

7557--A

2015-2016 Regular Sessions

I N   A S S E M B L Y

May 19, 2015

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Introduced by M. of A. GOODELL -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the tax law, in relation to extending the expiration of and amending the provisions authorizing the county of Chautauqua 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. Item (iv) of clause 38 of subparagraph (i) of the opening  
2 paragraph of section 1210 of the tax law, as amended by chapter 223 of  
3 the laws of 2013, is amended to read as follows:  
4     (iv) one-half of one percent additional to the three percent rate  
5 authorized above in this paragraph for such county for the period begin-  
6 ning December first, two thousand ten and ending November thirtieth, two  
7 thousand [fifteen] SEVENTEEN;  
8     S 2. Clause 38 of subparagraph (i) of the opening paragraph of section  
9 1210 of the tax law, as amended by chapter 174 of the laws of 2009, item  
10 (iv) as amended by section one of this act, is amended to read as  
11 follows:  
12     (38) the county of Chautauqua is hereby further authorized and  
13 empowered to adopt and amend local laws, ordinances or resolutions  
14 imposing such taxes at a rate that is: (i) one and one-quarter percent  
15 additional to the three percent rate authorized above in this paragraph  
16 for such county for the period beginning March first, two thousand five  
17 and ending August thirty-first, two thousand six; (ii) one percent addi-  
18 tional to the three percent rate authorized above in this paragraph for  
19 such county for the period beginning September first, two thousand six  
20 and ending November thirtieth, two thousand seven; (iii) three-quarters  
21 of one percent additional to the three percent rate authorized above in  
22 this paragraph for such county for the period beginning December first,  
23 two thousand seven and ending November thirtieth, two thousand ten;

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

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[and] (iv) one-half of one percent additional to the three percent rate authorized above in this paragraph for such county for the period beginning December first, two thousand ten and ending November thirtieth, two thousand [seventeen] FIFTEEN; AND (V) ONE PERCENT ADDITIONAL TO THE THREE PERCENT RATE AUTHORIZED ABOVE IN THIS CLAUSE FOR SUCH COUNTY FOR THE PERIOD BEGINNING DECEMBER FIRST, TWO THOUSAND FIFTEEN AND ENDING NOVEMBER THIRTIETH, TWO THOUSAND SEVENTEEN;

S 3. Clause 38 of subparagraph (i) of the opening paragraph of section 1210 of the tax law, as amended by section two of this act, is amended to read as follows:

(38) the county of Chautauqua is hereby further authorized and empowered to adopt and amend local laws, ordinances or resolutions imposing such taxes at a rate that is: (i) one and one-quarter percent additional to the three percent rate authorized above in this paragraph for such county for the period beginning March first, two thousand five and ending August thirty-first, two thousand six; (ii) one percent additional to the three percent rate authorized above in this paragraph for such county for the period beginning September first, two thousand six and ending November thirtieth, two thousand seven; (iii) three-quarters of one percent additional to the three percent rate authorized above in this paragraph for such county for the period beginning December first, two thousand seven and ending November thirtieth, two thousand ten; (iv) one-half of one percent additional to the three percent rate authorized above in this paragraph for such county for the period beginning December first, two thousand ten and ending November thirtieth, two thousand fifteen; [and] (v) one percent additional to the three percent rate authorized above in this clause for such county for the period beginning December first, two thousand fifteen and ending November thirtieth, two thousand [seventeen] SIXTEEN; AND (VI) ONE-HALF OF ONE PERCENT ADDITIONAL TO THE THREE PERCENT RATE AUTHORIZED ABOVE IN THIS CLAUSE FOR SUCH COUNTY FOR THE PERIOD BEGINNING DECEMBER FIRST, TWO THOUSAND SIXTEEN AND ENDING NOVEMBER THIRTIETH, TWO THOUSAND SEVENTEEN;

