

7973

I N S E N A T E

June 1, 2016

Introduced by Sen. FARLEY -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law and the tax law, in relation to the Schenectady county Metroplex development authority

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

1 Section 1. Subdivision 9 of section 2661 of the public authorities
2 law, as amended by chapter 468 of the laws of 2008, is amended to read
3 as follows:
4 9. The county of Schenectady shall dedicate net collections from sales
5 and compensating use taxes imposed pursuant to the authority of section
6 twelve hundred ten-C of the tax law at the rate of one-half of one
7 percent, during the period beginning September first, nineteen hundred
8 ninety-eight, and ending August thirty-first, two thousand [thirty-
9 three] THIRTY-EIGHT, or, if the county does not impose taxes pursuant to
10 the authority of section twelve hundred ten-C of the tax law, the county
11 shall dedicate net collections from sales and compensating use taxes
12 imposed during such period at the rate of one-half of one percent pursu-
13 ant to the authority of section twelve hundred ten of the tax law, and
14 shall quarterly deposit such net collections in the Schenectady metro-
15 plex development authority support fund established in accordance with
16 subdivision (b) of section twelve hundred ten-C of the tax law. On Janu-
17 ary first, nineteen hundred ninety-nine, and then quarterly thereafter,
18 the director of finance of Schenectady county shall transfer seventy
19 percent of such net collections deposited in the Schenectady metroplex
20 development authority support fund to the authority for deposit in the
21 authority's general fund. The authority may use such portion of such
22 dedicated net collections received for any lawful purpose or power of
23 the authority. On January first, nineteen hundred ninety-nine, and then
24 quarterly thereafter, the director of finance of Schenectady county,
25 after transferring seventy percent of such net collections to the
26 authority for deposit in the authority's general fund, shall transfer
27 all remaining monies in the Schenectady metroplex development authority

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

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1 support fund to the Schenectady county real property tax abatement and
2 economic development fund.

3 S 2. Subdivision 1 of section 2665 of the public authorities law, as
4 amended by chapter 468 of the laws of 2008, is amended to read as
5 follows:

6 1. The authority shall have the power and is hereby authorized from
7 time to time to issue bonds, notes or other obligations in conformity
8 with applicable provisions of the uniform commercial code to pay the
9 cost of any project, the establishment of reserves to secure the bonds,
10 the payment of principal of, premium, if any, and interest on the bonds
11 and the payment of incidental expenses in connection therewith. The
12 aggregate principal amount of [such] OUTSTANDING bonds or notes of the
13 authority shall not exceed [seventy-five] ONE HUNDRED million dollars
14 [(\$75,000,000)] (\$100,000,000), excluding bonds or notes issued to
15 refund or repay bonds or notes therefore issued for such purposes;
16 provided, however, that upon any such refunding or repayment the total
17 aggregate principal amount of outstanding bonds or notes may be greater
18 than [seventy-five] ONE HUNDRED million dollars [(\$75,000,000)]
19 (\$100,000,000), only if the present value of the aggregate debt service
20 of the refunding or repayment of bonds or notes to be issued shall not
21 exceed the present value of the aggregate debt service of the bonds or
22 notes so to be refunded or repaid. For the purpose of this section, the
23 present value of the aggregate debt service of the refunding or repay-
24 ment bonds or notes and the aggregate debt service of the bonds or notes
25 refunded or repaid shall be calculated by utilizing the effective inter-
26 est rate of the refunding or repayment of bonds or notes, which shall be
27 that rate arrived at by doubling the semi-annual interest rate
28 (compounded semi-annually) necessary to discount the debt service
29 payments on the refunding or repayment of bonds or notes from payment of
30 dates thereof to the date of issue of the refunding or repayment of
31 bonds or notes and to the price bid including estimated accrued interest
32 from the sale thereof. The authority shall have the power and is hereby
33 authorized to enter into such agreements and perform such acts as may be
34 required under any applicable federal legislation to secure a federal
35 guarantee to any bonds.

