

# STATE OF NEW YORK

6387

2017-2018 Regular Sessions

## IN ASSEMBLY

March 6, 2017

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law and chapter 535 of the laws of 1987, amending the tax law relating to the city of Yonkers personal income tax surcharge, in relation to extending the expiration date of the personal income tax surcharge

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subsection (a) of section 1321 of the tax law, as amended  
2 by chapter 37 of the laws of 2015, is amended to read as follows:  
3 (a) General. Notwithstanding any other provision of law to the contra-  
4 ry, but subject to the limitations and conditions set forth in this  
5 article, any city in this state having a population of more than one  
6 hundred eighty thousand but less than two hundred fifteen thousand  
7 inhabitants, acting through its local legislative body, is hereby  
8 authorized and empowered to adopt and amend local laws imposing in any  
9 such city, for taxable years beginning after nineteen hundred eighty-  
10 three and before two thousand [~~eighteen~~] twenty, a city income tax  
11 surcharge on residents of such city at a rate not to exceed nineteen and  
12 one-quarter percent of the net state tax as defined in section thirteen  
13 hundred twenty-three of this article, such city income tax surcharge to  
14 be administered, collected and distributed by the commissioner as  
15 provided for in this article.  
16 § 2. Subsection (c) of section 1321 of the tax law, as amended by  
17 chapter 37 of the laws of 2015, is amended to read as follows:  
18 (c) Effectiveness of local law and filing with commissioner. (i) A  
19 local law enacted pursuant to the authority of this section shall go  
20 into effect on the first day of January, nineteen hundred eighty-four  
21 and shall apply to taxable years beginning on or after such date and  
22 before two thousand [~~eighteen~~] twenty. Provided, however, no such local  
23 law shall be so effective unless such local law is enacted by July thir-

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

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1 ty-first, nineteen hundred eighty-four and unless a certified copy of  
2 such local law is mailed by registered or certified mail to the commis-  
3 sioner at the commissioner's office in Albany by such date. (ii) If the  
4 requirements of paragraph (i) of this subsection are not met, a local  
5 law enacted pursuant to the authority of this section shall go into  
6 effect on the first day of the next succeeding January and shall apply  
7 to taxable years beginning on or after such date and before two thousand  
8 [~~eighteen~~] twenty. Provided, however, no such local law shall be so  
9 effective unless such local law is enacted at least ninety days prior to  
10 the date it is to become effective and unless a certified copy of such  
11 local law is mailed by registered or certified mail to the commissioner  
12 at such commissioner's office in Albany by such date. However, the  
13 commissioner may waive and reduce such ninety day minimum requirements  
14 within a period of not less than thirty days prior to such effective  
15 date if such commissioner deems such action to be consistent with such  
16 commissioner's duties under this article. (iii) Any amendment of such a  
17 local law enacted pursuant to the authority of this section, which  
18 changes the rate of the income tax surcharge on residents, shall take  
19 effect on the first day of January in the year in which such amendment  
20 is enacted and shall apply to taxable years beginning on or after such  
21 date, if such amendment is enacted on or before July thirty-first of the  
22 year in which it is to take effect and a certified copy of such amend-  
23 ment is mailed by registered or certified mail to the commissioner at  
24 his or her office in Albany by such date. (iv) If the requirements of  
25 paragraph (iii) of this subsection are not met, the amendment of such  
26 local law shall go into effect on the first day of the next succeeding  
27 January and shall apply to taxable years beginning on or after such  
28 date, provided that no such amendment shall take effect unless it is  
29 enacted at least ninety days prior to the date it is to become effective  
30 and a certified copy thereof is mailed by registered or certified mail  
31 to the commissioner at his or her office in Albany by such date. (v) Any  
32 amendment to the provisions of article twenty-two of this chapter to the  
33 extent that such amendment is applicable to the city income tax  
34 surcharge imposed under such local law, shall be deemed to have been  
35 incorporated in the analogous provision or provisions of such local law.

36 § 3. Subsection (b) of section 1340 of the tax law, as amended by  
37 chapter 37 of the laws of 2015, is amended to read as follows:

38 (b) (i) A local law enacted pursuant to the authority of this section  
39 shall go into effect on the first day of January, nineteen hundred  
40 eighty-four and shall apply to taxable years beginning on or after such  
41 date and before two thousand [~~eighteen~~] twenty. Provided, however, no  
42 such local law shall be so effective unless such local law is enacted by  
43 July thirty-first, nineteen hundred eighty-four and unless a certified  
44 copy of such local law is mailed by registered or certified mail to the  
45 commissioner at such commissioner's office in Albany by such date. (ii)  
46 If the requirements of the preceding sentence are not met, a local law  
47 enacted pursuant to the authority of this section shall go into effect  
48 on the first day of the next succeeding January and shall apply to taxa-  
49 ble years beginning on or after such date and before two thousand [~~eigh-~~  
50 ~~teen~~] twenty. Provided, however, no such local law shall be so effec-  
51 tive unless such local law is enacted at least ninety days prior to the  
52 date it is to become effective and unless a certified copy of such local  
53 law is mailed by registered or certified mail to the commissioner at  
54 such commissioner's office in Albany by such date. However, the commis-  
55 sioner may waive and reduce such ninety day minimum requirements within  
56 a period of not less than thirty days prior to such effective date if

1 such commissioner deems such action to be consistent with such commis-  
2 sioner's duties under this article. (iii) Any amendment of such a local  
3 law enacted pursuant to the authority of the section, which changes the  
4 rate of the income tax surcharge on residents, shall take effect on the  
5 first day of January in the year in which such amendment is enacted and  
6 shall apply to taxable years beginning on or after such date, if such  
7 amendment is enacted on or before July thirty-first of the year in which  
8 it is to take effect and a certified copy of such amendment is mailed by  
9 registered or certified mail to the commissioner at his or her office in  
10 Albany by such date. (iv) If the requirements of paragraph (iii) of this  
11 subsection are not met, the amendment of such local law shall go into  
12 effect on the first day of the next succeeding January and shall apply  
13 to taxable years beginning on or after such date, provided that no such  
14 amendment shall take effect unless it is enacted at least ninety days  
15 prior to the date it is to become effective and a certified copy thereof  
16 is mailed by registered or certified mail to the commissioner at his or  
17 her office in Albany by such date.

18 § 4. Section 3 of subsection (c) of section 1340 of the tax law, as  
19 amended by chapter 37 of the laws of 2015, is amended to read as  
20 follows:

21 § 3. Taxable years to which tax imposed by this local law applies. The  
22 tax imposed by this local law is imposed for taxable years beginning  
23 after December thirty-first, nineteen hundred eighty-three and before  
24 January first, two thousand [~~eighteen~~] twenty.

25 § 5. Section 6 of chapter 535 of the laws of 1987, amending the tax  
26 law relating to the city of Yonkers personal income tax surcharge, as  
27 amended by chapter 37 of the laws of 2015, is amended to read as  
28 follows:

29 § 6. This act shall take effect immediately and shall apply to taxable  
30 years beginning after 1986 provided, however, that section five of this  
31 act shall expire on September 30, [~~2017~~] 2019.

32 § 6. This act shall take effect immediately.