S 4. Subparagraph (iii) of the opening paragraph of section 1210 of the tax law, as separately amended by chapters 191, 217 and 325 of the laws of 2013, is amended to read as follows:

(iii) the maximum rate referred to in section twelve hundred twenty-four of this article shall be calculated without reference to the following additional rates authorized in subparagraphs (i) and (ii) of this paragraph: one and one-half percent for the county of Allegany; one percent for the counties of Rensselaer, Erie, Cattaraugus, CHAUTAUQUA, Wyoming, Ulster, Albany, Suffolk, Essex, Greene, Orleans, Franklin, Hamilton, Herkimer, Genesee, Columbia, Schuyler, Chenango, Monroe, Steuben, Chemung, Seneca, Livingston, Niagara, Yates, Tioga, Montgomery, Delaware, Wayne, Schoharie, Putnam, Clinton, St. Lawrence and Onondaga and the cities of Yonkers, Mount Vernon and New Rochelle; three-quarters of one percent for the counties of Dutchess, Lewis, Orange, and Jefferson; one percent and three-quarters of one percent or one-half of one percent for the county of Oneida; three-quarters of one percent and one-half of one percent for the county of Nassau; one-half of one percent and one-quarter of one percent and one-quarter of one percent for the city of White Plains; one-half or one percent for the county of Tompkins; three-eighths of one percent and five-eighths of one percent for the county of Rockland; one-half of one percent for the counties of Putnam and Schenectady; one-eighth of one percent and three-eighths of one percent for the county of Ontario; AND one-half of one percent and

1 one-half of one percent for the county of Sullivan; [and three-quarters  
2 of one percent or one-half of one percent for the county of Chautauqua;]  
3 S 5. Subdivision (ee) of section 1224 of the tax law, as amended by  
4 chapter 174 of the laws of 2009, is amended to read as follows:

5 (ee) The county of Chautauqua shall have the sole right to impose the  
6 additional [three-quarters or one-half of] one percent rate of tax which  
7 such county is authorized to impose pursuant to the authority of section  
8 twelve hundred ten of this article. Such additional rate of tax shall be  
9 in addition to any other tax which such county may impose or may be  
10 imposing pursuant to this article or any other law and such additional  
11 rate of tax shall not be subject to preemption. The maximum three  
12 percent rate referred to in this section shall be calculated without  
13 reference to the additional [three-quarters or one-half of] one percent  
14 rate of tax which the county of Chautauqua is authorized and empowered  
15 to adopt pursuant to section twelve hundred ten of this article.

16 S 6. Section 1262-o of the tax law, as amended by chapter 223 of the  
17 laws of 2013, is amended to read as follows:

18 S 1262-o. Disposition of net collections from the additional rate of  
19 sales and compensating use taxes in the county of Chautauqua. Notwith-  
20 standing any contrary provision of law, if the county of Chautauqua  
21 imposes the additional one and one-quarter percent rate of sales and  
22 compensating use taxes authorized by section twelve hundred ten of this  
23 article for all or any portion of the period beginning March first, two  
24 thousand five and ending August thirty-first, two thousand six, the  
25 additional one percent rate authorized by such section for all or any of  
26 the period beginning September first, two thousand six and ending Novem-  
27 ber thirtieth, two thousand seven, the additional three-quarters of one  
28 percent rate authorized by such section for all or any of the period  
29 beginning December first, two thousand seven and ending November thirti-  
30 eth, two thousand ten, the county shall allocate one-fifth of the net  
31 collections from the additional three-quarters of one percent to the  
32 cities, towns and villages in the county on the basis of their respec-  
33 tive populations, determined in accordance with the latest decennial  
34 federal census or special population census taken pursuant to section  
35 twenty of the general municipal law completed and published prior to the  
36 end of the quarter for which the allocation is made, and allocate the  
37 remainder of the net collections from the additional three-quarters of  
38 one percent as follows: (1) to pay the county's expenses for Medicaid  
39 and other expenses required by law; (2) to pay for local road and bridge  
40 projects; (3) for the purposes of capital projects and repaying any  
41 debts incurred for such capital projects in the county of Chautauqua  
42 that are not otherwise paid for by revenue received from the mortgage  
43 recording tax; and (4) for deposit into a reserve fund for bonded  
44 indebtedness established pursuant to the general municipal law. Notwith-  
45 standing any contrary provision of law, if the county of Chautauqua  
46 imposes the additional one-half percent rate of sales and compensating  
47 use taxes authorized by such section twelve hundred ten for all or any  
48 of the period beginning December first, two thousand ten and ending  
49 November thirtieth, two thousand [fifteen] SEVENTEEN, the county shall  
50 allocate three-tenths of the net collections from the additional one-  
51 half of one percent to the cities, towns and villages in the county on  
52 the basis of their respective populations, determined in accordance with  
53 the latest decennial federal census or special population census taken  
54 pursuant to section twenty of the general municipal law completed and  
55 published prior to the end of the quarter for which the allocation is  
56 made, and allocate the remainder of the net collections from the addi-

