOYMENT TAX RETURN FOR A TAXABLE YEAR BEGINNING JULY FIRST, NINETEEN HUNDRED SIXTY-SIX AND ENDING WITH THE CLOSE OF SUCH TAXABLE YEAR ENDING ON OR BEFORE JUNE THIRTIETH, NINETEEN HUNDRED SIXTY-SEVEN.

(II) FOR PURPOSES OF THIS PARAGRAPH, THE EXCLUSIONS ALLOWABLE UNDER SECTION TWO SHALL BE REDUCED BY A FRACTION THE NUMERATOR OF WHICH IS THE NUMBER OF MONTHS (OR MAJOR PORTIONS THEREOF) OF THE TAXABLE YEAR OCCURRING BEFORE JULY FIRST, NINETEEN HUNDRED SIXTY-SIX AND THE DENOMINATOR OF WHICH IS THE NUMBER OF MONTHS (OR MAJOR PORTIONS THEREOF) IN THE TAXABLE YEAR. EXCEPT AS PROVIDED IN THIS PARAGRAPH, THE TAX FOR SUCH PERIOD ENDING ON OR BEFORE JUNE THIRTIETH, NINETEEN HUNDRED SIXTY-SEVEN,

1 SHALL BE COMPUTED IN ACCORDANCE WITH THE OTHER PROVISIONS OF THIS LOCAL  
2 LAW.

3 SEC. 4. ALLOCATION TO THE CITY.--(A) GENERAL.-- IF NET EARNINGS FROM  
4 SELF-EMPLOYMENT ARE DERIVED FROM SERVICES PERFORMED, OR FROM SOURCES,  
5 WITHIN AND WITHOUT THE CITY, THERE SHALL BE ALLOCATED TO THE CITY A FAIR  
6 AND EQUITABLE PORTION OF SUCH EARNINGS.

7 (B) ALLOCATION OF NET EARNINGS FROM SELF-EMPLOYMENT.--(1) PLACE OF  
8 BUSINESS.-- IF A TAXPAYER HAS NO REGULAR PLACE OF BUSINESS OUTSIDE THE  
9 CITY ALL OF HIS NET EARNINGS FROM SELF-EMPLOYMENT SHALL BE ALLOCATED TO  
10 THE CITY.

11 (2) ALLOCATION BY TAXPAYER'S BOOKS.-- THE PORTION OF NET EARNINGS  
12 FROM SELF-EMPLOYMENT ALLOCABLE TO THE CITY MAY BE DETERMINED FROM THE  
13 BOOKS AND RECORDS OF A TAXPAYER'S TRADE OR BUSINESS, IF THE METHODS USED  
14 IN KEEPING SUCH BOOKS AND THE ACCURACY THEREOF ARE APPROVED BY THE  
15 ADMINISTRATOR AS FAIRLY AND EQUITABLY REFLECTING NET EARNINGS FROM  
16 SELF-EMPLOYMENT WITHIN THE CITY.

17 (3) ALLOCATION BY FORMULA.-- IF PARAGRAPH (2) DOES NOT APPLY TO THE  
18 TAXPAYER, THE PORTION OF NET EARNINGS FROM SELF-EMPLOYMENT ALLOCABLE TO  
19 THE CITY SHALL BE DETERMINED BY MULTIPLYING (A) NET EARNINGS FROM SELF-  
20 EMPLOYMENT WITHIN AND WITHOUT THE CITY, BY (B) THE AVERAGE OF THE  
21 FOLLOWING THREE PERCENTAGES:

22 (I) PROPERTY PERCENTAGE. THE PERCENTAGE COMPUTED BY DIVIDING (A) THE  
23 AVERAGE OF THE VALUE, AT THE BEGINNING AND END OF THE TAXABLE YEAR, OF  
24 REAL AND TANGIBLE PERSONAL PROPERTY CONNECTED WITH THE NET EARNINGS FROM  
25 SELF-EMPLOYMENT AND LOCATED WITHIN THE CITY, BY (B) THE AVERAGE OF THE  
26 VALUE, AT THE BEGINNING AND END OF THE TAXABLE YEAR, OF ALL REAL AND  
27 TANGIBLE PERSONAL PROPERTY CONNECTED WITH THE NET EARNINGS FROM SELF-EM-  
28 PLOYMENT AND LOCATED BOTH WITHIN AND WITHOUT THE CITY. FOR THIS  
29 PURPOSE, REAL PROPERTY SHALL INCLUDE REAL PROPERTY, WHETHER OWNED OR  
30 RENTED.

31 (II) PAYROLL PERCENTAGE. THE PERCENTAGE COMPUTED BY DIVIDING (A) THE  
32 TOTAL WAGES, SALARIES AND OTHER PERSONAL SERVICE COMPENSATION PAID OR  
33 INCURRED DURING THE TAXABLE YEAR TO EMPLOYEES IN CONNECTION WITH THE NET  
34 EARNINGS FROM SELF-EMPLOYMENT DERIVED FROM A TRADE OR BUSINESS CARRIED  
35 ON WITHIN THE CITY, BY (B) THE TOTAL OF ALL WAGES, SALARIES AND OTHER  
36 PERSONAL SERVICE COMPENSATION PAID OR INCURRED DURING THE TAXABLE YEAR  
37 TO EMPLOYEES IN CONNECTION WITH THE NET EARNINGS FROM SELF-EMPLOYMENT  
38 DERIVED FROM A TRADE OR BUSINESS CARRIED ON BOTH WITHIN AND WITHOUT THE  
39 CITY.

40 (III) GROSS INCOME PERCENTAGE. THE PERCENTAGE COMPUTED BY DIVIDING  
41 (A) THE GROSS SALES OR CHARGES FOR SERVICES PERFORMED BY OR THROUGH AN  
42 AGENCY LOCATED WITHIN THE CITY, BY (B) THE TOTAL OF ALL GROSS SALES OR  
43 CHARGES FOR SERVICES PERFORMED WITHIN AND WITHOUT THE CITY. THE SALES  
44 OR CHARGES TO BE ALLOCATED TO THE CITY SHALL INCLUDE ALL SALES NEGOTI-  
45 ATED OR CONSUMMATED, AND CHARGES FOR SERVICES PERFORMED, BY AN EMPLOYEE,  
46 AGENT, AGENCY OR INDEPENDENT CONTRACTOR CHIEFLY SITUATED AT, CONNECTED  
47 BY CONTRACT OR OTHERWISE WITH, OR SENT OUT FROM, OFFICES OR OTHER AGEN-  
48 CIES OF THE TRADE OR BUSINESS FROM WHICH A TAXPAYER IS DERIVING NET  
49 EARNINGS FROM SELF-EMPLOYMENT, SITUATED WITHIN THE CITY.

