

2967

2013-2014 Regular Sessions

I N   S E N A T E

January 28, 2013

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

AN ACT to amend the education law, the real property tax law and the tax law, in relation to abolishing certain school taxes, providing for alternative taxes and state distribution to school districts; and repealing certain provisions of the real property tax law and the tax law relating to certain taxes

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

1     Section 1. Title V of the education law is amended by adding a new  
2     article 71 to read as follows:

3                                     ARTICLE 71

4                     FINANCING OF SCHOOL DISTRICTS

5     SECTION 3501. LEGISLATIVE INTENT.

6             3502. BASIC QUALITY EDUCATION.

7             3503. MINIMUM APPORTIONMENT.

8             3504. COLLECTION AND DISTRIBUTION.

9             3505. CONSTRUCTION WITH OTHER LAWS.

10            3506. SEVERABILITY.

11     S 3501. LEGISLATIVE INTENT. IT IS THE INTENT OF THE LEGISLATURE TO  
12     FULFILL ITS OBLIGATIONS UNDER ARTICLE ELEVEN OF THE STATE CONSTITUTION  
13     WITH RESPECT TO THE FINANCING OF PUBLIC SCHOOLS WITHIN THIS STATE AND,  
14     AT THE SAME TIME, ELIMINATE THE INEQUITABLE AND REGRESSIVE REAL ESTATE  
15     TAX AS THE SUPPORT OF SUCH SCHOOLS. THE LEGISLATURE HEREBY FURTHER  
16     INTENDS TO GUARANTEE THE QUALITY AND EQUALITY OF EDUCATION FOR ALL OUR  
17     CHILDREN, WHILE LEAVING WITH THE INDIVIDUAL SCHOOL DISTRICTS THE PRESENT  
18     LEVEL OF LOCAL CONTROL INCLUDING THE AUTHORITY TO PERMIT OR PROHIBIT THE  
19     TRANSFER OF STUDENTS INTO OR OUT OF SUCH DISTRICTS IN ACCORDANCE WITH  
20     THE PROVISIONS OF THIS CHAPTER.

21     S 3502. BASIC QUALITY EDUCATION. 1. THE STATE SHALL ASSUME ALL COSTS  
22     OF BASIC QUALITY EDUCATION, IN ACCORDANCE WITH SECTION THIRTY-FIVE

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

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1 HUNDRED FOUR OF THIS ARTICLE, INCLUDING ALL GENERAL AND SPECIAL EDUCA-  
2 TIONAL SERVICES WHICH THE COMMISSIONER, UNDER GUIDELINES ESTABLISHED BY  
3 THE LEGISLATURE, SHALL DEFINE AS NECESSARY. BASIC QUALITY EDUCATION, AS  
4 DEFINED BY THE COMMISSIONER, SHALL ALLOW SUFFICIENT LATITUDE SO THAT  
5 CHOICES MAY BE MADE BY LOCAL SCHOOL DISTRICTS WITH RESPECT TO THEIR  
6 INDIVIDUAL NEEDS. AS USED IN THIS ARTICLE "BASIC" SHALL MEAN EQUAL  
7 SERVICES TO ALL PUPILS REGARDLESS OF DIFFERENCES IN COST IN DIFFERENT  
8 DISTRICTS FOR SUCH SERVICES.

9 2. SUCH COSTS SHALL BE FUNDED AS PROVIDED FOR BY THE LEGISLATURE, IN  
10 CONJUNCTION WITH THE ELIMINATION OF REAL ESTATE TAXES FOR THE SUPPORT OF  
11 EDUCATION. WITHIN THE CITIES OF NEW YORK, BUFFALO, ROCHESTER, SYRACUSE  
12 AND YONKERS, THE TAX ON REAL PROPERTY SHALL BE REDUCED BY THE DOLLAR  
13 AMOUNT OF SUCH CITY'S SHARE OF THE COST OF PUBLIC SCHOOL EDUCATION. SUCH  
14 REDUCTION SHALL BE APPORTIONED TO ALL REAL PROPERTY TAXPAYERS ON A PRO-  
15 RATA BASIS, AND TENANTS SHALL RECEIVE TAX CREDITS, TAX REBATES, OR  
16 REDUCTIONS IN RENT AS PROVIDED IN SECTION FOUR HUNDRED SIXTY-SEVEN-G OF  
17 THE REAL PROPERTY TAX LAW.

18 3. EACH SCHOOL DISTRICT SHALL SUBMIT A BASIC BUDGET TO THE DEPARTMENT  
19 FOR PURPOSES OF DETERMINING REIMBURSABLE SERVICES.

20 4. THE DEPARTMENT, UNDER DIRECTION OF THE BOARD OF REGENTS, SHALL  
21 ESTABLISH A SCHEDULE OF MANDATORY BASIC SERVICES AND AUTHORIZED COSTS  
22 THEREFOR RELATED TO DIFFERING COSTS THROUGHOUT THE STATE. SUCH BASIC  
23 SCHEDULE SHALL REFLECT GUIDELINES ESTABLISHED FOR THIS PURPOSE BY THE  
24 LEGISLATURE.

25 S 3503. MINIMUM APPORTIONMENT. IN ANY SCHOOL YEAR A DISTRICT MAY ELECT  
26 TO RECEIVE AS ITS BASIC BUDGET THE HIGHEST OF:

27 1. THE DISTRICT BUDGET OF THE SCHOOL YEAR DURING WHICH THIS ARTICLE  
28 SHALL TAKE EFFECT, EXCEPT THAT THIS APPORTIONMENT OPTION SHALL EXIST  
29 ONLY FOR THE PERIOD NOT EXCEEDING THE FIVE SCHOOL YEARS IMMEDIATELY  
30 AFTER THIS ARTICLE SHALL TAKE EFFECT.

31 2. THE PRODUCT OF (A) THE DISTRICT BUDGET OF THE SCHOOL YEAR DURING  
32 WHICH THIS ARTICLE SHALL TAKE EFFECT DIVIDED BY THE ENROLLMENT AT THE  
33 START OF SUCH YEAR AND (B) THE ENROLLMENT AT THE START OF THE SCHOOL  
34 YEAR FOR WHICH THE BUDGET IS BEING DETERMINED. THIS APPORTIONMENT OPTION  
35 SHALL EXIST ONLY FOR THE PERIOD NOT EXCEEDING THE FIVE SCHOOL YEARS  
36 IMMEDIATELY AFTER THE EFFECTIVE DATE OF THIS ARTICLE.

37 3. THE BASIC BUDGET SUBMITTED IN ACCORDANCE WITH SUBDIVISION THREE OF  
38 SECTION THIRTY-FIVE HUNDRED TWO OF THIS ARTICLE, EXCEPT THAT IN NO CASE  
39 SHALL THE PER PUPIL APPORTIONMENT EXCEED THE PER PUPIL APPORTIONMENT OF  
40 THE PREVIOUS YEAR BY MORE THAN THE AVERAGE STATEWIDE INCREASE OF PER  
41 PUPIL BUDGETS PLUS TEN PER CENTUM OF THE PER PUPIL APPORTIONMENT OF THE  
42 PREVIOUS YEAR.

43 S 3504. COLLECTION AND DISTRIBUTION. NOTWITHSTANDING THE PROVISIONS OF  
44 ANY OTHER LAW, CODE, RULE OR REGULATION, THE STATE SHALL, WITHIN FIVE  
45 YEARS FROM THE EFFECTIVE DATE OF THIS ARTICLE, COLLECT AND DISTRIBUTE TO  
46 SCHOOL DISTRICTS ALL MONEYS RELATING TO THE FINANCING OF PUBLIC EDUCA-  
47 TION, EXCLUSIVE OF HIGHER EDUCATION, WITHIN THIS STATE, AS PROVIDED BY  
48 THE LEGISLATURE. THIS ASSUMPTION BY THE STATE OF ALL COSTS OF BASIC  
49 QUALITY EDUCATION SHALL BE ACCOMPLISHED IN APPROXIMATELY EQUAL INCRE-  
50 MENTS OVER A FIVE YEAR PERIOD FROM THE EFFECTIVE DATE OF THIS ARTICLE.  
51 DURING THIS PERIOD, THE AMOUNT OF MONEY DERIVED BY EACH SCHOOL DISTRICT  
52 FROM REAL PROPERTY TAXES SHALL BE REDUCED ACCORDINGLY. AFTER FIVE YEARS  
53 FROM THE EFFECTIVE DATE OF THIS ARTICLE, MONEYS DISTRIBUTED TO ANY  
54 SCHOOL DISTRICT SHALL BE REDUCED BY THE AMOUNT OF ANY REVENUES RECEIVED  
55 BY SUCH SCHOOL DISTRICT FROM TAXES IMPOSED ON REAL PROPERTY BY OR ON  
56 BEHALF OF SUCH SCHOOL DISTRICT.

