

Amend Senate 6056, Assembly 9056, A BUDGET BILL, AN ACT to amend the executive law, in relation to the division of criminal justice ...

Page 2,	An Act Clause unnumbered Lines 8 through 10,	After "expenses" and before "(Part S)" strike out "and mandating that acceptance of payment by the crime victims board to a medical provider constitutes payment in full"
Page 4,	An Act Clause unnumbered Line 27	Strike out "cities" and insert " a city"
Page 4,	An Act Clause unnumbered Line 28	After "more" insert "and the rate and expiration date of certain sales and compensating taxes in such a city and the termination of suspension of certain other such taxes in such a city, and to authorize the commissioner of taxation and finance to allocate revenues from such taxes during the quarterly period when such taxes terminate and resume"
Page 4,	An Act Clause unnumbered Line 56,	After "(Part KK)" Insert "; to amend the executive law, relating to permitting the secretary of state to provide special handling for all documents filed or issued by the division of corporations and to permit additional levels of such expedited service (Part LL)"
Page 4,	An Act Clause after Part LL	Insert "; and to provide a temporary retirement incentive for certain local government employees (Part MM)
Page 5,	Line 4,	After "through" strike out "KK" and insert "MM"
Page 45,	line 50,	Strike out "The opening paragraph of subdivision 2 and subdivisions" and insert "Subdivisions 2,"
Page 45,	line 51,	Strike out "the opening paragraph of"
Page 45,	line 52,	Strike out "297" and insert "215"
Page 45,	line 52,	Strike out "1993" insert "1999"
Page 46,	Between lines 16 and 17,	Insert "The superintendent shall require that partial payments of the charges for expenses of each fiscal year commencing on or after April first, nineteen hundred eighty-three shall be paid on March tenth of the preceding fiscal year and on June tenth, September tenth and December tenth of the fiscal year, or on such other dates as the [director of the budget] <u>superintendent</u> may prescribe. [Provided, however, that payment due March tenth, nineteen hundred eighty-three of the fiscal year beginning April first, nineteen hundred eighty-three shall not be

required to be paid until June tenth, nineteen hundred eighty-three.] Each such payment shall be equal to twenty-five per centum of the charges, or such other per centum or per centums as the superintendent may prescribe, for the fiscal year as estimated by the superintendent. The balance of the expenses shall be charged and paid upon the determination of the actual amount due. An overpayment of charges resulting from the requirements of this subdivision shall be refunded or at the option of the assessed shall be applied as a credit against the charges for the succeeding fiscal year. If the estimated annual charge for the fiscal year is equal to or less than the annual minimum assessment set by the superintendent, no partial payments ~~should~~ shall be required and full payment shall be made on or before September thirtieth of the fiscal year."

- Page 46, line 24, After "assessed" Insert  
"as provided in subdivision two of this section; provided, however, the superintendent, in his or her sole discretion, may determine, with respect to expenses incurred in the making of any specific examination or investigation, or the performing of any special services, that any such expense shall be assessed"
- Page 46, line 29, After "performed" Insert "["
- Page 46, line 31, After "section" Insert "]"
- Page 110, Line 20, After "plus" insert  
", pursuant to a memorandum of understanding with the director of the budget,"
- Page 110, Line 20, Strike out "five" and insert "twelve"
- Page 110, Line 20, After "million" insert "five hundred thousand"
- Page 110, Line 20, After "dollars" insert "(\$12,500,000)"
- Page 171, Between Lines 47 and 48, insert  
"§ 4-a. Subdivision (a) of section 1107 of the tax law, as amended by section 1 of part C of chapter 407 of the laws of 1999, is amended to read as follows:  
(a) General. On the first day of the first month following the month in which a municipal assistance corporation is created under article ten of the public authorities law for a city of one million or more, in addition to the taxes imposed by sections eleven hundred five and eleven hundred ten, there [is] are hereby imposed on such date, within the territorial limits of such city, and there shall be paid, additional taxes, at the rate of four percent, which except as provided in subdivision (b) of this section, shall be identical to the taxes imposed by sections eleven hundred five and eleven hundred ten; provided, however, that on

and after the later of (1) July first, two thousand eight, or (2) the first day of the first month following the month in which all the notes and bonds of such municipal assistance corporation under such corporation's nineteen hundred ninety-one general bond resolution adopted February sixth, nineteen hundred ninety-one (as amended and supplemented), shall have been fully paid, discharged, or defeased under such resolution, together with interest thereon and interest on unpaid installments of interest, such additional taxes shall be imposed at a rate which is equal to the rate of taxes that such city would have been authorized to impose as of July first, nineteen hundred seventy-five, pursuant to the authority of section twelve hundred ten of this article, but for the enactment of this section. Such sections and the other sections of this article, including the definition and exemption provisions, shall apply for purposes of the taxes imposed by this section in the same manner and with the same force and effect as if the language of those sections had been incorporated in full into this section and had expressly referred to the taxes imposed by this section.

