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**BROOME COUNTY LEGISLATURE  
SPECIAL SESSION  
TUESDAY, JUNE 13, 2006**

The Legislature convened at 5:07 p.m. with a call to order by the Chair, Daniel A. Schofield. The Clerk, Louis P. Augostini, read the fire exit announcement and called the Attendance Roll, Present-17, Absent-2 (Mather, Sanfilippo).

**RESOLUTION INTRODUCED AT THIS SESSION**

**RESOLUTION NO. 249**

By Finance Committee

Seconded by Mr. Howard

**RESOLUTION OF THE LEGISLATURE OF THE COUNTY OF BROOME ELECTING A CENTS PER GALLON RATE OF SALES AND COMPENSATING USE TAXES ON MOTOR FUEL AND DIESEL MOTOR FUEL, IN LIEU OF THE PERCENTAGE RATE OF SUCH TAXES, PURSUANT TO THE AUTHORITY OF ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK.**

BE IT ENACTED by the Legislature of the County of Broome, as follows:

SECTION 1. Resolution No. 180 of 1965 is amended by adding a new section 4-B to read as follows:

Section 4-B. Cents per gallon rate of sales and compensating use taxes on motor fuel and diesel motor fuel

Notwithstanding any provision of this enactment to the contrary, in lieu of the percentage rate of sales and compensating use taxes imposed on receipts from the retail sale of and consideration given or contracted to be given for, or for the use of, motor fuel and diesel motor fuel, such taxes shall be imposed at a rate of cents per gallon of such motor fuel or diesel motor fuel, in the manner prescribed by subdivision (m) of section 1111 of the New York Tax Law, provided that, for purposes of calculating the cents per gallon rate of tax, such receipts or consideration shall be limited to three (3) dollars per gallon of either such fuel. Provided that, if the average price of such fuels changes as described in such subdivision (m) of section 1111 of the Tax Law, the Commissioner of Taxation and Finance shall adjust the cents per gallon tax rate on such fuels in the manner prescribed in such subdivision (m) of section 1111 of the Tax Law.

SECTION 2. This resolution shall take effect July 1, 2006.

**Failed**, Ayes-1 (Brunza), Nays-16, Absent-2 (Sanfilippo, Mather).

Mr. Shafer made a motion to adjourn, seconded by Mr. Howard. **Motion to adjourn carried**, Ayes-17, Nays-0, Absent-2 (Sanfilippo, Mather). The meeting was adjourned at 5:23 p.m.

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