

5317--B

2015-2016 Regular Sessions

I N S E N A T E

May 13, 2015

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.