

542

2009-2010 Regular Sessions

I N   S E N A T E

(PREFILED)

January 7, 2009

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Introduced by Sen. ALESI -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the real property tax law, in relation to extending the school tax relief exemption to certain business property

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

1     Section 1. Subdivision 3 of section 425 of the real property tax law  
2     is amended by adding a new paragraph (f) to read as follows:  
3     (F) BUSINESS PROPERTY. NOTWITHSTANDING PARAGRAPHS (A) AND (B) OF THIS  
4     SUBDIVISION, REAL PROPERTY USED FOR COMMERCIAL AND INDUSTRIAL PURPOSES  
5     SHALL BE ENTITLED TO AN EXEMPTION EQUAL TO THE APPLICABLE PERCENTAGE OF  
6     ASSESSED VALUE IF SUCH PROPERTY IS OWNED BY THE OWNER OF AN UNINCORPO-  
7     RATED BUSINESS HAVING NO MORE THAN ONE HUNDRED EMPLOYEES AND WHICH SO  
8     USES SUCH PROPERTY OR BY ANY PARTNERSHIP, LIMITED LIABILITY COMPANY,  
9     CORPORATION, OR ANY OTHER BUSINESS ORGANIZATION HAVING NO MORE THAN ONE  
10    HUNDRED EMPLOYEES AND WHICH SO USES SUCH PROPERTY. PROVIDED, THAT OVER  
11    FIFTY PERCENT OF VOTING CONTROL OF SUCH PARTNERSHIP, LIMITED LIABILITY  
12    COMPANY, CORPORATION OR ORGANIZATION IS NOT OWNED OR CONTROLLED, DIRECT-  
13    LY OR INDIRECTLY, BY A SINGLE CORPORATION, A SINGLE PARTNERSHIP OR A  
14    SINGLE LIMITED LIABILITY COMPANY. FOR PURPOSES OF THIS PARAGRAPH, THE  
15    NUMBER OF EMPLOYEES SHALL BE THE AVERAGE NUMBER OF EMPLOYEES WITHIN THE  
16    STATE, EXCEPT GENERAL EXECUTIVE OFFICERS, OF SUCH TAXPAYER DURING THE  
17    PRECEDING CALENDAR YEAR. SUCH AVERAGE SHALL BE COMPUTED BY ASCERTAINING  
18    THE NUMBER OF EMPLOYEES WITHIN THE STATE, EXCEPT GENERAL EXECUTIVE OFFI-  
19    CERS, EMPLOYED BY THE TAXPAYER ON THE THIRTY-FIRST DAY OF MARCH, THE  
20    THIRTIETH DAY OF JUNE, THE THIRTIETH DAY OF SEPTEMBER AND THE  
21    THIRTY-FIRST DAY OF DECEMBER IN SUCH TAXABLE YEAR, BY ADDING TOGETHER  
22    THE NUMBER OF EMPLOYEES ASCERTAINED ON EACH OF SUCH DATES AND DIVIDING  
23    THE SUM SO OBTAINED BY THE NUMBER OF SUCH ABOVEMENTIONED DATES OCCURRING  
24    WITHIN SUCH TAXABLE YEAR. FOR PURPOSES OF THIS PARAGRAPH, THE TERM

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

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1 "EMPLOYEES WITHIN THE STATE, EXCEPT GENERAL EXECUTIVE OFFICERS" SHALL  
2 HAVE THE SAME MEANING AS IT HAS IN SUBPARAGRAPH THREE OF PARAGRAPH (A)  
3 OF SUBDIVISION THREE OF SECTION TWO HUNDRED TEN OF THE TAX LAW. THE  
4 EXEMPTION AUTHORIZED BY THIS PARAGRAPH SHALL APPLY FOR A TERM OF ONE  
5 YEAR. TO RECEIVE SUCH EXEMPTION, AN APPLICATION MUST BE FILED ANNUALLY  
6 WITH THE ASSESSOR ON OR BEFORE THE APPLICABLE TAXABLE STATUS DATE ON A  
7 FORM, AND IN A MANNER, PRESCRIBED BY THE STATE BOARD. FOR PURPOSES OF  
8 THIS PARAGRAPH, THE APPLICABLE PERCENTAGE SHALL BE FIFTEEN PERCENT IN  
9 THE CASE OF ASSESSED VALUES OF TWO HUNDRED THOUSAND DOLLARS OR LESS AND  
10 TEN PERCENT IN THE CASE OF ASSESSED VALUES OVER TWO HUNDRED THOUSAND  
11 DOLLARS.

12 S 2. This act shall take effect immediately.