

7557--A

2015-2016 Regular Sessions

I N A S S E M B L Y

May 19, 2015

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.