50 (C) OTHER ALLOCATION METHODS.-- THE PORTION OF NET EARNINGS FROM  
51 SELF-EMPLOYMENT ALLOCABLE TO THE CITY SHALL BE DETERMINED IN ACCORDANCE  
52 WITH RULES AND REGULATIONS OF THE ADMINISTRATOR IF IT SHALL APPEAR TO  
53 THE ADMINISTRATOR THAT THE NET EARNINGS FROM SELF-EMPLOYMENT ARE NOT  
54 FAIRLY AND EQUITABLY REFLECTED UNDER THE PROVISIONS OF SUBSECTION (B).

55 (D) SPECIAL RULES FOR REAL ESTATE.-- INCOME AND DEDUCTIONS FROM THE  
56 RENTAL OF REAL PROPERTY AND GAIN AND LOSS FROM THE SALE, EXCHANGE OR

1 OTHER DISPOSITION OF REAL PROPERTY, SHALL NOT BE SUBJECT TO ALLOCATION  
2 UNDER SUBSECTION (B) OR (C), BUT SHALL BE CONSIDERED AS ENTIRELY DERIVED  
3 FROM OR CONNECTED WITH THE PLACE IN WHICH SUCH PROPERTY IS LOCATED.

4 SEC. 5. ACCOUNTING PERIODS AND METHODS.--(A) ACCOUNTING PERIODS.-- A  
5 TAXPAYER'S TAXABLE YEAR UNDER THIS LOCAL LAW SHALL BE THE SAME AS HIS  
6 TAXABLE YEAR FOR FEDERAL INCOME TAX PURPOSES.

7 (B) CHANGE OF ACCOUNTING PERIODS.--IF A TAXPAYER'S TAXABLE YEAR IS  
8 CHANGED FOR FEDERAL INCOME TAX PURPOSES, HIS OR HER TAXABLE YEAR FOR  
9 PURPOSES OF THIS LOCAL LAW SHALL BE SIMILARLY CHANGED. IF A TAXABLE  
10 PERIOD OF LESS THAN TWELVE MONTHS RESULTS FROM A CHANGE OF TAXABLE YEAR,  
11 THE EXCLUSION ALLOWABLE UNDER SECTION TWO OR TWO-A OF THIS LOCAL LAW  
12 SHALL BE PRORATED UNDER REGULATIONS OF THE ADMINISTRATOR.

13 (C) ACCOUNTING METHODS.--A TAXPAYER'S METHOD OF ACCOUNTING UNDER THIS  
14 SECTION SHALL BE THE SAME AS HIS OR HER METHOD OF ACCOUNTING FOR FEDERAL  
15 INCOME TAX PURPOSES. IN THE ABSENCE OF ANY METHOD OF ACCOUNTING FOR  
16 FEDERAL INCOME TAX PURPOSES, NET EARNINGS FROM SELF-EMPLOYMENT WITHIN  
17 THE CITY SHALL BE COMPUTED UNDER SUCH METHOD AS IN THE OPINION OF THE  
18 ADMINISTRATOR CLEARLY REFLECTS NET EARNINGS FROM SELF-EMPLOYMENT WITHIN  
19 THE CITY.

20 (D) CHANGE OF ACCOUNTING METHODS.--(1) IF A TAXPAYER'S METHOD OF  
21 ACCOUNTING IS CHANGED FOR FEDERAL INCOME TAX PURPOSES, HIS METHOD OF  
22 ACCOUNTING FOR PURPOSES OF THIS LOCAL LAW SHALL BE SIMILARLY CHANGED.

23 (2) IF A TAXPAYER'S METHOD OF ACCOUNTING IS CHANGED, OTHER THAN FROM  
24 AN ACCRUAL TO AN INSTALLMENT METHOD, ANY ADDITIONAL TAX WHICH RESULTS  
25 FROM ADJUSTMENTS DETERMINED TO BE NECESSARY SOLELY BY REASON OF THE  
26 CHANGE SHALL NOT BE GREATER THAN IF SUCH ADJUSTMENTS WERE RATABLY ALLO-  
27 CATED AND INCLUDED FOR THE TAXABLE YEAR OF THE CHANGE AND THE PRECEDING  
28 TAXABLE YEARS, BEGINNING AFTER JULY FIRST, NINETEEN HUNDRED SIXTY-SIX,  
29 NOT IN EXCESS OF TWO, DURING WHICH THE TAXPAYER USED THE METHOD OF  
30 ACCOUNTING FROM WHICH THE CHANGE IS MADE.

31 (3) IF A TAXPAYER'S METHOD OF ACCOUNTING IS CHANGED FROM AN ACCRUAL  
32 TO AN INSTALLMENT METHOD, ANY ADDITIONAL TAX FOR THE YEAR OF SUCH CHANGE  
33 OF METHOD AND FOR ANY SUBSEQUENT YEAR WHICH IS ATTRIBUTABLE TO THE  
34 RECEIPT OF INSTALLMENT PAYMENTS PROPERLY ACCRUED IN A PRIOR YEAR, SHALL  
35 BE REDUCED BY THE PORTION OF TAX FOR ANY PRIOR TAXABLE YEAR ATTRIBUTABLE  
36 TO THE ACCRUAL OF SUCH INSTALLMENT PAYMENTS, IN ACCORDANCE WITH REGU-  
37 LATIONS OF THE ADMINISTRATOR.