1 S 3505. CONSTRUCTION WITH OTHER LAWS. THE PROVISIONS OF THIS ARTICLE  
2 SHALL BE CONTROLLING, NOTWITHSTANDING THE PROVISIONS OF ANY OTHER LAW,  
3 CODE, RULE OR REGULATION TO THE CONTRARY. HOWEVER, NO EXISTING RIGHT OR  
4 REMEDY OF ANY CHARACTER SHALL BE LOST, IMPAIRED OR AFFECTED BY REASON OF  
5 THIS ARTICLE, NOR SHALL THE VALIDITY OF ANY ACTION TAKEN BY ANY PUBLIC  
6 OFFICIAL UNDER THE LAW IN FORCE IMMEDIATELY PRIOR TO THE TIME THIS ARTI-  
7 CLE SHALL TAKE EFFECT BE AFFECTED BY THE ENACTMENT OF THIS ARTICLE.  
8 COLLECTION OF ALL OUTSTANDING TAX LIENS SHALL BE PURSUANT TO THE  
9 PROVISIONS OF THE REAL PROPERTY TAX LAW.

10 S 3506. SEVERABILITY. IF ANY CLAUSE, SENTENCE, PARAGRAPH, SECTION OR  
11 PART OF THIS ARTICLE SHALL BE ADJUDGED BY ANY COURT OF COMPETENT JURIS-  
12 DICTION TO BE INVALID, SUCH JUDGMENT SHALL NOT AFFECT, IMPAIR OR INVALI-  
13 DATE THE REMAINDER THEREOF, BUT SHALL BE CONFINED IN ITS OPERATION TO  
14 THE CLAUSE, SENTENCE, PARAGRAPH, SECTION OR PART THEREOF DIRECTLY  
15 INVOLVED IN THE CONTROVERSY IN WHICH SUCH JUDGMENT SHALL HAVE BEEN  
16 RENDERED.

17 S 2. Article 13 of the real property tax law is REPEALED.

18 S 3. The real property tax law is amended by adding a new section  
19 467-g to read as follows:

20 S 467-G. PROVISIONS FOR TENANTS. IN EVERY CASE WHERE TAXES ON REAL  
21 PROPERTY ARE REDUCED DUE TO THE REDUCTION OF SCHOOL TAXES ON SUCH PROP-  
22 erty, THE AMOUNT OF SUCH REDUCTION SHALL BE PRO-RATED AMONG THE TENANTS,  
23 IF ANY, OF SUCH REAL PROPERTY, AND THE TOTAL RENTS REDUCED IN AN AMOUNT  
24 EQUAL TO SUCH REAL PROPERTY TAX REDUCTION. WHERE SUCH RENT REDUCTION IS  
25 PRECLUDED BY A LEASE OR OTHER AGREEMENT, SUCH REAL PROPERTY TAX  
26 REDUCTION SHALL ENTITLE SUCH TENANTS TO A TAX CREDIT IN THAT AMOUNT  
27 AGAINST INCOME TAXES DUE, OR TO A REBATE FOR ANY AMOUNT IN EXCESS OF  
28 INCOME TAXES DUE, UNTIL THE EXPIRATION OF SUCH LEASE OR AGREEMENT, AT  
29 WHICH TIME THE RENT SHALL BE REDUCED ACCORDINGLY.

30 S 4. Subdivision 1 and paragraphs (b) and (c) of subdivision 3 of  
31 section 972 of the real property tax law, subdivision 1 and paragraph  
32 (c) of subdivision 3 as amended and paragraph (b) of subdivision 3 as  
33 added by section 12 of part B of chapter 389 of the laws of 1997, are  
34 amended to read as follows:

35 1. Adoption. Notwithstanding any provisions of this chapter, or any  
36 other general, special or local law to the contrary, the legislative  
37 body of a county may, by local law, provide that thereafter and until  
38 such local law is repealed, the county shall become the tax collection  
39 agency for the purpose of collecting taxes in installments as prescribed  
40 by this title [and by sections thirteen hundred thirty-six through thir-  
41 teen hundred forty-two of this chapter]. The term "taxes" as used in  
42 this title shall include special assessments which are levied by the  
43 county legislative body at the time and in the manner provided by law  
44 for the levy of county and town taxes.

45 (b) If an installment is not paid on or before the date it is due,  
46 additional interest shall be added as provided by section nine hundred  
47 seventy-five [or section thirteen hundred forty] of this [chapter]  
48 TITLE.

49 (c) The amount of any interest which shall be added to any installment  
50 pursuant to this section and section nine hundred seventy-five [or  
51 section thirteen hundred forty] of this [chapter] TITLE shall belong to  
52 the county.

53 S 5. Subdivision 6 of section 975 of the real property tax law, as  
54 added by chapter 953 of the laws of 1962, is amended to read as follows:

55 6. The county treasurer of a county which has enacted a local law  
56 pursuant to section nine hundred seventy-two of this [chapter] TITLE may

1 promulgate and amend suitable rules and regulations prescribing the  
2 necessary forms for carrying into effect the provisions of this title  
3 [and of article thirteen of this chapter] relating to the installment  
4 payment of taxes.

5 S 6. Subdivision 5 of section 1618 of the real property tax law, as  
6 added by chapter 512 of the laws of 1993 and as further amended by  
7 subdivision (b) of section 1 of part W of chapter 56 of the laws of  
8 2010, is amended to read as follows:

9 5. When the commissioner has established a final equalization rate for  
10 a consolidated assessing unit as a whole, school district and county  
11 taxes within the consolidated assessing unit shall be apportioned with-  
12 out the use of equalization rates, notwithstanding the provisions of  
13 [articles] ARTICLE eight [and thirteen] of this chapter.

14 S 7. The tax law is amended by adding a new section 601-b to read as  
15 follows:

16 S 601-B. ADDITIONAL TAXES FOR EDUCATION. (A) IN ADDITION TO THE TAXES  
17 ON INCOME IMPOSED BY THIS CHAPTER FOR TAXABLE YEARS OR PERIODS ENDING ON  
18 OR AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND THIRTEEN, THERE SHALL BE  
19 IMPOSED A TAX EQUAL TO A PERCENT OF THE TAXES IMPOSED BY SUCH SECTIONS  
20 AND ARTICLES AS IS NECESSARY TO FULFILL THE REQUIREMENTS OF SECTION  
21 THIRTY-FIVE HUNDRED TWO OF THE EDUCATION LAW. SUCH A TAX MAY BE LEVIED  
22 EITHER AS A SURTAX, OR BY READJUSTMENT OF THE APPROPRIATE TAX SCHEDULES.

23 (B) EACH SCHOOL DISTRICT MAY ALSO INCREASE THE ADDITIONAL TAXES FOR  
24 EDUCATION, IMPOSED PURSUANT TO SUBSECTION (A) OF THIS SECTION, BY RESOL-  
25 UTION ADOPTED BY A TWO-THIRDS VOTE PRIOR TO THE LEVY OF TAXES IN ANY  
26 YEAR. SUCH RESOLUTION SHALL PROVIDE FOR THE INCREASE TO BE IMPOSED  
27 EITHER IN THE FORM OF A HIGHER SURTAX RATE OR A STANDARD LUMP SUM  
28 AMOUNT; PROVIDED, THAT ALL SUCH PROCEEDS FROM THE INCREASE ON THE ADDI-  
29 TIONAL TAX FOR EDUCATION BE COLLECTED AND ACCRUED TO THE SCHOOL DISTRICT  
30 IN WHICH SUCH TAX WAS COLLECTED.

