

5317--B

2015-2016 Regular Sessions

I N   S E N A T E

May 13, 2015

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Introduced by Sen. YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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

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

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

11 S 3. Clause 38 of subparagraph (i) of the opening paragraph of section  
12 1210 of the tax law, as amended by section two of this act, is amended  
13 to read as follows:

14 (38) the county of Chautauqua is hereby further authorized and  
15 empowered to adopt and amend local laws, ordinances or resolutions  
16 imposing such taxes at a rate that is: (i) one and one-quarter percent  
17 additional to the three percent rate authorized above in this paragraph  
18 for such county for the period beginning March first, two thousand five  
19 and ending August thirty-first, two thousand six; (ii) one percent addi-  
20 tional to the three percent rate authorized above in this paragraph for  
21 such county for the period beginning September first, two thousand six  
22 and ending November thirtieth, two thousand seven; (iii) three-quarters  
23 of one percent additional to the three percent rate authorized above in  
24 this paragraph for such county for the period beginning December first,  
25 two thousand seven and ending November thirtieth, two thousand ten; (iv)  
26 one-half of one percent additional to the three percent rate authorized  
27 above in this paragraph for such county for the period beginning Decem-  
28 ber first, two thousand ten and ending November thirtieth, two thousand  
29 fifteen; [and] (v) one percent additional to the three percent rate  
30 authorized above in this clause for such county for the period beginning  
31 December first, two thousand fifteen and ending November thirtieth, two  
32 thousand [seventeen] SIXTEEN; AND (VI) ONE-HALF OF ONE PERCENT ADDI-  
33 TIONAL TO THE THREE PERCENT RATE AUTHORIZED ABOVE IN THIS CLAUSE FOR  
34 SUCH COUNTY FOR THE PERIOD BEGINNING DECEMBER FIRST, TWO THOUSAND  
35 SIXTEEN AND ENDING NOVEMBER THIRTIETH, TWO THOUSAND SEVENTEEN;

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

39 (iii) the maximum rate referred to in section twelve hundred twenty-  
40 four of this article shall be calculated without reference to the  
41 following additional rates authorized in subparagraphs (i) and (ii) of  
42 this paragraph: one and one-half percent for the county of Allegany; one  
43 percent for the counties of Rensselaer, Erie, Cattaraugus, CHAUTAUQUA,  
44 Wyoming, Ulster, Albany, Suffolk, Essex, Greene, Orleans, Franklin,  
45 Hamilton, Herkimer, Genesee, Columbia, Schuyler, Chenango, Monroe, Steu-  
46 ben, Chemung, Seneca, Livingston, Niagara, Yates, Tioga, Montgomery,  
47 Delaware, Wayne, Schoharie, Putnam, Clinton, St. Lawrence and Onondaga  
48 and the cities of Yonkers, Mount Vernon and New Rochelle; three-quarters  
49 of one percent for the counties of Dutchess, Lewis, Orange, and Jeffer-  
50 son; one percent and three-quarters of one percent or one-half of one  
51 percent for the county of Oneida; three-quarters of one percent and  
52 one-half of one percent for the county of Nassau; one-half of one  
53 percent and one-quarter of one percent and one-quarter of one percent  
54 for the city of White Plains; one-half or one percent for the county of  
55 Tompkins; three-eighths of one percent and five-eighths of one percent  
56 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 one-half of one percent for the county of Sullivan; [and three-quarters of one percent or one-half of one percent for the county of Chautauqua;]

S 5. Subdivision (ee) of section 1224 of the tax law, as amended by chapter 174 of the laws of 2009, is amended to read as follows:

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

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

S 1262-o. Disposition of net collections from the additional rate of sales and compensating use taxes in the county of Chautauqua. Notwithstanding any contrary provision of law, if the county of Chautauqua imposes the additional one and one-quarter percent rate of sales and compensating use taxes authorized by section twelve hundred ten of this article for all or any portion of the period beginning March first, two thousand five and ending August thirty-first, two thousand six, the additional one percent rate authorized by such section for all or any of the period beginning September first, two thousand six and ending November thirtieth, two thousand seven, the additional three-quarters of one percent rate authorized by such section for all or any of the period beginning December first, two thousand seven and ending November thirtieth, two thousand ten, the county shall allocate one-fifth of the net collections from the additional three-quarters of one percent to the cities, towns and villages in the county on the basis of their respective populations, determined in accordance with the latest decennial 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, and allocate the remainder of the net collections from the additional three-quarters of one percent as follows: (1) to pay the county's expenses for Medicaid and other expenses required by law; (2) to pay for local road and bridge projects; (3) for the purposes of capital projects and repaying any debts incurred for such capital projects in the county of Chautauqua that are not otherwise paid for by revenue received from the mortgage recording tax; and (4) for deposit into a reserve fund for bonded indebtedness established pursuant to the general municipal law. Notwithstanding any contrary provision of law, if the county of Chautauqua imposes the additional one-half percent rate of sales and compensating use taxes authorized by such section twelve hundred ten for all or any of the period beginning December first, two thousand ten and ending November thirtieth, two thousand [fifteen] SEVENTEEN, the county shall allocate three-tenths of the net collections from the additional one-half of one percent to the cities, towns and villages in the county on the basis of their respective populations, determined in accordance with the latest decennial federal census or special population census taken pursuant to section twenty of the general municipal law completed and

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

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

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

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

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

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

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

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

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

22 S 8-a. Notwithstanding any other provision of any state or local law  
23 to the contrary, any local law, ordinance or resolution enacted, adopted  
24 or amended to impose the sales and compensating use taxes at the one  
25 percent additional rate of tax authorized by this act, shall take effect  
26 in accordance with the provisions of subdivision (d) of section 1210 of  
27 the tax law, subject to the provisions of section eight of this act,  
28 except that the minimum notice requirements shall be deemed complied  
29 with upon mailing by registered mail to the commissioner of taxation and  
30 finance at his or her office in Albany no later than November 5, 2015  
31 for the 2016 county tax year and no later than November 5, 2016 for the  
32 2017 county tax year, a certified copy of such local law, ordinance or  
33 resolution.

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