38 SEC. 8. WITHHOLDING OF TAX ON WAGES.--GENERAL.--ON OR AFTER THE FIRST  
39 PAYROLL PERIOD BEGINNING FORTY-FIVE DAYS AFTER THE DATE THIS LOCAL LAW  
40 BECOMES EFFECTIVE EVERY EMPLOYER MAINTAINING AN OFFICE OR TRANSACTING  
41 BUSINESS WITHIN THIS STATE AND MAKING PAYMENT OF ANY WAGES TAXABLE UNDER  
42 THIS LOCAL LAW SHALL DEDUCT AND WITHHOLD FROM SUCH WAGES FOR EACH  
43 PAYROLL PERIOD A TAX COMPUTED IN SUCH MANNER AS TO RESULT, SO FAR AS  
44 PRACTICABLE, IN WITHHOLDING FROM THE EMPLOYEE'S WAGES DURING EACH CALEN-  
45 DAR YEAR AN AMOUNT SUBSTANTIALLY EQUIVALENT TO THE TAX REASONABLY ESTI-  
46 MATED TO BE DUE FROM THE EMPLOYEE UNDER THIS LOCAL LAW. THE METHOD OF  
47 DETERMINING THE AMOUNT TO BE WITHHELD SHALL BE PRESCRIBED BY REGULATIONS  
48 OF THE ADMINISTRATOR.

49 SEC. 8-A. WITHHOLDING OF TAX ON WAGES FOR TAXABLE PERIODS COMMENCING  
50 ON OR AFTER JANUARY FIRST, NINETEEN HUNDRED SEVENTY-SIX.--THE PROVISIONS  
51 CONTAINED IN SECTIONS EIGHT, NINE, TEN, ELEVEN, TWELVE AND THIRTEEN OF  
52 THIS LOCAL LAW SHALL NOT BE APPLICABLE TO TAXES IMPOSED FOR TAXABLE  
53 PERIODS COMMENCING ON OR AFTER JANUARY FIRST, NINETEEN HUNDRED SEVENTY-  
54 SIX PROVIDED HOWEVER, WITH RESPECT TO SUCH PERIODS, THE PROVISIONS  
55 CONTAINED IN PART FIVE OF ARTICLE TWENTY-TWO OF THE TAX LAW SHALL BE  
56 APPLICABLE WITH THE SAME FORCE AND EFFECT AS IF THOSE PROVISIONS HAD



1 BEEN INCORPORATED IN FULL IN THIS SECTION EXCEPT WHERE INCONSISTENT WITH  
2 THE PROVISIONS OF THIS ARTICLE, EXCEPT THAT THE TERM "AGGREGATE AMOUNT"  
3 CONTAINED IN PARAGRAPHS ONE, TWO AND THREE OF SUBSECTION (A) OF SECTION  
4 SIX HUNDRED SEVENTY-FOUR OF THE TAX LAW SHALL MEAN THE AGGREGATE OF THE  
5 AGGREGATE AMOUNTS OF NEW YORK STATE PERSONAL INCOME TAX, CITY EARNINGS  
6 TAX ON NONRESIDENTS AND CITY PERSONAL INCOME TAX ON RESIDENTS AUTHORIZED  
7 PURSUANT TO ARTICLE THIRTY OF THE TAX LAW REQUIRED TO BE DEDUCTED AND  
8 WITHHELD AND PROVIDED, HOWEVER, THAT THE PROVISIONS OF SUCH PARAGRAPHS  
9 SHALL NOT BE APPLICABLE TO EMPLOYER'S RETURNS REQUIRED TO BE FILED WITH  
10 RESPECT TO TAXES REQUIRED TO BE DEDUCTED AND WITHHELD DURING THE CALEN-  
11 DAR YEAR NINETEEN HUNDRED SEVENTY-SIX, BUT SUCH RETURNS SHALL BE  
12 REQUIRED TO BE FILED WITH THE COMMISSIONER OF TAXATION AND FINANCE AT  
13 THE TIMES AND IN THE MANNER PROVIDED FOR IN SUBSECTION (A) OF SECTION  
14 ELEVEN OF THIS LOCAL LAW, EXCEPT THE TERM "ADMINISTRATOR" IN SUCH  
15 SUBSECTION SHALL BE READ AS "COMMISSIONER OF TAXATION AND FINANCE."

16 SEC. 9. INFORMATION STATEMENT FOR EMPLOYEE.--EVERY EMPLOYER REQUIRED  
17 TO DEDUCT AND WITHHOLD TAX UNDER THIS LOCAL LAW FROM THE WAGES OF AN  
18 EMPLOYEE, SHALL FURNISH TO EACH SUCH EMPLOYEE IN RESPECT OF THE WAGES  
19 PAID BY SUCH EMPLOYER TO SUCH EMPLOYEE DURING THE CALENDAR YEAR ON OR  
20 BEFORE FEBRUARY FIFTEENTH OF THE SUCCEEDING YEAR, OR, IF HIS OR HER  
21 EMPLOYMENT IS TERMINATED BEFORE THE CLOSE OF SUCH CALENDAR YEAR, WITHIN  
22 THIRTY DAYS FROM THE DATE ON WHICH THE LAST PAYMENT OF THE WAGES IS  
23 MADE, A WRITTEN STATEMENT AS PRESCRIBED BY THE ADMINISTRATOR SHOWING THE  
24 TOTAL AMOUNT OF WAGES PAID BY THE EMPLOYER TO THE EMPLOYEE, THE AMOUNT  
25 OF WAGES PAID FOR SERVICES PERFORMED WITHIN THE CITY, THE AMOUNT  
26 DEDUCTED AND WITHHELD AS TAX, AND SUCH OTHER INFORMATION AS THE ADMINIS-  
27 TRATOR MAY PRESCRIBE.

28 SEC. 10. CREDIT FOR TAX WITHHELD.--WAGES UPON WHICH TAX IS REQUIRED  
29 TO BE WITHHELD SHALL BE TAXABLE UNDER THIS LOCAL LAW AS IF NO WITHHOLD-  
30 ING WERE REQUIRED, BUT ANY AMOUNT OF TAX ACTUALLY DEDUCTED AND WITHHELD  
31 UNDER THIS LOCAL LAW IN ANY CALENDAR YEAR SHALL BE DEEMED TO HAVE BEEN  
32 PAID ON BEHALF OF THE EMPLOYEE FROM WHOM WITHHELD, AND SUCH EMPLOYEE  
33 SHALL BE CREDITED WITH HAVING PAID THAT AMOUNT OF TAX IN SUCH CALENDAR  
34 YEAR. FOR A TAXABLE YEAR OF LESS THAN TWELVE MONTHS, THE CREDIT SHALL  
35 BE MADE UNDER REGULATIONS OF THE ADMINISTRATOR.