31 (C) THE COMMISSIONER SHALL ESTABLISH A SEPARATE ACCOUNT OR ACCOUNTS TO  
32 RECEIVE THE ADDITIONAL TAX IMPOSED BY SUBSECTIONS (A) AND (B) OF THIS  
33 SECTION AND SHALL PAY INTO SUCH ACCOUNT OR ACCOUNTS THE TOTAL OF ALL  
34 SUCH TAXES WHEN RECEIVED AND RETAIN THE SAME SUBJECT TO DISBURSEMENT IN  
35 ACCORDANCE WITH THE PROVISIONS OF THE EDUCATION LAW.

36 S 7-a. The real property tax law is amended by adding a new section  
37 307-b to read as follows:

38 S 307-B. ADDITIONAL TAX ON NON-RESIDENTIAL PROPERTY. 1. THE COMMIS-  
39 SIONER OF TAXATION AND FINANCE SHALL ESTABLISH AN ADDITIONAL TAX ON  
40 NON-RESIDENTIAL PROPERTY TO BE IMPOSED IN ADDITION TO OTHER LOCALLY  
41 LEVIED PROPERTY TAXES. SUCH TAX SHALL BE LEVIED BY THE STATE THROUGH THE  
42 COUNTY, CITY, TOWN OR VILLAGE GOVERNING BODY AND SHALL BE A LOW-RATE,  
43 UNIFORM TAX. FOR THE PURPOSES OF THIS SUBDIVISION, "NON-RESIDENTIAL  
44 PROPERTY" SHALL MEAN ANY (A) NON-RESIDENTIAL COMMERCIAL PROPERTY, (B)  
45 INDUSTRIAL PROPERTY, (C) AGRICULTURAL PROPERTY AND (D) VACANT LAND WHICH  
46 IS EITHER COMMERCIAL PROPERTY OR INDUSTRIAL PROPERTY.

47 2. THE COMMISSIONER OF TAXATION AND FINANCE SHALL SET THE RATE FOR THE  
48 ADDITIONAL TAX ON NON-RESIDENTIAL PROPERTY, AS REQUIRED BY SUBDIVISION  
49 ONE OF THIS SECTION, AT AN ADEQUATE RATE TO PROVIDE FUNDING FOR MEETING  
50 THE REQUIREMENTS OF SECTIONS THIRTY-FIVE HUNDRED ONE AND THIRTY-FIVE  
51 HUNDRED TWO OF THE EDUCATION LAW. THE COMMISSIONER OF TAXATION AND  
52 FINANCE SHALL ESTABLISH A SEPARATE ACCOUNT TO RECEIVE THE ADDITIONAL TAX  
53 IMPOSED BY SUBDIVISION ONE OF THIS SECTION AND SHALL PAY INTO SUCH  
54 ACCOUNT THE TOTAL OF ALL SUCH TAXES WHEN RECEIVED AND RETAIN THE SAME  
55 SUBJECT TO DISBURSEMENT IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE  
56 SEVENTY-ONE OF THE EDUCATION LAW.

1 S 8. Sections 1204, 1211 and 1212 of the tax law are REPEALED.

2 S 9. The tax law is amended by adding a new section 1200 to read as  
3 follows:

4 S 1200. CERTAIN TAXES REDUCED. NOTWITHSTANDING THE PROVISIONS OF ANY  
5 OTHER SECTION OF THIS ARTICLE, ON AND AFTER THE EFFECTIVE DATE OF THIS  
6 SECTION, THE PROVISIONS OF THIS ARTICLE RELATING TO TAXES FOR THE BENE-  
7 FIT OF SCHOOL DISTRICTS OR SCHOOL PURPOSES SHALL BE DEEMED REDUCED IN  
8 ACCORDANCE WITH SECTION THIRTY-FIVE HUNDRED FOUR OF THE EDUCATION LAW.

9 S 10. Section 1213 of the tax law, as amended by section 2 of part WW  
10 of chapter 57 of the laws of 2010, is amended to read as follows:

11 S 1213. Deliveries outside the jurisdiction where sale is made. Where  
12 a sale of tangible personal property or services, including prepaid  
13 telephone calling services, but not including other services described  
14 in subdivision (b) of section eleven hundred five of this chapter,  
15 including an agreement therefor, is made in any city[, ] OR county [or  
16 school district], but the property sold, the property upon which the  
17 services were performed or prepaid telephone calling or other service is  
18 or will be delivered to the purchaser elsewhere, such sale shall not be  
19 subject to tax by such city[, ] OR county [or school district]. However,  
20 if delivery occurs or will occur in a city[, ] OR county [or school  
21 district] imposing a tax on the sale or use of such property, prepaid  
22 telephone calling or other services, the vendor shall be required to  
23 collect from the purchaser, as provided in section twelve hundred  
24 fifty-four of this article, the aggregate sales or compensating use  
25 taxes imposed by the city, if any, AND county [and school district] in  
26 which delivery occurs or will occur, for distribution by the commission-  
27 er to such taxing jurisdiction or jurisdictions. For the purposes of  
28 this section delivery shall be deemed to include transfer of possession  
29 to the purchaser and the receiving of the property or of the service,  
30 including prepaid telephone calling service, by the purchaser. Notwith-  
31 standing the foregoing, where a transportation service described in  
32 paragraph ten of subdivision (c) of section eleven hundred five of this  
33 chapter begins in one jurisdiction but ends in another jurisdiction, any  
34 tax imposed pursuant to the authority of this article shall be due the  
35 jurisdiction or jurisdictions where the service commenced.

36 S 11. Section 1220 of the tax law, as amended by section 39 of part Y  
37 of chapter 63 of the laws of 2000, is amended to read as follows:

38 S 1220. Territorial limitations. Any tax imposed under the authority  
39 of this article shall apply only within the territorial limits of the  
40 city[, ] OR county [or school district] imposing the tax, except that  
41 where the taxes described in subdivision (b) of section eleven hundred  
42 five and clauses (E), (G) and (H) of subdivision (a) of section eleven  
43 hundred ten OF THIS CHAPTER or the tax described in subdivision (e) of  
44 section eleven hundred five OF THIS CHAPTER is imposed by a city, as  
45 provided in section twelve hundred ten [or twelve hundred eleven] of  
46 this [chapter] ARTICLE, any establishment located partially within such  
47 city and partially within a town or towns and receiving or using any  
48 services or utilities provided by the city shall be deemed to be wholly  
49 within such city for the purposes of such taxes.

50 S 12. Section 1222 of the tax law, as added by chapter 93 of the laws  
51 of 1965, is amended to read as follows:

52 S 1222. Taxes to be in addition to others. Except as expressly other-  
53 wise provided in this article, any tax imposed under the authority of  
54 this article shall be in addition to any and all other taxes authorized  
55 or imposed under any other provision of law. This article shall not be  
56 construed as limiting the power of any city[, ] OR county [or school

1 district] to impose any other tax which it is authorized to impose under  
2 any other provision of law.

3 S 13. Section 1256 of the tax law, as amended by chapter 575 of the  
4 laws of 1965, is amended to read as follows:

5 S 1256. Cooperation by localities. Every city[,] AND county [and  
6 school district] shall cooperate with the [state tax commission] COMMIS-  
7 SIONER to enable [it] HIM OR HER to carry out [its] HIS OR HER duties  
8 under [articles] THIS ARTICLE AND ARTICLE twenty-eight [and twenty-nine]  
9 of this chapter. Every such locality shall furnish to such [commission]  
10 COMMISSIONER those returns, reports and other information which the [tax  
11 commission] COMMISSIONER deems necessary to carry out such duties,  
12 except that cities having a population of one million or more, may, in  
13 their discretion, furnish instead copies of such returns, reports and  
14 other information. Such copies shall be furnished at the [tax commis-  
15 sion's] COMMISSIONER'S expense, such expenses to be charged to the cost  
16 of administration. Notwithstanding any other law to the contrary, the  
17 duty to furnish returns, reports and other information or copies thereof  
18 shall apply to [those returns and reports filed under taxes authorized  
19 under chapter eight hundred seventy-three of the laws of nineteen  
20 hundred thirty-four, as amended, chapter three hundred forty-one of the  
21 laws of nineteen hundred forty-six, as amended, article two-B of the  
22 general city law and chapter two hundred seventy-eight of the laws of  
23 nineteen hundred forty-seven, as amended, and to such other] information  
24 which is relevant to the duties of the [tax commission] COMMISSIONER  
25 under THIS ARTICLE AND such [articles] ARTICLE twenty-eight [and twen-  
26 ty-nine] OR OTHER RELEVANT PROVISIONS OF THIS CHAPTER.