1 tional one-half of one percent as follows: (1) to pay the county's  
2 expenses for Medicaid and other expenses required by law; (2) to pay for  
3 local road and bridge projects; (3) for the purposes of capital projects  
4 and repaying any debts incurred for such capital projects in the county  
5 of Chautauqua that are not otherwise paid for by revenue received from  
6 the mortgage recording tax; and (4) for deposit into a reserve fund for  
7 bonded indebtedness established pursuant to the general municipal law.  
8 The net collections from the additional rates imposed pursuant to this  
9 section shall be deposited in a special fund to be created by such coun-  
10 ty separate and apart from any other funds and accounts of the county to  
11 be used for purposes above described.

12 S 7. Section 1262-o of the tax law, as amended by section six of this  
13 act, is amended to read as follows:

14 S 1262-o. Disposition of net collections from the additional rate of  
15 sales and compensating use taxes in the county of Chautauqua. Notwith-  
16 standing any contrary provision of law, if the county of Chautauqua  
17 imposes the additional one and one-quarter percent rate of sales and  
18 compensating use taxes authorized by section twelve hundred ten of this  
19 article for all or any portion of the period beginning March first, two  
20 thousand five and ending August thirty-first, two thousand six, the  
21 additional one percent rate authorized by such section for all or any of  
22 the period beginning September first, two thousand six and ending Novem-  
23 ber thirtieth, two thousand seven, the additional three-quarters of one  
24 percent rate authorized by such section for all or any of the period  
25 beginning December first, two thousand seven and ending November thirti-  
26 eth, two thousand ten, the county shall allocate one-fifth of the net  
27 collections from the additional three-quarters of one percent to the  
28 cities, towns and villages in the county on the basis of their respec-  
29 tive populations, determined in accordance with the latest decennial  
30 federal census or special population census taken pursuant to section  
31 twenty of the general municipal law completed and published prior to the  
32 end of the quarter for which the allocation is made, and allocate the  
33 remainder of the net collections from the additional three-quarters of  
34 one percent as follows: (1) to pay the county's expenses for Medicaid  
35 and other expenses required by law; (2) to pay for local road and bridge  
36 projects; (3) for the purposes of capital projects and repaying any  
37 debts incurred for such capital projects in the county of Chautauqua  
38 that are not otherwise paid for by revenue received from the mortgage  
39 recording tax; and (4) for deposit into a reserve fund for bonded  
40 indebtedness established pursuant to the general municipal law. Notwith-  
41 standing any contrary provision of law, if the county of Chautauqua  
42 imposes the additional one-half percent rate of sales and compensating  
43 use taxes authorized by such section twelve hundred ten for all or any  
44 of the period beginning December first, two thousand ten and ending  
45 November thirtieth, two thousand [seventeen] FIFTEEN, the county shall  
46 allocate three-tenths of the net collections from the additional one-  
47 half of one percent to the cities, towns and villages in the county on  
48 the basis of their respective populations, determined in accordance with  
49 the latest decennial federal census or special population census taken  
50 pursuant to section twenty of the general municipal law completed and  
51 published prior to the end of the quarter for which the allocation is  
52 made, and allocate the remainder of the net collections from the addi-  
53 tional one-half of one percent as follows: (1) to pay the county's  
54 expenses for Medicaid and other expenses required by law; (2) to pay for  
55 local road and bridge projects; (3) for the purposes of capital projects  
56 and repaying any debts incurred for such capital projects in the county