§ 4-b. Subdivision (d) of section 1107 of the tax law, as added by chapter 168 of the laws of 1975 and as relettered by section 2 of part C of chapter 407 of the laws of 1999, is amended to read as follows:

(d) Termination of taxes. At the end of the last day of the month in which all the notes and bonds of such municipal assistance corporation shall have been fully paid and discharged, together with interest thereon and interest on unpaid installments of interest, the taxes imposed by this section shall terminate. Despite such termination, the provisions of this section and any regulations promulgated thereunder, including the provisions with respect to assessment, payment, termination, collection and refund of such taxes, penalties and interest, the requirements for filing returns, preservation of records and disposition of revenue shall continue in full force and effect with respect to all such taxes accrued up to the effective date of such termination."

Page 173, Line 2,

After "treasury" insert  
"; provided, further, that, notwithstanding the foregoing provisions of this subdivision or any other law, in each fiscal year of the state during which this section is in effect, during the period commencing April first and ending August thirty-first, the comptroller shall deposit and dispose of all such revenues into the general fund of the state treasury in accord with such section eleven hundred forty-eight of this article"

Insert

"§ 5-a. Subdivision (i) of section 1210 of the tax law, as added by section 1 of chapter 168 of the laws of 1975, is amended to read as follows:

(i) On the first day of the first month following the month in which the state taxes provided for in section eleven hundred seven are terminated, the suspension provided for in subdivision (f) of this section shall terminate and any taxes which were in effect immediately prior to the effective date of the suspension shall go into full force and effect, provided that any such taxes shall, on and after the date on which they go into full force and effect, be imposed at a rate which is equal to the rate of taxes that such a city of one million or more would have been authorized to impose as of July first, nineteen hundred seventy-five, pursuant to the authority of this section, but for the enactment of section eleven hundred seven of this article, and shall be deemed to incorporate, as of such date, all the applicable provisions of article twenty-eight of this chapter as such provisions exist on such date; and they shall continue to incorporate any such provisions as provided in this article.

§ 5-b. Notwithstanding any provision of the law to the contrary, the commissioner of taxation and finance may prorate revenue attributable to the first quarterly return period during which the taxes imposed by a city of one million or more pursuant to the authority of section twelve hundred ten of the tax law have gone into full force and effect, as provided in subdivision (i) of such section twelve hundred ten, so as to separate that revenue from the revenue collected from the taxes imposed by section eleven hundred seven of the tax law during that quarterly period. Such a proration by such commissioner shall be made on the basis of the ratio of the number of months during which such taxes were imposed during such quarterly return period to the total number of months in such quarterly return period when such proration is reasonably necessary to ascertain the amount of such money which must be deposited by the comptroller in the special account established by section ninety-two-d of the state finance law and the amount of such money which must be deposited pursuant to section twelve hundred sixty-one of the tax law. The commissioner of taxation and finance shall not be held liable for any inaccuracy in any certification under this section.

§ 5-c. Paragraph (h) of subdivision 2 of section 3012 of the public authorities law, as added by chapter 168 of the laws of 1975, is amended to read as follows:

(h) the acts or omissions to act which shall constitute a default in the obligations and

duties of the corporation to the holders of the notes or bonds and providing for the rights and remedies of the holders of the notes or bonds in event of such default, including the right to appointment of a receiver; providing, however, that such rights and remedies shall not be inconsistent with the laws of the state and the other provisions of this article; and provided, further, that nothing contained in this article shall be deemed to restrict the right of the city or the state to amend, modify or otherwise alter statutes, local laws, ordinances, resolutions or agreements imposing or relating to taxes or fees or appropriations relating thereto; and there shall not be included in any resolution or contract or agreement with the holders of the corporation's bonds or notes any provision which provides that a default shall occur as a result of the city or the state exercising its right to amend, modify or otherwise alter laws, ordinances, resolutions or agreements imposing or relating to taxes or fees or appropriations relating thereto; and"

Page 180, Line 8,

Strike out "paragraph" and insert "title"

Page 180, Line 8,

After "shall" insert "be deemed to restrict the right of the city or the state to amend, modify or otherwise alter statutes, local laws, ordinances, resolutions or agreements imposing or relating to taxes or fees or appropriations relating thereto. There shall not be included in any resolution or contract or agreement with the holder of its bonds or notes any provision which provides that a default shall occur as a result of the city or the state exercising its right to amend, modify or otherwise alter laws, ordinances, resolutions or agreements imposing or relating to taxes or fees or appropriations relating thereto. Nor shall anything contained in this title"

Page 182, Line 14,

After "2004" insert "; provided, however, that, section four-a of this act shall take effect on June 1, 2005, and shall apply in accordance with the applicable transitional provisions of sections 1106 and 1217 of the tax law; and provided, further, however, that section five-c of this act shall apply to bonds and notes issued on or after the effective date of this act"

Page 182, Between lines 14 and 15,

Insert new "PART LL" (LBD# 05357-01-3 with hand written revisions)

Page 182, Between lines 14 and 15,

After new Part LL insert new "Part MM" (LBD#70040-02-4)

Page 182, Line 25,

After "through" strike out "KK" and insert "MM"