27 S 14. Paragraph 1 of subdivision (g) of section 1132 of the tax law,  
28 as amended by chapter 402 of the laws of 1986, is amended to read as  
29 follows:

30 (1) The clerk of each county when performing the function of registra-  
31 tion of a motor vehicle, snowmobile, vessel or all terrain vehicle or  
32 accepting an application for a certificate of title of a motor vehicle  
33 or vessel, pursuant to the authority of the vehicle and traffic law, or  
34 the commissioner of motor vehicles, when such commissioner performs such  
35 functions, prior to performing such functions, shall act as the agent of  
36 the [state tax commission] COMMISSIONER to collect any retail sales tax  
37 due under this article and under a sales tax imposed pursuant to section  
38 twelve hundred ten [or twelve hundred eleven] OF THIS CHAPTER upon sales  
39 of such motor vehicles, snowmobiles, vessels or all terrain vehicles by  
40 persons other than dealers registered under sections four hundred  
41 fifteen, twenty-two hundred twenty-two, twenty-two hundred fifty-seven  
42 and twenty-two hundred eighty-two of the vehicle and traffic law. Such  
43 county clerks and such commissioner shall also act as such agents to  
44 collect any compensating use tax due under section eleven hundred ten OF  
45 THIS ARTICLE and under a compensating use tax imposed pursuant to  
46 section twelve hundred ten [or twelve hundred eleven] OF THIS CHAPTER  
47 for the use of a motor vehicle, snowmobile, vessel or all terrain vehi-  
48 cle within this state. The commissioner of motor vehicles shall act as  
49 such agent without fee. Each such county clerk shall, after deducting  
50 his OR HER fee as provided in paragraph two of this subdivision, and  
51 such commissioner shall remit to the tax commission all funds collected  
52 pursuant to this subdivision and shall follow such procedures and keep  
53 such records as shall be prescribed by the [tax commission]  
54 COMMISSIONER.

1 S 15. Subparagraph (iii) of paragraph 1 of subdivision (a) of section  
2 1214 of the tax law, as amended by chapter 481 of the laws of 2000, is  
3 amended to read as follows:

4 (iii) is not engaged in carrying on in such jurisdiction any employ-  
5 ment, trade, business or profession in which the motor vehicle or vessel  
6 will be used in such jurisdiction, and such other proof as the commis-  
7 sioner may require to ensure proper administration of the taxes imposed  
8 under the authority of [sections] SECTION twelve hundred ten [and twelve  
9 hundred eleven] of this article.

10 S 16. Section 1217 of the tax law, as added by chapter 962 of the laws  
11 of 1966, subdivision (a) as amended by chapter 169 of the laws of 1970,  
12 is amended to read as follows:

13 S 1217. General transitional provisions. (a) For the purposes of any  
14 local law, ordinance or resolution imposing a local tax pursuant to the  
15 authority of section twelve hundred ten[, twelve hundred eleven, twelve  
16 hundred twelve] or twelve hundred twelve-A OF THIS ARTICLE or increasing  
17 the rate of such tax, all references in section eleven hundred six OF  
18 THIS CHAPTER to August first, nineteen hundred sixty-five shall be read  
19 as referring to the effective date of such local law, ordinance or  
20 resolution, all references in said section to April first, nineteen  
21 hundred sixty-five shall be read as referring to a date four months  
22 prior to the effective date of such local law, ordinance or resolution  
23 and the reference in subdivision (b) of section eleven hundred six OF  
24 THIS CHAPTER to July thirty-first, nineteen hundred sixty-five shall be  
25 read as referring to the day immediately before the effective date of  
26 such local law, ordinance or resolution.

27 (b) In applying the provisions of section eleven hundred nineteen OF  
28 THIS CHAPTER with respect to pre-existing lump sum or unit price  
29 construction contracts to a tax on retail sales of tangible personal  
30 property or a compensating use tax imposed pursuant to the authority of  
31 section twelve hundred ten [or twelve hundred eleven] OF THIS ARTICLE,  
32 all references in said section to the date of the enactment of article  
33 twenty-eight OF THIS CHAPTER or the enactment of a law increasing the  
34 rate of tax imposed under said article shall be read as referring to the  
35 date of the enactment of the local law, ordinance or resolution imposing  
36 such local tax or increasing the rate thereof.

37 S 17. Section 1223 of the tax law, as separately amended by chapters  
38 4, 8 and 9 of the laws of 2003 and subdivision (a) as amended by chapter  
39 74 of the laws of 2010, is amended to read as follows:

40 S 1223. Limitations on rates. (a) No transaction taxable under  
41 sections twelve hundred two [through] AND twelve hundred [four] THREE of  
42 this article shall be taxed pursuant to this article by any county or by  
43 any city located therein, or by both, at an aggregate rate in excess of  
44 the highest rate set forth in the applicable subdivision of section  
45 twelve hundred one of this article or, in the case of any taxes imposed  
46 pursuant to the authority of section twelve hundred ten or twelve  
47 hundred eleven of this article (other than taxes imposed by the county  
48 of Nassau, Erie, Steuben, Cattaraugus, Suffolk, Oneida, Genesee, Greene,  
49 Franklin, Herkimer, Tioga, Orleans, Allegany, Ulster, Albany, Rensse-  
50 laer, Tompkins, Wyoming, Columbia, Schuyler, Rockland, Chenango, Monroe,  
51 Chemung, Seneca, Sullivan, Wayne, Livingston, Schenectady, Montgomery,  
52 Delaware, Clinton, Niagara, Yates, Lewis, Essex, Dutchess, Schoharie,  
53 Putnam, Chautauqua, Orange, Oswego, Ontario, Jefferson or Onondaga and  
54 by the county of Cortland and the city of Cortland and by the county of  
55 Broome and the city of Binghamton and by the county of Cayuga and the  
56 city of Auburn and by the county of Otsego and the city of Oneonta and

1 by the county of Madison and the city of Oneida and by the county of  
2 Fulton and the city of Gloversville or the city of Johnstown as provided  
3 in section twelve hundred ten of this article) at a rate in excess of  
4 three percent, except that, in the city of Yonkers, in the city of Mount  
5 Vernon, in the city of New Rochelle, in the city of Fulton and in the  
6 city of Oswego, the rate may not be in excess of four percent and in the  
7 city of White Plains, the rate may not be in excess of four percent and  
8 except that in the city of Poughkeepsie in the county of Dutchess, if  
9 such county withdraws from the metropolitan commuter transportation  
10 district pursuant to section twelve hundred seventy-nine-b of the public  
11 authorities law and if the revenues from a three-eighths percent rate of  
12 such tax imposed by such county, pursuant to the authority of section  
13 twelve hundred ten of this article, are required by local laws, ordi-  
14 nances or resolutions to be set aside for mass transportation purposes,  
15 the rate may not be in excess of three and three-eighths percent.