1 of Chautauqua that are not otherwise paid for by revenue received from  
2 the mortgage recording tax; and (4) for deposit into a reserve fund for  
3 bonded indebtedness established pursuant to the general municipal law.  
4 NOTWITHSTANDING ANY CONTRARY PROVISION OF LAW, IF THE COUNTY OF CHAUTAU-  
5 QUA IMPOSES THE ADDITIONAL ONE PERCENT RATE OF SALES AND COMPENSATING  
6 USE TAXES AUTHORIZED BY SUCH SECTION TWELVE HUNDRED TEN FOR ALL OR ANY  
7 OF THE PERIOD BEGINNING DECEMBER FIRST, TWO THOUSAND FIFTEEN AND ENDING  
8 NOVEMBER THIRTIETH, TWO THOUSAND SEVENTEEN, THE COUNTY SHALL ALLOCATE  
9 THREE-TWENTIETHS OF THE NET COLLECTIONS FROM THE ADDITIONAL ONE PERCENT  
10 TO THE CITIES, TOWNS AND VILLAGES IN THE COUNTY ON THE BASIS OF THEIR  
11 RESPECTIVE POPULATIONS, DETERMINED IN ACCORDANCE WITH THE LATEST DECEN-  
12 NIAL FEDERAL CENSUS OR SPECIAL POPULATION CENSUS TAKEN PURSUANT TO  
13 SECTION TWENTY OF THE GENERAL MUNICIPAL LAW COMPLETED AND PUBLISHED  
14 PRIOR TO THE END OF THE QUARTER FOR WHICH THE ALLOCATION IS MADE, AND  
15 ALLOCATE THE REMAINDER OF THE NET COLLECTIONS FROM THE ADDITIONAL ONE  
16 PERCENT AS FOLLOWS: (1) TO PAY THE COUNTY'S EXPENSES FOR MEDICAID AND  
17 OTHER EXPENSES REQUIRED BY LAW; (2) TO PAY FOR LOCAL ROAD AND BRIDGE  
18 PROJECTS; (3) FOR THE PURPOSES OF CAPITAL PROJECTS AND REPAYING ANY  
19 DEBTS INCURRED FOR SUCH CAPITAL PROJECTS IN THE COUNTY OF CHAUTAUQUA  
20 THAT ARE NOT OTHERWISE PAID FOR BY REVENUE RECEIVED FROM THE MORTGAGE  
21 RECORDING TAX; AND (4) FOR DEPOSIT INTO A RESERVE FUND FOR BONDED  
22 INDEBTEDNESS ESTABLISHED PURSUANT TO THE GENERAL MUNICIPAL LAW. The net  
23 collections from the additional rates imposed pursuant to this section  
24 shall be deposited in a special fund to be created by such county sepa-  
25 rate and apart from any other funds and accounts of the county to be  
26 used for purposes above described.

