

STATE OF NEW YORK

7648

IN SENATE

February 4, 2020

Introduced by Sen. MAYER -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the tax law, in relation to revising the period of authorization for the county of Westchester's additional one percent rate of sales and compensating use tax and the expiration of the Westchester county spending limitation act; to amend chapter 272 of the laws of 1991, amending the tax law relating to the method of disposition of sales and compensating use tax revenue in Westchester county and enacting the Westchester county spending limitation act, in relation to revising the period of authorization for the county of Westchester's additional one percent rate of sales

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

1 Section 1. Clause 42 of subparagraph (i) of the opening paragraph of
2 section 1210 of the tax law, as amended by chapter 43 of the laws of
3 2019, is amended to read as follows:

4 (42) the county of Westchester is hereby further authorized and
5 empowered to adopt and amend local laws, ordinances or resolutions
6 imposing such taxes at a rate that is one percent additional to the
7 three percent rate authorized above in this paragraph for such county
8 for the period beginning August first, two thousand nineteen and ending
9 November thirtieth, two thousand [~~twenty~~] twenty-two;

10 § 2. Subdivision e of section 4 and section 5, 7 and 16 of chapter 272
11 of the laws of 1991, amending the tax law relating to the method of
12 disposition of sales and compensating use tax revenue in Westchester
13 county and enacting the Westchester county spending limitation act, as
14 amended by chapter 43 of the laws of 2019, are amended to read as
15 follows:

16 e. "Spending limitation" means the maximum amount of county spending
17 established in county fiscal years 1992, 1993, 1994, 1995, 1996, 1997,
18 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009,
19 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019 [~~and~~], 2020,
20 2021 and 2022.

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

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1 § 5. Establishment of annual spending limitation. a. For county fiscal
2 years 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002,
3 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014,
4 2015, 2016, 2017, 2018, 2019 ~~[and]~~, 2020, 2021 and 2022 there shall be
5 in effect an annual spending limitation. The spending limitation shall
6 be derived from a fixed percentage reflecting the ratio of base year
7 spending to county personal income. County personal income for such
8 calculation shall be for the period January 1, 1986 through December 31,
9 1986. Such percentage shall be applied to county personal income for the
10 period January 1, 1989 through December 31, 1989, to determine the
11 spending limitation for county fiscal year 1992; to determine the spend-
12 ing limitation for county fiscal year 1993, such percentage shall be
13 applied to county personal income for the period January 1, 1990 through
14 December 31, 1990; to determine the spending limitation for county
15 fiscal year 1994, such percentage shall be applied to county personal
16 income for the period January 1, 1991 through December 31, 1991; to
17 determine the spending limitation for county fiscal year 1995, such
18 percentage shall be applied to county personal income for the period
19 January 1, 1992 through December 31, 1992; to determine the spending
20 limitation for county fiscal year 1996, such percentage shall be applied
21 to county personal income for the period January 1, 1993 through Decem-
22 ber 31, 1993; to determine the spending limitation for county fiscal
23 year 1997, such percentage shall be applied to county personal income
24 for the period January 1, 1994 through December 31, 1994; to determine
25 the spending limitation for county fiscal year 1998, such percentage
26 shall be applied to county personal income for the period January 1,
27 1995 through December 31, 1995; to determine the spending limitation for
28 county fiscal year 1999, such percentage shall be applied to county
29 personal income for the period January 1, 1996 through December 31,
30 1996; to determine the spending limitation for county fiscal year 2000,
31 such percentage shall be applied to county personal income for the peri-
32 od January 1, 1997 through December 31, 1997; to determine the spending
33 limitation for county fiscal year 2001, such percentage shall be applied
34 to county personal income for the period January 1, 1998 through Decem-
35 ber 31, 1998; to determine the spending limitation for county fiscal
36 year 2002, such percentage shall be applied to county personal income
37 for the period January 1, 1999 through December 31, 1999; to determine
38 the spending limitation for county fiscal year 2003, such percentage
39 shall be applied to county personal income for the period January 1,
40 2000 through December 31, 2000; to determine the spending limitation for
41 county fiscal year 2004, such percentage shall be applied to county
42 personal income for the period January 1, 2001 through December 31,
43 2001; to determine the spending limitation for county fiscal year 2005,
44 such percentage shall be applied to county personal income for the peri-
45 od January 1, 2002 through December 31, 2002; to determine the spending
46 limitation for county fiscal year 2006, such percentage shall be applied
47 to county personal income for the period January 1, 2003 through Decem-
48 ber 31, 2003; to determine the spending limitation for the county fiscal
49 year 2007, such percentage shall be applied to county personal income
50 for the period January 1, 2004 through December 31, 2004; to determine
51 the spending limitation for the county fiscal year 2008, such percentage
52 shall be applied to county personal income for the period January 1,
53 2005 through December 31, 2005; to determine the spending limitation for
54 the county fiscal year 2009, such percentage shall be applied to county
55 personal income for the period January 1, 2006 through December 31,
56 2006; to determine the spending limitation for the county fiscal year

2010, such percentage shall be applied to county personal income for the period January 1, 2007 through December 31, 2007; to determine the spending limitation for the county fiscal year 2011, such percentage shall be applied to county personal income for the period January 1, 2008 through December 31, 2008; to determine the spending limitation for the county fiscal year 2012, such percentage shall be applied to county personal income for the period January 1, 2009 through December 31, 2009; to determine the spending limitation for the county fiscal year 2013, such percentage shall be applied to county personal income for the period January 1, 2010 through December 31, 2010; to determine the spending limitation for the county fiscal year 2014, such percentage shall be applied to county personal income for the period January 1, 2011 through December 31, 2011; to determine the spending limitation for the county fiscal year 2015, such percentage shall be applied to county personal income for the period January 1, 2012 through December 31, 2012; to determine the spending limitation for county fiscal year 2016, such percentage shall be applied to the county personal income for the period January 1, 2013 through December 31, 2013; to determine the spending limitation for the county fiscal year 2017, such percentage shall be applied to county personal income for the period January 1, 2014 through December 31, 2014; and to determine the spending limitation for county fiscal year 2018, such percentage shall be applied to the county personal income for the period January 1, 2015 through December 31, 2015; to determine the spending limitation for the county fiscal year 2019, such percentage shall be applied to county personal income for the period January 1, 2016 through December 31, 2016; and to determine the spending limitation for county fiscal year 2020, such percentage shall be applied to the county personal income for the period January 1, 2017 through December 31, 2017; and to determine the spending limitation for the county fiscal year 2021, such percentage shall be applied to county personal income for the period January 1, 2018 through December 31, 2018; and to determine the spending limitation for the county fiscal year 2022, such percentage shall be applied to county personal income for the period January 1, 2019 through December 31, 2019.

b. The spending limitation shall serve as a statutory cap on county spending to be reflected in the tentative budget as well as the enacted budget for county fiscal years beginning in 1992.

§ 7. Mandatory tax reduction. In the event that the county spending subject to the spending limitation exceeds such limitation in the adoptive county budget for county fiscal year 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019 ~~or~~, 2020, 2021 or 2022 then section 1262-b of the tax law shall be repealed.

§ 16. This act shall take effect immediately, provided, however, that sections one through seven of this act shall be in full force and effect until November 30, ~~2020~~ 2022.

§ 3. This act shall take effect immediately; provided that the amendments made to section 4, 5 and 7 of chapter 272 of the laws of 1991 made by section two of this act shall not affect the expiration of such sections and shall be deemed repealed therewith.