16 (b) If a transaction is taxed by both a county and a city, the rate of  
17 tax on such transaction imposed by the county or city, not having prior  
18 right thereto pursuant to section twelve hundred twenty-four OF THIS  
19 SUBPART, shall be deemed to be reduced (or the entire tax eliminated, if  
20 necessary) to the extent necessary to comply with the foregoing require-  
21 ment. A tax imposed by a county upon any transaction, to the extent that  
22 it would require a reduction in any tax rate imposed thereon by a city,  
23 shall not become effective in respect to any transaction taxed by such  
24 city (or in respect of other similar transactions outside of the city  
25 which, if occurring in such city, would be subject to such city tax)  
26 before the commencement of the city's next succeeding fiscal year and  
27 then only if the county shall have given notice to such city of its  
28 imposition of a tax on such transaction at least six months prior to the  
29 commencement of such fiscal year, provided however that the local legis-  
30 lative body of such city may waive the requirement of such notice and  
31 the postponement of the effective date of such tax. A city tax upon any  
32 transaction, to the extent that it would require a reduction in any tax  
33 rate imposed by a county thereon, shall not become effective in respect  
34 of any transaction taxed by such county before the commencement of the  
35 county's next succeeding fiscal year and then only if the city shall  
36 have given notice to such county of its imposition of a tax on such  
37 transaction at least six months prior to the commencement of such fiscal  
38 year, provided, however, that the local legislative body of such county  
39 may waive the requirement of such notice and postponement of the effec-  
40 tive date of such tax. However, whether or not the six months' notice  
41 requirement provided in this section has been waived, a tax imposed  
42 pursuant to the authority of section twelve hundred ten [or twelve  
43 hundred eleven] OF THIS ARTICLE shall still be subject to the require-  
44 ments provided for in the first three sentences of subdivision (d) of  
45 such [sections] SECTION and in subdivision (e) of such [sections]  
46 SECTION.

47 S 18. Paragraph 2 of subdivision (b) of section 1224 of the tax law,  
48 as amended by chapter 506 of the laws of 1976, is amended to read as  
49 follows:

50 (2) all of the taxes described in article twenty-eight as authorized  
51 by subdivision (a) of section twelve hundred ten[, or by section twelve  
52 hundred eleven,] OF THIS ARTICLE to the extent of one-half the maximum  
53 aggregate rates authorized under such subdivision (a) [and such section  
54 twelve hundred eleven], except as otherwise provided in this section.

55 S 19. Subdivision (k) of section 1224 of the tax law, as amended by  
56 chapter 426 of the laws of 1968 and separately relettered by chapters



1 531, 574, 617, 718 and 719 of the laws of 1992, is amended to read as  
2 follows:

3 (k) For purposes of this section, the term "prior right" shall mean  
4 the preferential right to impose any tax described in sections twelve  
5 hundred two [and], twelve hundred three[,], AND twelve hundred ten [and  
6 twelve hundred eleven] OF THIS ARTICLE and thereby to pre-empt such tax  
7 and to preclude another municipal corporation from imposing or continu-  
8 ing the imposition of such tax to the extent that such right is exer-  
9 cised. However, the right of pre-emption shall only apply within the  
10 territorial limits of the taxing jurisdiction having the right of pre-  
11 emption.

12 S 20. Subdivision (a) of section 1235 of the tax law, as amended by  
13 chapter 459 of the laws of 1968, is amended to read as follows:

14 (a) With respect to taxes imposed pursuant to subdivision (a) of  
15 section twelve hundred ten [and pursuant to section twelve hundred elev-  
16 en] OF THIS ARTICLE, the use of tangible personal property purchased at  
17 retail and of any of the services subject to the sales tax shall be  
18 exempt from the compensating use tax authorized under subdivision (a) of  
19 such section twelve hundred ten [and under section twelve hundred elev-  
20 en,] to the extent that a retail sales tax or a compensating use tax was  
21 legally due and paid thereon, without any right to a refund or credit  
22 thereof, to (1) any municipal corporation in this state or (2) any other  
23 state or jurisdiction within any other state, but only when it is shown  
24 that such other state or jurisdiction allows a corresponding exemption  
25 with respect to the sale or use of tangible personal property or of any  
26 of the services upon which such a sale or compensating use tax was paid  
27 to this state and any of its municipal corporations, except as provided  
28 in subdivision (b) of this section.

29 S 21. Section 1240 of the tax law, as added by chapter 93 of the laws  
30 of 1965, is amended to read as follows:

31 S 1240. Administration and collection. The taxes authorized under  
32 sections twelve hundred one through twelve hundred [four] THREE OF THIS  
33 ARTICLE which are now imposed shall continue to be administered and  
34 collected by the fiscal or other officers of the city, county or school  
35 district in the same manner as such taxes have been administered and  
36 collected by such officers immediately prior to the enactment of this  
37 article, in accordance with the applicable provisions of the charter,  
38 administrative code, local law, ordinance or resolution then in force,  
39 with such amendments in respect to administration and collection as may  
40 be enacted. Taxes authorized under sections twelve hundred one through  
41 twelve hundred [four] THREE OF THIS ARTICLE which may hereafter be  
42 imposed by a city, county or school district shall be administered and  
43 collected in such manner as may be provided in its charter, administra-  
44 tive code, local laws, ordinances or resolutions, with such amendments  
45 in respect to administration and collection as may be enacted.

46 S 22. Subdivision (b) of section 1242 of the tax law, as added by  
47 chapter 93 of the laws of 1965, is amended to read as follows:

48 (b) Cities under one million, counties and school districts. Except in  
49 the case of a wilfully false or fraudulent return with intent to evade  
50 the tax, no assessment of additional tax shall be made with respect to  
51 taxes imposed under the authority of sections twelve hundred two  
52 [through] AND twelve hundred [four] THREE OF THIS ARTICLE, after the  
53 expiration of more than three years from the date of the filing of a  
54 return, provided, however, that where no return has been filed as  
55 provided by local law, ordinance or resolution, the tax may be assessed  
56 at any time.

1 S 23. Subdivision (a) of section 1243 of the tax law, as amended by  
2 chapter 808 of the laws of 1992 and paragraph 1 as further amended by  
3 section 104 of part A of chapter 62 of the laws of 2011, is amended to  
4 read as follows:

5 (a) Any final determination of the amount of any tax payable under  
6 sections twelve hundred one through twelve hundred [four] THREE OF THIS  
7 ARTICLE shall be reviewable for error, illegality or unconstitutionality  
8 or any other reason whatsoever by a proceeding under article seventy-  
9 eight of the civil practice law and rules if application therefor is  
10 made to the supreme court within four months after the giving of the  
11 notice of such final determination, provided, however, that any such  
12 proceeding under article seventy-eight of the civil practice law and  
13 rules shall not be instituted by a taxpayer unless (1) the amount of any  
14 tax sought to be reviewed, with such interest and penalties thereon as  
15 may be provided for by local law, ordinance, resolution or regulation,  
16 shall be first deposited and there is filed an undertaking, issued by a  
17 surety company authorized to transact business in this state and  
18 approved by the superintendent of financial services of this state as to  
19 solvency and responsibility, in such amount as a justice of the supreme  
20 court shall approve to the effect that if such proceeding be dismissed  
21 or the tax confirmed the taxpayer will pay all costs and charges which  
22 may accrue in the prosecution of such proceeding or (2) at the option of  
23 the taxpayer, such undertaking may be in a sum sufficient to cover the  
24 taxes, interest and penalties stated in such determination, plus the  
25 costs and charges which may accrue against such taxpayer in the prose-  
26 cution of the proceeding, in which event the taxpayer shall not be  
27 required to pay such taxes, interest or penalties as a condition prece-  
28 dent to the application.

29 S 24. Section 1250 of the tax law, as amended by chapter 169 of the  
30 laws of 1970, is amended to read as follows:

31 S 1250. Administration and collection. The taxes imposed under the  
32 authority of sections twelve hundred ten[, twelve hundred eleven, twelve  
33 hundred twelve] and twelve hundred twelve-A OF THIS ARTICLE shall be  
34 administered and collected by the [state tax commission] COMMISSIONER in  
35 the same manner as the taxes imposed under article twenty-eight of this  
36 chapter are administered and collected by such commission. All of the  
37 provisions of such article relating to or applicable to the adminis-  
38 tration and collection of the taxes imposed by that article shall apply  
39 to the taxes imposed under the authority of section twelve hundred ten[,  
40 twelve hundred eleven, twelve hundred twelve] or twelve hundred twelve-A  
41 OF THIS ARTICLE, including sections eleven hundred one and eleven  
42 hundred eleven and sections eleven hundred thirty-one through eleven  
43 hundred forty-seven OF THIS CHAPTER, with the same force and effect as  
44 if those provisions had been incorporated in full into this article and  
45 had expressly referred to the taxes imposed under sections twelve  
46 hundred ten [through] AND twelve hundred twelve-A OF THIS ARTICLE,  
47 except to the extent that any provisions of such article twenty-eight  
48 are either inconsistent with a provision of this article or are not  
49 relevant to this article. For purposes of this article, the term "tax"  
50 in part IV of such article twenty-eight shall include any tax imposed  
51 under the authority of section twelve hundred ten[, twelve hundred elev-  
52 en, twelve hundred twelve] or twelve hundred twelve-A OF THIS ARTICLE.  
53 Wherever there is joint collection of state and local taxes, it shall be  
54 deemed that such collections shall represent proportionally the applica-  
55 ble state and local taxes in determining the amount to be remitted to  
56 local taxing jurisdictions.