36 SEC. 11. EMPLOYER'S RETURN AND PAYMENT OF WITHHELD TAXES.--(A) GENER-  
37 AL.--ON OR AFTER THE FIRST PAYROLL PERIOD BEGINNING FORTY-FIVE DAYS  
38 AFTER THE EFFECTIVE DATE OF THIS LOCAL LAW, EVERY EMPLOYER REQUIRED TO  
39 DEDUCT AND WITHHOLD TAX UNDER THIS LOCAL LAW SHALL, FOR EACH CALENDAR  
40 MONTH, ON OR BEFORE THE FIFTEENTH DAY OF THE MONTH FOLLOWING THE CLOSE  
41 OF SUCH CALENDAR MONTH FILE A WITHHOLDING RETURN AS PRESCRIBED BY THE  
42 ADMINISTRATOR AND PAY OVER TO THE ADMINISTRATOR OR TO THE DEPOSITORY  
43 DESIGNATED BY THE ADMINISTRATOR, THE TAXES SO REQUIRED TO BE DEDUCTED  
44 AND WITHHELD, EXCEPT THAT FOR THE MONTH OF DECEMBER IN ANY YEAR THE  
45 RETURNS SHALL BE FILED AND THE TAXES PAID ON OR BEFORE JANUARY  
46 THIRTY-FIRST OF THE SUCCEEDING YEAR. WHERE THE AGGREGATE AMOUNT  
47 REQUIRED TO BE DEDUCTED AND WITHHELD BY ANY EMPLOYER UNDER THIS LOCAL  
48 LAW AND UNDER ANY LOCAL LAW IMPOSING A TAX ON PERSONAL INCOME OF RESI-  
49 DENTS OF THE CITY ADOPTED BY THE CITY PURSUANT TO AUTHORITY GRANTED BY  
50 THE GENERAL CITY LAW IS LESS THAN TWENTY-FIVE DOLLARS IN A CALENDAR  
51 MONTH AND THE AGGREGATE OF SUCH TAXES FOR THE SEMI-ANNUAL PERIOD ENDING  
52 ON JUNE THIRTIETH AND DECEMBER THIRTY-FIRST CAN REASONABLY BE EXPECTED  
53 TO BE LESS THAN ONE HUNDRED FIFTY DOLLARS, THE ADMINISTRATOR MAY, BY  
54 REGULATION, PERMIT AN EMPLOYER TO FILE A RETURN ON OR BEFORE JULY THIR-  
55 TY-FIRST FOR THE SEMI-ANNUAL PERIOD ENDING ON JUNE THIRTIETH AND ON OR  
56 BEFORE JANUARY THIRTY-FIRST FOR THE SEMI-ANNUAL PERIOD ENDING ON DECEM-

1 BER THIRTY-FIRST. THE ADMINISTRATOR MAY, IF HE OR SHE BELIEVES SUCH  
2 ACTION NECESSARY FOR THE PROTECTION OF THE REVENUES, REQUIRE ANY EMPLOY-  
3 ER TO MAKE A RETURN AND PAY TO HIM THE TAX DEDUCTED AND WITHHELD AT ANY  
4 TIME, OR FROM TIME TO TIME. WHERE THE AMOUNT OF WAGES PAID BY AN  
5 EMPLOYER IS NOT SUFFICIENT UNDER THIS LOCAL LAW AND UNDER ANY LOCAL LAW  
6 IMPOSING A TAX ON PERSONAL INCOME OF RESIDENTS OF THE CITY ADOPTED BY  
7 THE CITY PURSUANT TO AUTHORITY GRANTED BY THE GENERAL CITY LAW TO  
8 REQUIRE THE WITHHOLDING OF TAX FROM THE WAGES OF ANY OF HIS OR HER  
9 EMPLOYEES, THE ADMINISTRATOR MAY, BY REGULATION, PERMIT SUCH EMPLOYER TO  
10 FILE AN ANNUAL RETURN ON OR BEFORE FEBRUARY TWENTY-EIGHTH OF THE FOLLOW-  
11 ING CALENDAR YEAR.

12 (B) COMBINED RETURNS.--THE ADMINISTRATOR MAY BY REGULATION PROVIDE  
13 FOR THE FILING OF ONE RETURN WHICH SHALL INCLUDE THE RETURN REQUIRED TO  
14 BE FILED UNDER THIS SECTION, TOGETHER WITH THE EMPLOYER'S RETURN  
15 REQUIRED TO BE FILED UNDER ANY LOCAL LAW IMPOSING A TAX ON PERSONAL  
16 INCOME OF RESIDENTS OF THE CITY ADOPTED BY THE CITY PURSUANT TO AUTHORI-  
17 TY GRANTED BY THE GENERAL CITY LAW.

18 (C) DEPOSIT IN TRUST FOR CITY.--WHENEVER ANY EMPLOYER FAILS TO  
19 COLLECT, TRUTHFULLY ACCOUNT FOR, PAY OVER THE TAX, OR MAKE RETURNS OF  
20 THE TAX AS REQUIRED IN THIS SECTION, THE ADMINISTRATOR MAY SERVE A  
21 NOTICE REQUIRING SUCH EMPLOYER TO COLLECT THE TAXES WHICH BECOME COLLEC-  
22 TIBLE AFTER SERVICE OF SUCH NOTICE, TO DEPOSIT SUCH TAXES IN A BANK  
23 APPROVED BY THE ADMINISTRATOR, IN A SEPARATE ACCOUNT, IN TRUST FOR THE  
24 CITY AND PAYABLE TO THE ADMINISTRATOR, AND TO KEEP THE AMOUNT OF SUCH  
25 TAX IN SUCH ACCOUNT UNTIL PAYMENT OVER TO THE ADMINISTRATOR. SUCH  
26 NOTICE SHALL REMAIN IN EFFECT UNTIL A NOTICE OF CANCELLATION IS SERVED  
27 BY THE ADMINISTRATOR.