27 S 7-a. Section 1262-o of the tax law, as amended by section seven of  
28 this act, is amended to read as follows:

29 S 1262-o. Disposition of net collections from the additional rate of  
30 sales and compensating use taxes in the county of Chautauqua. Notwith-  
31 standing any contrary provision of law, if the county of Chautauqua  
32 imposes the additional one and one-quarter percent rate of sales and  
33 compensating use taxes authorized by section twelve hundred ten of this  
34 article for all or any portion of the period beginning March first, two  
35 thousand five and ending August thirty-first, two thousand six, the  
36 additional one percent rate authorized by such section for all or any of  
37 the period beginning September first, two thousand six and ending Novem-  
38 ber thirtieth, two thousand seven, the additional three-quarters of one  
39 percent rate authorized by such section for all or any of the period  
40 beginning December first, two thousand seven and ending November thirti-  
41 eth, two thousand ten, the county shall allocate one-fifth of the net  
42 collections from the additional three-quarters of one percent to the  
43 cities, towns and villages in the county on the basis of their respec-  
44 tive populations, determined in accordance with the latest decennial  
45 federal census or special population census taken pursuant to section  
46 twenty of the general municipal law completed and published prior to the  
47 end of the quarter for which the allocation is made, and allocate the  
48 remainder of the net collections from the additional three-quarters of  
49 one percent as follows: (1) to pay the county's expenses for Medicaid  
50 and other expenses required by law; (2) to pay for local road and bridge  
51 projects; (3) for the purposes of capital projects and repaying any  
52 debts incurred for such capital projects in the county of Chautauqua  
53 that are not otherwise paid for by revenue received from the mortgage  
54 recording tax; and (4) for deposit into a reserve fund for bonded  
55 indebtedness established pursuant to the general municipal law. Notwith-  
56 standing any contrary provision of law, if the county of Chautauqua

1 imposes the additional one-half percent rate of sales and compensating  
2 use taxes authorized by such section twelve hundred ten for all or any  
3 of the period beginning December first, two thousand ten and ending  
4 November thirtieth, two thousand fifteen, AND BEGINNING DECEMBER FIRST,  
5 TWO THOUSAND SIXTEEN AND ENDING NOVEMBER THIRTIETH, TWO THOUSAND SEVEN-  
6 TEEN, the county shall allocate three-tenths of the net collections from  
7 the additional one-half of one percent to the cities, towns and villages  
8 in the county on the basis of their respective populations, determined  
9 in accordance with the latest decennial federal census or special popu-  
10 lation census taken pursuant to section twenty of the general municipal  
11 law completed and published prior to the end of the quarter for which  
12 the allocation is made, and allocate the remainder of the net  
13 collections from the additional one-half of one percent as follows: (1)  
14 to pay the county's expenses for Medicaid and other expenses required by  
15 law; (2) to pay for local road and bridge projects; (3) for the purposes  
16 of capital projects and repaying any debts incurred for such capital  
17 projects in the county of Chautauqua that are not otherwise paid for by  
18 revenue received from the mortgage recording tax; and (4) for deposit  
19 into a reserve fund for bonded indebtedness established pursuant to the  
20 general municipal law. Notwithstanding any contrary provision of law,  
21 if the county of Chautauqua imposes the additional one percent rate of  
22 sales and compensating use taxes authorized by such section twelve  
23 hundred ten for all or any of the period beginning December first, two  
24 thousand fifteen and ending November thirtieth, two thousand [seventeen]  
25 SIXTEEN, the county shall allocate three-twentieths of the net  
26 collections from the additional one percent to the cities, towns and  
27 villages in the county on the basis of their respective populations,  
28 determined in accordance with the latest decennial federal census or  
29 special population census taken pursuant to section twenty of the gener-  
30 al municipal law completed and published prior to the end of the quarter  
31 for which the allocation is made, and allocate the remainder of the net  
32 collections from the additional one percent as follows: (1) to pay the  
33 county's expenses for Medicaid and other expenses required by law; (2)  
34 to pay for local road and bridge projects; (3) for the purposes of capi-  
35 tal projects and repaying any debts incurred for such capital projects  
36 in the county of Chautauqua that are not otherwise paid for by revenue  
37 received from the mortgage recording tax; and (4) for deposit into a  
38 reserve fund for bonded indebtedness established pursuant to the general  
39 municipal law. The net collections from the additional rates imposed  
40 pursuant to this section shall be deposited in a special fund to be  
41 created by such county separate and apart from any other funds and  
42 accounts of the county to be used for purposes above described.