1 S 25. Subdivision (a) of section 1251 of the tax law, as amended by  
2 chapter 155 of the laws of 1982, is amended to read as follows:

3 (a) Every person required to collect any of the taxes imposed under  
4 the authority of section twelve hundred ten[, twelve hundred eleven,  
5 twelve hundred twelve] or twelve hundred twelve-A OF THIS ARTICLE shall  
6 file a return as required by subdivision (a) of section eleven hundred  
7 thirty-six OF THIS CHAPTER with the [tax commission] COMMISSIONER,  
8 except that return for the quarterly period ending August thirty-first,  
9 nineteen hundred sixty-five shall only cover the month of August, nine-  
10 teen hundred sixty-five. The return of a vendor of tangible personal  
11 property or services shall show his OR HER receipts from sales and also  
12 the aggregate value of tangible personal property and services sold by  
13 him, the use of which is subject to a tax imposed under the authority of  
14 this article and the amount of taxes required to be collected with  
15 respect to such sales and use. The return of a [recipient] RECEIPT of  
16 amusement charges shall show all such charges and the amount of tax  
17 thereon, and the return of an operator required to collect tax on rents  
18 shall show all rents received or charged and the amount of tax thereon.  
19 Every person required to file a part-quarterly return pursuant to subdi-  
20 vision (a) of section eleven hundred thirty-six OF THIS CHAPTER shall  
21 file a return for the same periods for the taxes imposed pursuant to  
22 this article. Provided, however, where a part-quarterly return described  
23 in paragraph [(i)] ONE or [(ii)] TWO of subdivision (a) of section elev-  
24 en hundred thirty-six is filed for purposes of complying with this  
25 section and section eleven hundred thirty-six or subdivision (a) or (b)  
26 of section eleven hundred thirty-seven-A OF THIS CHAPTER, on such  
27 returns separate amounts due for the taxes imposed by each county, city  
28 or school district, pursuant to the authority of section twelve hundred  
29 ten[, twelve hundred eleven, twelve hundred twelve] or twelve hundred  
30 twelve-A OF THIS ARTICLE, need not be shown. Rather, such returns shall  
31 only show the aggregate amount of all such local taxes calculated in the  
32 manner provided for in paragraph [(i)] ONE or [(ii)] TWO of subdivision  
33 (a) of section eleven hundred thirty-six OF THIS CHAPTER except that in  
34 the case of a short-form, part-quarterly return, where a county, city or  
35 school district did not impose a tax in the comparable quarter of the  
36 immediately preceding year, the tax for that locality shall be calcu-  
37 lated on such basis as the [tax commission] COMMISSIONER shall by regu-  
38 lation prescribe.

39 S 26. Subdivision (b) of section 1252 of the tax law, as amended by  
40 chapter 169 of the laws of 1970, is amended to read as follows:

41 (b) The [tax commission] COMMISSIONER, in [its] HIS OR HER discretion,  
42 may require or permit any or all persons liable for any tax or required  
43 to collect any tax authorized under section twelve hundred ten[, twelve  
44 hundred eleven, twelve hundred twelve] or twelve hundred twelve-A OF  
45 THIS ARTICLE to make payment to such banks, banking houses or trust  
46 companies designated by the [tax commission] COMMISSIONER and to file  
47 returns with such banks, banking houses or trust companies, as agent of  
48 the state tax commission, in lieu of paying the taxes imposed under the  
49 authority of section twelve hundred ten[, twelve hundred eleven, twelve  
50 hundred twelve] or twelve hundred twelve-A OF THIS ARTICLE directly to  
51 the state tax commission. However, the [tax commission] COMMISSIONER can  
52 only designate such banks, banking houses and trust companies which are  
53 already designated by the comptroller as depositories pursuant to  
54 section eleven hundred forty-eight of this chapter.

55 S 27. Section 1253 of the tax law, as amended by chapter 169 of the  
56 laws of 1970, is amended to read as follows:

1 S 1253. Registration. Every person required to register pursuant to  
2 section eleven hundred thirty-four OF THIS CHAPTER shall be required to  
3 register for purposes of the taxes imposed under the authority of  
4 sections twelve hundred ten[, twelve hundred eleven, twelve hundred  
5 twelve] and twelve hundred twelve-A OF THIS ARTICLE. However, only one  
6 certificate of authority need be issued. Persons who elect to register  
7 under such section eleven hundred thirty-four pursuant to the election  
8 provided therein shall also be required to make a similar election for  
9 purposes of the taxes imposed under the authority of such sections  
10 twelve hundred ten[, twelve hundred eleven, twelve hundred twelve] and  
11 twelve hundred twelve-A, but only one certificate of authority need be  
12 issued.

13 S 28. Subdivisions (a) and (b) of section 1254 of the tax law, as  
14 amended by chapter 169 of the laws of 1970, are amended to read as  
15 follows:

16 (a) Every person required to collect tax, as defined in section eleven  
17 hundred thirty-one OF THIS CHAPTER, who is required to collect any state  
18 tax imposed under sections eleven hundred five, eleven hundred six or  
19 eleven hundred ten OF THIS CHAPTER, shall at the same time collect any  
20 applicable tax imposed by a city, county or school district under the  
21 authority of [sections] SECTION twelve hundred ten[, twelve hundred  
22 eleven, twelve hundred twelve] or twelve hundred twelve-A OF THIS ARTI-  
23 CLE, and where the state tax is a retail sales tax, shall also collect  
24 any compensating use tax which may be applicable as provided in  
25 [sections] SECTION twelve hundred thirteen or twelve hundred fourteen OF  
26 THIS ARTICLE.

27 (b) Where the state of New York, any of its agencies, instrumentali-  
28 ties, public corporations (including a public corporation created pursu-  
29 ant to agreement or compact with another state or Canada) or political  
30 subdivisions sells services or property of a kind ordinarily sold by  
31 private persons it shall be considered a vendor for purposes of the  
32 taxes imposed under the authority of sections twelve hundred ten[,  
33 twelve hundred eleven, twelve hundred twelve] and twelve hundred  
34 twelve-A OF THIS ARTICLE and shall be required to collect the taxes  
35 imposed by cities, counties and school districts under the authority of  
36 such sections.

37 S 29. Subdivisions (a), (b) and (c) of section 1261 of the tax law, as  
38 amended by chapter 84 of the laws of 2000, subdivision (a) as amended by  
39 chapter 182 of the laws of 2005, and subdivision (c) as amended by  
40 section 9 of part SS-1 of chapter 57 of the laws of 2008, are amended to  
41 read as follows:

42 (a) All taxes, penalties and interest imposed by cities, counties or  
43 school districts under the authority of section twelve hundred ten[,  
44 twelve hundred eleven, twelve hundred twelve] or twelve hundred twelve-A  
45 of this article, which are collected by the commissioner, shall be  
46 deposited daily with such responsible banks, banking houses or trust  
47 companies, as may be designated by the state comptroller, to the credit  
48 of the comptroller, in trust for the cities, counties or school  
49 districts imposing the tax or for (i) the Nassau county interim finance  
50 authority or (ii) the Buffalo fiscal stability authority or (iii) the  
51 Erie county fiscal stability authority, created by the public authori-  
52 ties law, (i) to the extent that net collections from taxes imposed by  
53 Nassau county are payable to the Nassau county interim finance authority  
54 or (ii) to the extent that net collections from taxes imposed by Erie  
55 county or by the city of Buffalo are payable to the Buffalo fiscal  
56 stability authority or (iii) to the extent that net collections from

1 taxes imposed by Erie county are payable to the Erie county fiscal  
2 stability authority, or for any public benefit corporation to which the  
3 tax may be payable pursuant to law. Such deposits and deposits received  
4 pursuant to subdivision (b) of section twelve hundred fifty-two of this  
5 article shall be kept in trust and separate and apart from all other  
6 monies in the possession of the comptroller. The comptroller shall  
7 require adequate security from all such depositories of such revenue  
8 collected by the commissioner, including the deposits received pursuant  
9 to subdivision (b) of section twelve hundred fifty-two of this article.  
10 Any amount payable to such authorities pursuant to the public authori-  
11 ties law shall, at the time it is otherwise payable to (i) Nassau coun-  
12 ty, (ii) Erie county or the city of Buffalo, or (iii) Erie county,  
13 respectively, as specified in this section, be paid instead to such  
14 respective authority. Any amount payable to a public benefit corporation  
15 pursuant to law shall, at the time it is otherwise payable to the taxing  
16 jurisdiction as specified in this section, be paid instead to such  
17 public benefit corporation.