28 SEC. 12. EMPLOYER'S LIABILITY FOR WITHHELD TAXES.--EVERY EMPLOYER  
29 REQUIRED TO DEDUCT AND WITHHOLD THE TAX UNDER THIS LOCAL LAW IS HEREBY  
30 MADE LIABLE FOR SUCH TAX. FOR PURPOSES OF ASSESSMENT AND COLLECTION,  
31 ANY AMOUNT REQUIRED TO BE WITHHELD AND PAID OVER TO THE ADMINISTRATOR,  
32 AND ANY ADDITIONS TO TAX, PENALTIES AND INTEREST WITH RESPECT THERETO  
33 SHALL BE CONSIDERED THE TAX OF THE EMPLOYER. ANY AMOUNT OF TAX ACTUALLY  
34 DEDUCTED AND WITHHELD UNDER THIS LOCAL LAW SHALL BE HELD TO BE A SPECIAL  
35 FUND IN TRUST FOR THE CITY.

36 NO EMPLOYEE SHALL HAVE ANY RIGHT OF ACTION AGAINST HIS OR HER EMPLOYER  
37 IN RESPECT TO ANY MONIES DEDUCTED AND WITHHELD FROM HIS OR HER WAGES AND  
38 PAID OVER TO THE ADMINISTRATOR IN COMPLIANCE OR IN INTENDED COMPLIANCE  
39 WITH THIS LOCAL LAW.

40 SEC. 13. EMPLOYER'S FAILURE TO WITHHOLD.--IF AN EMPLOYER FAILS TO  
41 DEDUCT AND WITHHOLD THE TAX, AS REQUIRED, AND THEREAFTER THE TAX AGAINST  
42 WHICH SUCH TAX MAY BE CREDITED IS PAID, THE TAX SO REQUIRED TO BE  
43 DEDUCTED AND WITHHELD SHALL NOT BE COLLECTED FROM THE EMPLOYER, BUT THE  
44 EMPLOYER SHALL NOT BE RELIEVED FROM LIABILITY FOR ANY PENALTIES, INTER-  
45 EST OR ADDITIONS TO THE TAX OTHERWISE APPLICABLE IN RESPECT OF SUCH  
46 FAILURE TO DEDUCT AND WITHHOLD.

47 SEC. 14. RETURNS AND PAYMENT OF TAX.--ON OR BEFORE THE FIFTEENTH DAY  
48 OF THE FOURTH MONTH FOLLOWING THE CLOSE OF THE TAXABLE YEAR, EVERY  
49 PERSON SUBJECT TO THE TAX SHALL MAKE AND FILE A RETURN AND ANY BALANCE  
50 OF THE TAX SHOWN DUE ON THE FACE OF SUCH RETURN SHALL BE PAID THEREWITH.  
51 THE ADMINISTRATOR MAY, BY REGULATION, PROVIDE FOR THE FILING OF RETURNS  
52 AND PAYMENT OF THE TAX AT SUCH OTHER TIMES AS HE OR SHE DEEMS NECESSARY  
53 FOR THE PROPER ENFORCEMENT OF THIS LOCAL LAW. THE ADMINISTRATOR MAY  
54 ALSO PROVIDE BY REGULATION THAT ANY RETURN OTHERWISE REQUIRED TO BE MADE  
55 AND FILED UNDER THIS LOCAL LAW BY ANY NONRESIDENT INDIVIDUAL NEED NOT BE  
56 MADE AND FILED IF SUCH NONRESIDENT INDIVIDUAL HAD, DURING THE TAXABLE

YEAR TO WHICH THE RETURN WOULD RELATE, NO NET EARNINGS FROM SELF-EMPLOYMENT WITHIN THE CITY. ANY REGULATION ALLOWING SUCH WAIVER OF RETURN MAY PROVIDE FOR ADDITIONAL LIMITATIONS ON AND CONDITIONS AND PREREQUISITES TO THE PRIVILEGE OF NOT FILING A RETURN.

SEC. 14-A. COMBINED RETURNS, EMPLOYER'S RETURNS AND PAYMENTS.--THE STATE TAX COMMISSION MAY REQUIRE:

(1) THE FILING OF ANY OR ALL OF THE FOLLOWING:

(A) A COMBINED RETURN WHICH IN ADDITION TO THE RETURN PROVIDED FOR IN A LOCAL LAW AUTHORIZED BY THIS ARTICLE MAY ALSO INCLUDE RETURNS REQUIRED TO BE FILED UNDER A LOCAL LAW AUTHORIZED BY ARTICLE THIRTY OF THE TAX LAW AND UNDER ARTICLE TWENTY-TWO OF THE TAX LAW.

(B) A COMBINED EMPLOYER'S RETURN WHICH IN ADDITION TO THE EMPLOYER'S RETURN PROVIDED FOR IN A LOCAL LAW AUTHORIZED BY THIS ARTICLE MAY ALSO INCLUDE EMPLOYER'S RETURNS REQUIRED TO BE FILED UNDER A LOCAL LAW AUTHORIZED BY ARTICLE THIRTY OF THE TAX LAW AND UNDER ARTICLE TWENTY-TWO OF THE TAX LAW.

(2) WHERE A COMBINED RETURN OR EMPLOYER'S RETURN IS REQUIRED, AND WITH RESPECT TO THE PAYMENT OF ESTIMATED TAX, THE STATE TAX COMMISSION MAY ALSO REQUIRE PAYMENT OF A SINGLE AMOUNT WHICH SHALL BE THE TOTAL OF THE AMOUNTS (TOTAL TAXES LESS ANY CREDITS OR REFUNDS) REQUIRED TO BE PAID WITH THE RETURNS OR EMPLOYER'S RETURNS OR IN PAYMENT OF ESTIMATED TAX PURSUANT TO THE PROVISIONS OF LOCAL LAWS IMPOSED UNDER THE AUTHORITY OF THIS ARTICLE, ARTICLE THIRTY OF THE TAX LAW AND PURSUANT TO THE PROVISIONS OF ARTICLE TWENTY-TWO OF THE TAX LAW.

