

7309

2015-2016 Regular Sessions

I N A S S E M B L Y

May 5, 2015

Introduced by M. of A. BRINDISI, BUTLER -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to authorizing Oneida county to impose additional rates of sales and compensating use taxes and providing for allocation and distribution of a portion of net collections from such additional rates

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

1 Section 1. Clause 13 of subparagraph (i) of the opening paragraph of
2 section 1210 of the tax law, as amended by chapter 124 of the laws of
3 2013, is amended to read as follows:
4 (13) the county of Oneida 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: (i) one percent additional to the three
7 percent rate authorized above in this paragraph for such county for the
8 period beginning September first, nineteen hundred ninety-two and ending
9 November thirtieth, two thousand [fifteen] SEVENTEEN; and also (ii) at a
10 rate which is three-quarters of one percent or one-half of one percent
11 additional to the three percent rate authorized above in this paragraph,
12 and which is also additional to the one percent rate also authorized
13 above in this clause for such county, for the period beginning December
14 first, two thousand eight and ending November thirtieth, two thousand
15 [fifteen] SEVENTEEN;
16 S 2. Section 1262-g of the tax law, as amended by chapter 124 of the
17 laws of 2013, is amended to read as follows:
18 S 1262-g. Oneida county allocation and distribution of net collections
19 from the additional one percent rate of sales and compensating use
20 taxes. Notwithstanding any contrary provision of law, if the county of
21 Oneida imposes sales and compensating use taxes at a rate which is one
22 percent additional to the three percent rate authorized by section
23 twelve hundred ten of this article, as authorized by such section, (a)

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

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1 where a city in such county imposes tax pursuant to the authority of
2 subdivision (a) of such section twelve hundred ten, such county shall
3 allocate, distribute and pay in cash quarterly to such city one-half of
4 the net collections attributable to such additional one percent rate of
5 the county's taxes collected in such city's boundaries; (b) where a city
6 in such county does not impose tax pursuant to the authority of such
7 subdivision (a) of such section twelve hundred ten, such county shall
8 allocate, distribute and pay in cash quarterly to such city not so
9 imposing tax a portion of the net collections attributable to one-half
10 of the county's additional one percent rate of tax calculated on the
11 basis of the ratio which such city's population bears to the county's
12 total population, such populations as determined in accordance with the
13 latest decennial federal census or special population census taken
14 pursuant to section twenty of the general municipal law completed and
15 published prior to the end of the quarter for which the allocation is
16 made, which special census must include the entire area of the county;
17 and (c) provided, however, that such county shall dedicate the first one
18 million five hundred thousand dollars of net collections attributable to
19 such additional one percent rate of tax received by such county after
20 the county receives in the aggregate eighteen million five hundred thou-
21 sand dollars of net collections from such additional one percent rate of
22 tax imposed for any of the periods: September first, two thousand
23 twelve through August thirty-first, two thousand thirteen; September
24 first, two thousand thirteen through August thirty-first, two thousand
25 fourteen; and September first, two thousand fourteen through August
26 thirty-first, two thousand fifteen; SEPTEMBER FIRST, TWO THOUSAND
27 FIFTEEN THROUGH AUGUST THIRTY-FIRST, TWO THOUSAND SIXTEEN; AND SEPTEMBER
28 FIRST, TWO THOUSAND SIXTEEN THROUGH AUGUST THIRTY-FIRST, TWO THOUSAND
29 SEVENTEEN, to an allocation on a per capita basis, utilizing figures
30 from the latest decennial federal census or special population census
31 taken pursuant to section twenty of the general municipal law, completed
32 and published prior to the end of the year for which such allocation is
33 made, which special census must include the entire area of such county,
34 to be allocated and distributed among the towns of Oneida county by
35 appropriation of its board of legislators; provided, further, that noth-
36 ing herein shall require such board of legislators to make any such
37 appropriation until it has been notified by any town by appropriate
38 resolution and, in any case where there is a village wholly or partly
39 located within a town, a resolution of every such village, embodying the
40 agreement of such town and village or villages upon the amount of such
41 appropriation to be distributed to such village or villages out of the
42 allocation to the town or towns in which it is located.

43 S 3. This act shall take effect immediately.