18 (b) The comptroller shall retain in the comptroller's hands such  
19 amount as the commissioner may determine to be necessary for refunds in  
20 respect to the taxes imposed by cities, counties and school districts,  
21 under the authority of section twelve hundred ten[, twelve hundred elev-  
22 en, twelve hundred twelve] or twelve hundred twelve-A OF THIS ARTICLE,  
23 and for reasonable costs of the commissioner in administering, collect-  
24 ing and distributing such taxes, out of which the comptroller shall pay  
25 any refunds of such taxes to which taxpayers shall be entitled under the  
26 provisions of this article.

27 (c) (1) The comptroller, after reserving such refund fund and such  
28 costs shall, on or before the twelfth day of each month pay to the  
29 appropriate fiscal officers of the foregoing taxing jurisdictions the  
30 taxes, penalties and interest imposed by such jurisdictions under the  
31 authority of sections twelve hundred ten [through] AND twelve hundred  
32 twelve-A of this article, collected by the commissioner pursuant to this  
33 article during the next preceding calendar month, provided, however,  
34 that the comptroller shall on or before the last day of June and Decem-  
35 ber make a partial payment consisting of the collections made during and  
36 including the first twenty-five days of said months to said fiscal offi-  
37 cers of the foregoing taxing jurisdictions.

38 (2) However, the taxes, penalties and interest from the additional one  
39 percent rate which the city of Yonkers is authorized to impose pursuant  
40 to section twelve hundred ten of this article, after the comptroller has  
41 reserved such refund fund and such cost shall be paid to the special  
42 sales and compensating use tax fund for the city of Yonkers established  
43 by section ninety-two-f of the state finance law at the times set forth  
44 in the preceding sentence.

45 (3) However, the taxes, penalties and interest which (i) the county of  
46 Nassau, (ii) the county of Erie, to the extent the county of Erie is  
47 contractually or statutorily obligated to allocate and apply or pay net  
48 collections to the city of Buffalo and to the extent that such county  
49 has set aside net collections for educational purposes attributable to  
50 the Buffalo school district, or the city of Buffalo or (iii) the county  
51 of Erie is authorized to impose pursuant to section twelve hundred ten  
52 of this article, other than such taxes in the amounts described, respec-  
53 tively, in subdivisions one and two of section [one thousand two] TWELVE  
54 hundred sixty-two-e of this part, during the period that such section  
55 authorizes Nassau county to establish special or local assistance  
56 programs thereunder, together with any penalties and interest related

1 thereto, and after the comptroller has reserved such refund fund and  
2 such costs, shall, commencing on the next payment date after the effec-  
3 tive date of this sentence and of each month thereafter, until such date  
4 as (i) the Nassau county interim finance authority shall have no obli-  
5 gations outstanding, or (ii) the Buffalo fiscal stability authority  
6 shall cease to exist, or (iii) the Erie county fiscal stability authori-  
7 ty shall cease to exist, be paid by the comptroller, respectively, to  
8 (i) the Nassau county interim finance authority to be applied by the  
9 Nassau county interim finance authority, or (ii) to the Buffalo fiscal  
10 stability authority to be applied by the Buffalo fiscal stability  
11 authority, or (iii) to the Erie county fiscal stability authority to be  
12 applied by the Erie county fiscal stability authority, as the case may  
13 be, in the following order of priority: first pursuant to the Nassau  
14 county interim finance authority's contracts with bondholders or the  
15 Buffalo fiscal stability authority's contracts with bondholders or the  
16 Erie county fiscal stability authority's contracts with bondholders,  
17 respectively, then to pay the Nassau county interim finance authority's  
18 operating expenses not otherwise provided for or the Buffalo fiscal  
19 stability authority's operating expenses not otherwise provided for or  
20 the Erie county fiscal stability authority's operating expenses not  
21 otherwise provided for, respectively, and then (i) pursuant to the  
22 Nassau county interim finance authority's agreements with the county of  
23 Nassau, which agreements shall require the Nassau county interim finance  
24 authority to transfer such taxes, penalties and interest remaining after  
25 providing for contractual or other obligations of the Nassau county  
26 interim finance authority, and subject to any agreement between such  
27 authority and the county of Nassau, to the county of Nassau as frequent-  
28 ly as practicable; or (ii) pursuant to the Buffalo fiscal stability  
29 authority's agreements with the city of Buffalo, which agreements shall  
30 require the Buffalo fiscal stability authority to transfer such taxes,  
31 penalties and interest remaining after providing for contractual or  
32 other obligations of the Buffalo fiscal stability authority, and subject  
33 to any agreement between such authority and the city of Buffalo, to the  
34 city of Buffalo or the city of Buffalo school district, as the case may  
35 be, as frequently as practicable; or (iii) pursuant to the Erie county  
36 fiscal stability authority's agreements with the county of Erie, which  
37 agreements shall require the Erie county fiscal stability authority to  
38 transfer such taxes, penalties and interest remaining after providing  
39 for contractual or other obligations of the Erie county fiscal stability  
40 authority, and subject to any agreement between such authority and the  
41 county of Erie, to the county of Erie as frequently as practicable.  
42 During the period that the comptroller is required to make payments to  
43 the Nassau county interim finance authority described in the previous  
44 sentence, the county of Nassau shall have no right, title or interest in  
45 or to such taxes, penalties and interest required to be paid to the  
46 Nassau county interim finance authority, except as provided in such  
47 authority's agreements with the county of Nassau. During the period that  
48 the comptroller is required to make payments to the Buffalo fiscal  
49 stability authority described in the second previous sentence, the city  
50 of Buffalo and such school district shall have no right, title or inter-  
51 est in or to such taxes, penalties and interest required to be paid to  
52 the Buffalo fiscal stability authority, except as provided in such  
53 authority's agreements with the city of Buffalo. During the period that  
54 the comptroller is required to make payments to the Erie county fiscal  
55 stability authority described in the third previous sentence, the county  
56 of Erie shall have no right, title or interest in or to such taxes,

1 penalties and interest required to be paid to the Erie county fiscal  
2 stability authority, except as provided in such authority's agreements  
3 with the county of Erie.

4 (4) The amount so payable shall be certified to the comptroller by the  
5 commissioner or the commissioner's delegate, who shall not be held  
6 liable for any inaccuracy in such certificate. Provided, however, any  
7 such certification may be based on such information as may be available  
8 to the commissioner at the time such certificate must be made under this  
9 section and may be estimated on the basis of percentages or other  
10 indices calculated from distributions for prior periods.