SEC. 15. EFFECT OF INVALIDITY IN PART; INCONSISTENCIES WITH OTHER LAWS.--(A) IF ANY CLAUSE, SENTENCE, PARAGRAPH, SUBSECTION, SECTION, PROVISION OR OTHER PORTION OF THIS LOCAL LAW OR THE APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCES SHALL BE HELD TO BE INVALID, SUCH HOLDING SHALL NOT AFFECT, IMPAIR OR INVALIDATE THE REMAINDER OF THIS LOCAL LAW OR THE APPLICATION OF SUCH PORTION HELD INVALID, TO ANY OTHER PERSON OR CIRCUMSTANCES, BUT SHALL BE CONFINED IN ITS OPERATION TO THE CLAUSE, SENTENCE, PARAGRAPH, SUBSECTION, SECTION, PROVISION OR OTHER PORTION THEREOF DIRECTLY INVOLVED IN SUCH HOLDING OR TO THE PERSON AND CIRCUMSTANCES THEREIN INVOLVED.

(B) IF ANY PROVISION OF THIS LOCAL LAW IS INCONSISTENT WITH, IN CONFLICT WITH, OR CONTRARY TO ANY OTHER PROVISION OF LAW, SUCH PROVISION OF THIS LOCAL LAW SHALL PREVAIL OVER SUCH OTHER PROVISION AND SUCH OTHER PROVISION SHALL BE DEEMED TO HAVE BEEN AMENDED, SUPERSEDED OR REPEALED TO THE EXTENT OF SUCH INCONSISTENCY, CONFLICT OR CONTRARIETY.

S 25-N. ADMINISTRATIVE PROVISIONS. (A) GENERAL. ANY LOCAL LAW ADOPTED PURSUANT TO THIS ARTICLE SHALL ALSO CONTAIN PROVISIONS NECESSARY AND APPROPRIATE FOR THE COLLECTION AND THE ADMINISTRATION OF THE TAX HEREIN AUTHORIZED, EXCEPT THAT WITH RESPECT TO ANY TAXABLE YEAR BEGINNING IN NINETEEN HUNDRED SEVENTY, UNTIL AND INCLUDING THE THIRTY-FIRST DAY OF DECEMBER, NINETEEN HUNDRED SEVENTY-ONE, ANY LOCAL LAW ADOPTED PURSUANT TO THIS ARTICLE SHALL CONTAIN THE SAME PROVISIONS AS ARE CONTAINED IN CHAPTER NINETEEN OF TITLE ELEVEN OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK, BUT "ADMINISTRATOR" SHALL BE READ "STATE TAX COMMISSION"; "ADMINISTRATIVE AGENCIES OF THE CITY" SHALL BE READ AS "ADMINISTRATIVE AGENCIES OF THE STATE"; "DEPOSITORIES OR FINANCIAL AGENTS OF THE CITY" SHALL BE READ AS "DEPOSITORIES OR FINANCIAL AGENTS OF THE STATE"; "OFFICERS OR EMPLOYEES OF THE DEPARTMENT OF FINANCE OF THE CITY" SHALL BE READ "OFFICERS OR EMPLOYEES OF THE STATE DEPARTMENT OF TAXATION AND FINANCE"; IN SECTIONS 11-1934, 11-1936, 11-1939, AND 11-1942 (EXCEPT FOR THE LAST SENTENCE THEREOF) OF CHAPTER NINETEEN OF TITLE ELEVEN OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK "CITY" SHALL BE READ AS

"STATE"; "CORPORATION COUNSEL OR OTHER APPROPRIATE OFFICER OF THE CITY" OR "CORPORATION COUNSEL OF THE CITY" SHALL BE READ AS "STATE ATTORNEY GENERAL"; AND THE WORDS "IT" OR "ITS" SHALL APPLY INSTEAD OF THE PRONOUNS USED WHERE THE REFERENCE IS TO STATE TAX COMMISSION. PROVIDED, HOWEVER, WITH RESPECT TO DECLARATIONS OF ESTIMATED TAX AND PAYMENTS OF SUCH TAX AND THE WITHHOLDING TAX REQUIREMENTS, UNTIL AND INCLUDING THE THIRTY-FIRST DAY OF DECEMBER, NINETEEN HUNDRED SEVENTY-ONE, ANY SUCH TERMS SHALL BE SO READ WITH RESPECT TO ANY TAXABLE YEAR OR OTHER PERIOD BEGINNING IN NINETEEN HUNDRED SEVENTY-ONE.

(B) METHODS OF REVIEW.--SUCH LOCAL LAW SHALL ALSO CONTAIN PROVISIONS SUBSTANTIALLY THE SAME AS THE FOLLOWING:

(I) ANY FINAL DETERMINATION OF THE AMOUNT OF ANY TAX PAYABLE HEREUNDER SHALL BE REVIEWABLE FOR ERROR, ILLEGALITY OR UNCONSTITUTIONALITY OR ANY OTHER REASON WHATSOEVER BY A PROCEEDING UNDER ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES IF APPLICATION THEREFOR IS MADE TO THE SUPREME COURT WITHIN FOUR MONTHS AFTER THE GIVING OF THE NOTICE OF SUCH FINAL DETERMINATION, PROVIDED, HOWEVER, THAT ANY SUCH PROCEEDING UNDER ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES SHALL NOT BE INSTITUTED UNLESS (A) THE AMOUNT OF ANY TAX SOUGHT TO BE REVIEWED, WITH SUCH INTEREST AND PENALTIES THEREON AS MAY BE PROVIDED FOR BY LOCAL LAW OR REGULATION, SHALL BE FIRST DEPOSITED AND THERE IS FILED AN UNDERTAKING, ISSUED BY A SURETY COMPANY AUTHORIZED TO TRANSACT BUSINESS IN THIS STATE AND APPROVED BY THE SUPERINTENDENT OF INSURANCE OF THIS STATE AS TO SOLVENCY AND RESPONSIBILITY, IN SUCH AMOUNT AS A JUSTICE OF THE SUPREME COURT SHALL APPROVE TO THE EFFECT THAT IF SUCH PROCEEDING BE DISMISSED OR THE TAX CONFIRMED THE PETITIONER WILL PAY ALL COSTS AND CHARGES WHICH MAY ACCRUE IN THE PROSECUTION OF SUCH PROCEEDING OR (B) AT THE OPTION OF THE PETITIONER SUCH UNDERTAKING MAY BE IN A SUM SUFFICIENT TO COVER THE TAXES, INTEREST AND PENALTIES STATED IN SUCH DETERMINATION PLUS THE COSTS AND CHARGES WHICH MAY ACCRUE AGAINST IT IN THE PROSECUTION OF THE PROCEEDING, IN WHICH EVENT THE PETITIONER SHALL NOT BE REQUIRED TO PAY SUCH TAXES, INTEREST OR PENALTIES AS A CONDITION PRECEDENT TO THE APPLICATION.

