

10297

I N A S S E M B L Y

March 17, 2010

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

AN ACT to amend the state finance law, in relation to the Oneida Indian Nation real property tax depository fund and to amend chapter 521 of the laws of 2005, amending the state finance law relating to creating the Oneida Indian Nation real property tax depository fund, in relation to the effectiveness thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 99-n of the state finance law, as amended by chapter 146 of the laws of 2008, is amended to read as follows:
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3 S 99-n. Oneida Indian Nation real property tax depository fund. There
4 is hereby established in the sole custody of the comptroller a special
5 fund to be known as the "Oneida Indian Nation real property tax depository fund". Such fund shall consist of real property tax payments on
6
7 Oneida Indian Nation taxable property until such time as the Oneida
8 county treasurer certifies to the state comptroller that no unpaid taxes
9 remain due on the lands of the Oneida Indian Nation of New York which
10 have been subjected to taxation, or until June thirtieth, two thousand
11 [ten] TWELVE, whichever comes first. Upon such occurrence, the funds
12 shall be released to the county treasurer, who shall distribute them to
13 the affected municipal corporations in a manner that to the extent
14 possible replicates the distribution of such taxes that would have
15 occurred if the final resolution were in effect during such tax years,
16 unless otherwise directed by court order.
17 S 2. Section 2 of chapter 521 of the laws of 2005, amending the state
18 finance law relating to creating the Oneida Indian Nation real property
19 tax depository fund, as amended by chapter 146 of the laws of 2008, is
20 amended to read as follows:
21 S 2. Notwithstanding any provision of law, resolution, rule or regulation to the contrary, when determining real property tax rates, state
22 equalization rates, state aid to education, school district pupil wealth
23 ratio, school district actual valuation and local tax distribution with-
24 in the county of Oneida, including the distribution of sales and compen-
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EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [] is old law to be omitted.

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1 sating use taxes pursuant to sections 1262 and 1262-g of the tax law,
2 and when determining the amount of unpaid real property taxes, omitted
3 taxes and/or special ad valorem or special assessment district charges
4 which must be guaranteed to any town, village, special district or
5 school district therein, the assessed value of the real property owned
6 by the Oneida Indian Nation or any affiliate of the Nation thereof after
7 taxable status date 2004 for the 2004 assessment roll, and any property
8 acquired by the Oneida Indian Nation after taxable status date 2005 for
9 the 2005 assessment roll, shall be disregarded. Such school, town,
10 village, and special ad valorem or special assessment district unpaid
11 real property taxes, omitted taxes and/or special district charges not
12 guaranteed by Oneida county will be exempt from county delinquent tax
13 reserve calculations since they are not guaranteed to, but deferred at
14 the local level, and due to the local jurisdiction from the tax deposi-
15 tory fund held by the state comptroller, if collected. Such disregard
16 shall continue until such time as the Oneida county treasurer certifies
17 to the state comptroller that no unpaid taxes remain due on the lands of
18 the Oneida Indian Nation of New York which have been subjected to taxa-
19 tion, or until June 30, [2010] 2012, whichever comes first. Nothing
20 contained in this act shall be construed as exempting the lands of the
21 Oneida Indian Nation of New York from real property taxation or as
22 relieving the Oneida Indian Nation of New York of its obligation to pay
23 such taxes, provided however that such tax payments, upon collection by
24 the collecting officer, shall be placed in the Oneida Indian Nation real
25 property tax depository fund established pursuant to section 99-n of the
26 state finance law pending final resolution of the uncertainty, and
27 provided further that except as otherwise provided in this section,
28 nothing contained in this section shall be construed as overriding the
29 generally applicable provisions of law relating to the enforcement of
30 the collection of real property taxes in the county of Oneida, including
31 those relating to the imposition of interest and penalties, the prepara-
32 tion of returns of unpaid taxes, the relevy of unpaid school district
33 taxes, and the enforcement of the collection of unpaid taxes. Further-
34 more, nothing contained in this section shall prohibit the Oneida county
35 board of legislators from adopting an interim plan for the distribution
36 of sales and compensating use tax proceeds, consistent with the
37 provisions of this act, notwithstanding any provision of law, local
38 resolution or agreement to the contrary.

39 S 3. Section 4 of chapter 521 of the laws of 2005, amending the state
40 finance law relating to creating the Oneida Indian Nation real property
41 tax depository fund, as amended by chapter 146 of the laws of 2008, is
42 amended to read as follows:

43 S 4. This act shall take effect immediately and shall expire June 30,
44 [2010] 2012 when upon such date the provisions of this act shall be
45 deemed repealed.

46 S 4. This act shall take effect immediately.