43 S 8. The authorization to impose an additional one percent sales and  
44 compensating use taxes granted to the county of Chautauqua pursuant to  
45 section two of this act, and the provisions of sections four, five and  
46 seven of this act, on and after December 1, 2015, shall be contingent  
47 upon the legislative body of such county submitting, by means of elec-  
48 tronic transmission, to the commissioner of taxation and finance, on or  
49 before November 1, 2015, a statement that such legislative body has  
50 passed legislation, and such proof as the commissioner of taxation and  
51 finance shall determine to be suitable, that such legislation has become  
52 a local law or ordinance or adopted resolution, which provides for a  
53 real property tax levy for the county of Chautauqua during the 2016 tax  
54 year which is a minimum of 3 percent less than the real property tax  
55 levy for such purposes during the 2015 tax year. Provided, further,  
56 that the authorization to impose an additional one percent sales and

1 compensating use taxes granted to the county of Chautauqua pursuant to  
2 section two of this act, and the provisions of sections four, five and  
3 seven of this act, on and after December 1, 2016, shall be contingent  
4 upon (a) a real property tax levy for the county of Chautauqua during  
5 the 2016 tax year which is a minimum of 3 percent less than the real  
6 property tax levy for such purposes during the 2015 tax year; and (b)  
7 the legislative body of such county submitting, by means of electronic  
8 transmission, to the commissioner of taxation and finance, on or before  
9 November 1, 2016, a statement that such legislative body has passed  
10 legislation which provides for a real property tax levy for the county  
11 of Chautauqua during the 2017 tax year which is a minimum of 3 percent  
12 less than the real property tax levy for such purposes during the 2015  
13 tax year, and also submits such proof as such commissioner shall deter-  
14 mine to be suitable, that such legislation has become a local law or  
15 ordinance, or adopted resolution. In the event the legislative body of  
16 Chautauqua county fails to submit such statement regarding the 2017  
17 county tax year on or before November 1, 2016, sections three and  
18 seven-a of this act shall take effect, and sections four and five of  
19 this act shall be REPEALED December 1, 2016.

20 S 8-a. Notwithstanding any other provision of any state or local law  
21 to the contrary, any local law, ordinance or resolution enacted, adopted  
22 or amended to impose the sales and compensating use taxes at the one  
23 percent additional rate of tax authorized by this act, shall take effect  
24 in accordance with the provisions of subdivision (d) of section 1210 of  
25 the tax law, subject to the provisions of section eight of this act,  
26 except that the minimum notice requirements shall be deemed complied  
27 with upon mailing by registered mail to the commissioner of taxation and  
28 finance at his or her office in Albany no later than November 5, 2015  
29 for the 2016 county tax year and no later than November 5, 2016 for the  
30 2017 county tax year, a certified copy of such local law, ordinance or  
31 resolution.

32 S 9. This act shall take effect immediately, provided, however, that  
33 sections two, four, five and seven of this act shall take effect only if  
34 the provisions of section eight of this act are satisfied for the 2016  
35 county tax year; and provided, further that if the provisions of section  
36 eight of this act are satisfied for the 2016 county tax year and are not  
37 satisfied for the 2017 county tax year sections three and seven-a of  
38 this act shall take effect, and sections four and five of this act shall  
39 be deemed REPEALED. Provided, that the commissioner of taxation and  
40 finance shall notify the legislative bill drafting commission upon the  
41 compliance or noncompliance with the provisions of section eight of this  
42 act by the legislative body of the county of Chautauqua in order that  
43 the commission may maintain an accurate and timely effective data base  
44 of the official text of the laws of the state of New York in furtherance  
45 of effectuating the provisions of section 44 of the legislative law and  
46 section 70-b of the public officers law.