(II) WHERE ANY TAX IMPOSED HEREUNDER SHALL HAVE BEEN ERRONEOUSLY, ILLEGALLY OR UNCONSTITUTIONALLY COLLECTED AND APPLICATION FOR THE REFUND THEREOF DULY MADE TO THE PROPER FISCAL OFFICER OR OFFICERS, AND SUCH OFFICER OR OFFICERS SHALL HAVE MADE A DETERMINATION DENYING SUCH REFUND, SUCH DETERMINATION SHALL BE REVIEWABLE BY A PROCEEDING UNDER ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES, PROVIDED, HOWEVER, THAT SUCH PROCEEDING IS INSTITUTED WITHIN FOUR MONTHS AFTER THE GIVING OF THE NOTICE OF SUCH DENIAL, THAT A FINAL DETERMINATION OF TAX DUE WAS NOT PREVIOUSLY MADE, AND THAT AN UNDERTAKING IS FILED WITH THE PROPER FISCAL OFFICER OR OFFICERS IN SUCH AMOUNT AND WITH SUCH SURETIES AS A JUSTICE OF THE SUPREME COURT SHALL APPROVE TO THE EFFECT THAT IF SUCH PROCEEDING BE DISMISSED OR THE TAX CONFIRMED, THE PETITIONER WILL PAY ALL COSTS AND CHARGES WHICH MAY ACCRUE IN THE PROSECUTION OF SUCH PROCEEDING.

(III) NO ASSESSMENT OF ADDITIONAL TAX SHALL BE MADE AFTER THE EXPIRATION OF MORE THAN THREE YEARS FROM THE DATE OF THE FILING OF THE RETURN EXCEPT THAT WHERE NO RETURN HAS BEEN FILED OR, IN THE CASE OF THE FILING OF A WILFULLY FALSE OR FRAUDULENT RETURN WITH INTENT TO EVADE THE TAX, THE TAX MAY BE ASSESSED AT ANY TIME; PROVIDED, HOWEVER, WHERE A TAXPAYER OMITTS FROM HIS OR HER RETURN AN AMOUNT WHICH SHOULD BE PROPERLY INCLUDED THEREIN WHICH IS IN EXCESS OF TWENTY-FIVE PERCENT OF THE AMOUNT OF THE GROSS INCOME DERIVED BY HIM OR HER FROM ANY TRADE OR BUSINESS, NO ASSESSMENT OF ADDITIONAL TAX SHALL BE MADE AFTER THE EXPIRATION OF MORE

1 THAN SIX YEARS FROM THE DATE OF THE FILING OF THE RETURN, EXCEPT AS  
2 OTHERWISE PROVIDED HEREIN.

3 (C) BULK SALES.-- SUCH LOCAL LAW MAY CONTAIN A PROVISION SUBSTANTIALLY  
4 THE SAME AS THE FOLLOWING:

5 WHENEVER THERE IS MADE A SALE, TRANSFER OR ASSIGNMENT IN BULK OF ANY  
6 PART OR THE WHOLE OF A STOCK OF MERCHANDISE OR OF FIXTURES, OR MERCHAN-  
7 DISE AND OF FIXTURES PERTAINING TO THE CONDUCTING OF THE BUSINESS OF THE  
8 SELLER, TRANSFERRER OR ASSIGNOR, OTHERWISE THAN IN THE ORDINARY COURSE  
9 OF TRADE AND IN THE REGULAR PROSECUTION OF SAID BUSINESS, THE PURCHASER,  
10 TRANSFEREE OR ASSIGNEE SHALL AT LEAST TEN DAYS BEFORE TAKING POSSESSION  
11 OF SUCH MERCHANDISE, FIXTURES, OR MERCHANDISE AND FIXTURES, OR PAYING  
12 THEREFOR, NOTIFY THE ADMINISTRATOR BY REGISTERED MAIL OF THE PROPOSED  
13 SALE AND OF THE PRICE, TERMS AND CONDITIONS THEREOF, WHETHER OR NOT THE  
14 SELLER, TRANSFERRER OR ASSIGNOR, HAS REPRESENTED TO, OR INFORMED THE  
15 PURCHASER, TRANSFEREE OR ASSIGNEE, THAT IT OWES ANY TAX PURSUANT TO THIS  
16 LOCAL LAW, WHETHER OR NOT THE PURCHASER, TRANSFEREE OR ASSIGNEE HAS  
17 KNOWLEDGE THAT SUCH TAXES ARE OWING, AND WHETHER OR NOT ANY SUCH TAXES  
18 ARE IN FACT OWING.