36 S 3. Subdivisions (a), (b) and (c) of section 1210-C of the tax law,
37 as amended by chapter 468 of the laws of 2008, are amended to read as
38 follows:

39 (a) In addition to the taxes authorized to be imposed by section
40 twelve hundred ten of this article or any other provision of this arti-
41 cle, the county of Schenectady is hereby authorized and empowered to
42 adopt and amend a local law, ordinance or resolution imposing within the
43 territorial limits of said county sales and compensating use taxes at a
44 rate which is one-half of one percent additional to the three percent
45 rate authorized in section twelve hundred ten of this article for the
46 period beginning on or after September first, nineteen hundred ninety-
47 eight and ending August thirty-first, two thousand [thirty-three] THIR-
48 TY-EIGHT, which taxes shall be identical to the taxes imposed by said
49 county pursuant to section twelve hundred ten of this article. Except as
50 hereinafter provided, all provisions of this article, including the
51 definition and exemption provisions and the provisions relating to the
52 administration, collection and distribution by the commissioner, shall
53 apply for purposes of the taxes authorized to be imposed by this section
54 in the same manner and with the same force and effect as if the language
55 of this article had been incorporated in full in this section and had
56 expressly referred to the taxes authorized to be imposed by this

1 section; provided, however, that any provision of this article relating
2 to a maximum rate shall be calculated without reference to the addi-
3 tional rate authorized by this section. For purposes of part IV of this
4 article, relating to the disposition of revenues resulting from taxes
5 collected and administered by the commissioner, the additional sales and
6 compensating use taxes authorized by this section shall be deemed to be
7 imposed under the authority of section twelve hundred ten of this arti-
8 cle and all provisions relating to the deposit, administration and
9 disposition of taxes, penalties and interest relating to taxes imposed
10 by a county under the authority of section twelve hundred ten of this
11 article shall, except as otherwise specifically provided in this
12 section, apply to the additional sales and compensating use tax imposed
13 pursuant to the authority of this section.

14 (b) Notwithstanding any other provision of this article to the contra-
15 ry, the net collections from the tax imposed pursuant to subdivision (a)
16 of this section for the period beginning on or after September first,
17 nineteen hundred ninety-eight and ending August thirty-first, two thou-
18 sand [thirty-three] THIRTY-EIGHT shall, upon payment to the county of
19 Schenectady, be deposited in the Schenectady metroplex development
20 authority support fund, pursuant to subdivision nine of section twenty-
21 six hundred sixty-one of the public authorities law, with such fund to
22 be designated as a special dedicated support fund, to be created by said
23 county therefor separate and apart from any other funds and accounts of
24 the county. Pending deposit from such Schenectady metroplex development
25 authority support fund into the general fund of the Schenectady metro-
26 plex development authority, all moneys therein may be invested in the
27 manner provided in section eleven of the general municipal law. Any
28 interest earned or capital gain realized on the moneys so deposited or
29 invested shall accrue to and become part of such Schenectady metroplex
30 development authority support fund.

31 (c) If the county of Schenectady does not impose the one-half of one
32 percent rate of taxes authorized by subdivision (a) of this section
33 during the period beginning September first, nineteen hundred ninety-
34 eight and ending August thirty-first, two thousand [thirty-three] THIR-
35 TY-EIGHT, the county shall dedicate net collections from sales and
36 compensating use taxes imposed during such period pursuant to the
37 authority of section twelve hundred ten of this article at the rate of
38 one-half of one percent and shall quarterly deposit such net collections
39 in the Schenectady metroplex development authority support fund estab-
40 lished in accordance with subdivision (b) of this section.

41 S 4. Severability clause. If any clause, sentence, paragraph, subdivi-
42 sion, section or part of this act shall be adjudged by any court of
43 competent jurisdiction to be invalid, such judgment shall not affect,
44 impair, or invalidate the remainder thereof, but shall be confined in
45 its operation to the clause, sentence, paragraph, subdivision, section
46 or part thereof directly involved in the controversy in which such judg-
47 ment shall have been rendered. It is hereby declared to be the intent of
48 the legislature that this act would have been enacted even if such
49 invalid provisions had not been included herein.

50 S 5. This act shall take effect immediately.