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I N   S E N A T E

February 6, 2012

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Introduced by Sen. GRIFFO -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

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 chap-  
2     ter 144 of the laws of 2010, is amended to read as follows:  
3     S99-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 deposi-  
6     tory fund". Such fund shall consist of real property tax payments on  
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    [twelve] FOURTEEN, whichever comes first. Upon such occurrence, the  
12    funds shall be released to the county treasurer, who shall distribute  
13    them to the affected municipal corporations in a manner that to the  
14    extent possible replicates the distribution of such taxes that would  
15    have occurred if the final resolution were in effect during such tax  
16    years, 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 144 of the laws of 2010, is  
20    amended to read as follows:  
21    S 2. Notwithstanding any provision of law, resolution, rule or regu-  
22    lation to the contrary, when determining real property tax rates, state  
23    equalization rates, state aid to education, school district pupil wealth  
24    ratio, school district actual valuation and local tax distribution with-  
25    in the county of Oneida, including the distribution of sales and compen-

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, [2012] 2014, 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 144 of the laws of 2010, is  
42 amended to read as follows:

43 S 4. This act shall take effect immediately and shall expire June 30,  
44 [2012] 2014 when upon such date the provisions of this act shall be  
45 deemed repealed.

46 S 4. This act shall take effect immediately provided, however, that  
47 the amendments to section 99-n of the state finance law, made by section  
48 one of this act and the amendment to section 2 of chapter 521 of the  
49 laws of 2005, amending the state finance law relating to creating the  
50 Oneida Indian Nation real property tax depository fund, made by section  
51 two of this act, shall not affect the repeal of such provisions and  
52 shall be deemed repealed therewith.