19 WHENEVER THE PURCHASER, TRANSFEREE OR ASSIGNEE SHALL FAIL TO GIVE THE  
20 NOTICE TO THE ADMINISTRATOR REQUIRED BY THE PRECEDING PARAGRAPH, OR  
21 WHENEVER THE ADMINISTRATOR SHALL INFORM THE PURCHASER, TRANSFEREE OR  
22 ASSIGNEE THAT A POSSIBLE CLAIM FOR SUCH TAX OR TAXES EXISTS, ANY SUMS OF  
23 MONEY, PROPERTY OR CHOSE IN ACTION, OR OTHER CONSIDERATION, WHICH THE  
24 PURCHASER, TRANSFEREE OR ASSIGNEE IS REQUIRED TO TRANSFER OVER TO THE  
25 SELLER, TRANSFERRER OR ASSIGNOR SHALL BE SUBJECT TO A FIRST PRIORITY  
26 RIGHT AND LIEN FOR ANY SUCH TAXES THERETOFORE OR THEREAFTER DETERMINED  
27 TO BE DUE FROM THE SELLER, TRANSFERRER OR ASSIGNOR TO THE CITY, AND THE  
28 PURCHASER, TRANSFEREE OR ASSIGNEE IS FORBIDDEN TO TRANSFER TO THE SELL-  
29 ER, TRANSFERRER OR ASSIGNOR ANY SUCH SUMS OF MONEY, PROPERTY OR CHOSE  
30 IN ACTION TO THE EXTENT OF THE AMOUNT OF THE CITY'S CLAIM. FOR FAILURE  
31 TO COMPLY WITH THE PROVISIONS OF THIS SUBDIVISION THE PURCHASER, TRANS-  
32 FEREE OR ASSIGNEE, IN ADDITION TO BEING SUBJECT TO LIABILITIES AND REME-  
33 DIES IMPOSED UNDER ANY PROVISIONS OF LAW, SHALL BE PERSONALLY LIABLE FOR  
34 THE PAYMENT TO THE CITY OF ANY SUCH TAXES, THERETOFORE OR THEREAFTER  
35 DETERMINED TO BE DUE TO THE CITY FROM THE SELLER, TRANSFERRER OR ASSIG-  
36 NOR AND SUCH LIABILITY MAY BE ASSESSED AND ENFORCED IN THE SAME MANNER  
37 AS THE LIABILITY FOR TAX IS IMPOSED UNDER THIS LOCAL LAW.

38 (D) DELEGATION OF FUNCTIONS.--THE LOCAL LAW MAY PROVIDE THAT THE  
39 ADMINISTRATOR OF THE TAX IMPOSED, AS DEFINED IN THE LOCAL LAW, MAY DELE-  
40 GATE HIS OR HER POWERS AND FUNCTIONS UNDER THE LOCAL LAW TO ONE OF HIS  
41 OR HER DEPUTIES OR TO ANY EMPLOYEE OR EMPLOYEES OF HIS OR HER DEPARTMENT  
42 AND AUTHORIZE BANKS OR TRUST COMPANIES WHICH ARE DEPOSITORIES OR FINAN-  
43 CIAL AGENTS OF THE CITY TO RECEIVE AND GIVE A RECEIPT FOR ANY TAX  
44 IMPOSED UNDER THE LOCAL LAW.

45 (E) THE PROVISIONS CONTAINED IN SUBSECTIONS (A), (B), (C) AND (D)  
46 SHALL NOT BE APPLICABLE WITH RESPECT TO TAXES IMPOSED FOR TAXABLE PERI-  
47 ODS COMMENCING ON OR AFTER JANUARY FIRST, NINETEEN HUNDRED SEVENTY-SIX  
48 BUT, WITH RESPECT TO THE TAX IMPOSED FOR SUCH PERIODS THE PROVISIONS  
49 CONTAINED IN PART SIX OF ARTICLE TWENTY-TWO OF THE TAX LAW AND SECTIONS  
50 SIX HUNDRED FIFTY-THREE, SIX HUNDRED FIFTY-EIGHT, SIX HUNDRED SIXTY-TWO  
51 AND THIRTEEN HUNDRED ELEVEN OF THE TAX LAW INCLUDING THE PROVISIONS OF  
52 JUDICIAL REVIEW BY A PROCEEDING UNDER ARTICLE SEVENTY-EIGHT OF THE CIVIL  
53 PRACTICE LAW AND RULES SHALL BE APPLICABLE WITH THE SAME FORCE AND  
54 EFFECT AS IF THOSE PROVISIONS HAD BEEN INCORPORATED IN FULL IN THIS  
55 SECTION EXCEPT WHERE INCONSISTENT WITH THE PROVISIONS OF THIS LOCAL LAW.

1 S 25-O. DEPOSIT AND DISPOSITION OF REVENUES. REVENUES RESULTING FROM  
2 THE IMPOSITION OF THE TAX AUTHORIZED BY THIS ARTICLE SHALL BE PAID INTO  
3 THE TREASURY OF THE CITY AND SHALL BE CREDITED TO AND DEPOSITED IN THE  
4 GENERAL FUND OF SUCH CITY AND SHALL BE AVAILABLE FOR ANY LAWFUL CITY  
5 PURPOSE. FOR TAXABLE YEARS BEGINNING ON OR AFTER JANUARY FIRST, NINETEEN  
6 HUNDRED SEVENTY-SIX SUCH REVENUES SHALL BE DEPOSITED AND DISPOSED OF IN  
7 THE SAME MANNER AS REVENUES RESULTING FROM THE IMPOSITION OF THE TAXES  
8 AUTHORIZED BY ARTICLE THIRTY OF THE TAX LAW.

9 S 3. Section 1301 of the tax law is amended by adding a new subsection  
10 (c) to read as follows:

11 (C) THE TAXES AUTHORIZED BY THIS ARTICLE MAY BE IMPOSED ONLY IF THE  
12 GENERAL CITY LAW AUTHORIZES THE ADOPTION OF A CITY TAX ON THE EARNINGS  
13 OF NONRESIDENTS AND THE CITY IMPOSING THE TAX AUTHORIZED BY THIS ARTICLE  
14 ALSO IMPOSES SUCH TAX ON THE EARNINGS OF NONRESIDENTS.

15 S 4. Separability. If any clause, sentence, paragraph or part of this  
16 act shall be adjudged to be unconstitutional or invalid, such judgment  
17 shall not affect, impair, or invalidate, the remainder thereof, but  
18 shall be confined in its operation to the clause, sentence, paragraph,  
19 section or part thereof directly involved in controversy in which such  
20 judgment shall have been rendered.

21 S 5. This act shall take effect immediately and shall be deemed to  
22 have been in full force and effect on and after July 1, 1999. The tax  
23 authorized, administered, enforced and levied in accordance with article  
24 2-E and subsection (h) of section 1 of section 25-m of the general city  
25 law, and subsection (c) of section 1301 and subsection (b) of section  
26 1305 of the tax law shall be continuously computed and shall be adminis-  
27 tered, enforced, and levied as if chapter 5 of the laws of 1999 had not  
28 been enacted. The commissioner of taxation and finance is authorized to  
29 promulgate immediately and on an emergency basis all necessary and  
30 reasonable rules and regulations for the timely implementation of this  
31 act.