11 (5) However, the comptroller shall withhold from the taxes, penalties  
12 and interest imposed by the city of New York on and after August first,  
13 two thousand eight, and deposit such amounts to the state treasury as  
14 reimbursement for appropriated disbursements made by the New York state  
15 financial control board established by the New York state financial  
16 emergency act for the city of New York and by the state deputy comp-  
17 troller for the city of New York established by section forty-one-a of  
18 the executive law, as the actual, reasonable expenses of that board or  
19 that deputy comptroller, incurred on behalf of the city, for quarterly  
20 periods commencing July first, two thousand eight, and ending on the  
21 date when those expenses are no longer incurred by that board or deputy  
22 comptroller; and the comptroller shall pay those withheld amounts imme-  
23 diately into the miscellaneous special revenue fund financial control  
24 board account 339-15 and the miscellaneous special revenue fund finan-  
25 cial oversight account 339-DI of the state. During the period that the  
26 comptroller is required to withhold amounts and make payments described  
27 in this paragraph, the city of New York has no right, title or interest  
28 in or to those taxes, penalties and interest required to be paid into  
29 the above referenced miscellaneous special revenue funds.

30 (6) Where the amount so paid over to any city, county, school district  
31 or the special sales and compensating use tax fund for the city of Yonk-  
32 ers in any such distribution or to any such authority is more or less  
33 than the amount then due to such city, county, school district or such  
34 fund or to such authority, the amount of the overpayment or underpayment  
35 shall be certified to the comptroller by the commissioner or the commis-  
36 sioner's delegate, who shall not be held liable for any inaccuracy in  
37 such certificate. The amount of the overpayment or underpayment shall be  
38 so certified to the comptroller as soon after the discovery of the over-  
39 payment or underpayment as reasonably possible and subsequent payments  
40 and distributions by the comptroller to such city, county, school  
41 district or the special sales and compensating use tax fund for the city  
42 of Yonkers or to such authority shall be adjusted by subtracting the  
43 amount of any such overpayment from or by adding the amount of any such  
44 underpayment to such number of subsequent payments and distributions as  
45 the comptroller and the commissioner shall consider reasonable in view  
46 of the amount of the overpayment or underpayment and all other facts and  
47 circumstances.

48 S 30. Subdivision (e) of section 1261 of the tax law is REPEALED.

49 S 31. Subdivision (e) of section 1262 of the tax law is REPEALED.

50 S 32. Subdivision 2 of section 302 of the real property tax law, as  
51 amended by chapter 755 of the laws of 1962, is amended to read as  
52 follows:

53 2. The taxable status date of real property assessed for school  
54 district and village purposes shall be determined in accordance with  
55 [sections thirteen hundred two and] ARTICLE SEVENTY-ONE OF THE EDUCATION  
56 LAW AND SECTION fourteen hundred of this chapter, respectively. The date

1 of taxable status of the real property contained on any village assess-  
2 ment roll shall be imprinted or otherwise indicated at the top of the  
3 first page of each volume of such roll.

4 S 33. Subdivision 2 of section 1909 of the education law, as added by  
5 section 3 of part C of chapter 58 of the laws of 1998, is amended to  
6 read as follows:

7 2. Any state aid representing tax savings duly provided by a component  
8 school district of the central high school district [pursuant to section  
9 thirteen hundred six-a of the real property tax law] for taxes levied to  
10 fund expenditures of the central high school district shall be claimed  
11 by such component school district [pursuant to subdivision three of  
12 section thirteen hundred six-a of the real property tax law,] and any  
13 resulting payment of state aid to the component school district based on  
14 such tax savings shall be paid by the component school district, within  
15 ten days after receipt of such payment, over to the treasurer of such  
16 central high school district in an amount equal to the product of the  
17 total payment received by such component school district for all tax  
18 savings [provided pursuant to section thirteen hundred six-a of the real  
19 property tax law] multiplied by the quotient of the tax savings provided  
20 for taxes levied to fund expenditures of the central high school  
21 district divided by the total tax savings duly provided by such compo-  
22 nent school district [pursuant to section thirteen hundred six-a of the  
23 real property law].

24 S 34. Section 3601 of the education law, as amended by section 4-a of  
25 part A-1 of chapter 58 of the laws of 2006 and as further amended by  
26 subdivision (d) of section 1 of part W of chapter 56 of the laws of  
27 2010, is amended to read as follows:

28 S 3601. When apportioned and how applied. The amount annually appro-  
29 priated by the legislature for general support for public schools, net  
30 of disallowances, refunds, reimbursements and credits, shall be appor-  
31 tioned by the commissioner each year prior to the dates of the respec-  
32 tive final payments provided by law and all moneys so apportioned shall  
33 be applied exclusively to school purposes authorized by law. General  
34 state aid claims, on forms prescribed by the commissioner, shall be  
35 submitted to the commissioner by September second of each school year,  
36 except that the audit report required by subdivision three of section  
37 twenty-one hundred sixteen-a of this chapter shall be submitted to the  
38 commissioner by October fifteenth following the close of the school year  
39 audited for all districts other than the city school districts of the  
40 cities of Buffalo, Rochester, Syracuse, Yonkers and New York and by  
41 January first following the close of the school year audited for such  
42 city school districts. No aid shall be paid to a school district or  
43 board of cooperative educational services prior to the submission of  
44 claims as required by the commissioner, except that no aid certified as  
45 payable to a school district by the commissioner of taxation and finance  
46 [pursuant to paragraph (c) of subdivision three of section thirteen  
47 hundred six-a of the real property tax law] shall be withheld due to the  
48 failure of the school district to submit general state aid claims  
49 required by the commissioner, and except that no aids shall be withheld  
50 due to the failure of a school district to submit the audit report  
51 required by subdivision three of section twenty-one hundred sixteen-a of  
52 this chapter until the thirtieth day following the due date specified in  
53 this section for such report.

54 S 35. Paragraph y of subdivision 1 of section 3602 of the education  
55 law, as added by section 11 of part B of chapter 57 of the laws of 2007



1 and as further amended by subdivision (d) of section 1 of part W of  
2 chapter 56 of the laws of 2010, is amended to read as follows:

3 y. "School tax relief aid" shall mean state aid payable to a school  
4 district representing tax savings duly provided by the school district  
5 [pursuant to section thirteen hundred six-a of the real property tax  
6 law] that is claimed by the school district and certified by the commis-  
7 sioner of taxation and finance [pursuant to subdivision three of section  
8 thirteen hundred six-a of the real property tax law].

9 S 36. Paragraph (j) and subparagraph (iv) of paragraph (k) of subdivi-  
10 sion 2 of section 425 of the real property tax law, paragraph (j) as  
11 amended by section 1 of part A of chapter 405 of the laws of 1999 and as  
12 further amended by subdivision (b) of section 1 of part W of chapter 56  
13 of the laws of 2010 and, subparagraph (iv) of paragraph (k) as added by  
14 section 1-a of part E of chapter 83 of the laws of 2002 and redesignated  
15 by chapter 355 of the laws of 2003, are amended to read as follows:

16 (j) Certain city school districts. The commissioner shall adjust the  
17 exempt amount for each city containing a school district which is  
18 subject to article fifty-two of the education law, to account for the  
19 fact that the school district is fiscally dependent upon the city. This  
20 adjustment shall be made by multiplying the exempt amount that would  
21 otherwise be determined for the city by sixty-seven percent, or, in the  
22 case of a city with a population of one million or more, by fifty  
23 percent. The exempt amount resulting from this calculation shall be  
24 applied both to the assessed value for city school district purposes and  
25 to the assessed value for general city purposes, and state aid shall be  
26 payable on the combined tax savings [in the manner provided by section  
27 thirteen hundred six-a of this chapter].

28 (iv) Notwithstanding the provisions of subparagraph (ii) of this para-  
29 graph, when a cooperative apartment corporation is incorporated as a  
30 mutual company pursuant to the private housing finance law, and the  
31 granting of an exemption pursuant to this section would not inure to the  
32 benefit of eligible tenant-stockholders because the real property of  
33 such corporation is subject to an exemption from taxation pursuant to  
34 section thirty-three, ninety-three, one hundred twenty-five or five  
35 hundred fifty-six of the private housing finance law, an alternative  
36 benefit shall be provided to such corporation and passed through to  
37 eligible tenant-stockholders in the manner provided by this subdivision.  
38 Such alternative benefit shall consist of a reduction in the real prop-  
39 erty taxes or payments in lieu of taxes that would otherwise be payable  
40 on account of such real property. The total amount of such reduction  
41 shall be the sum of the "STAR savings" for all of the cooperative apart-  
42 ment units that are occupied by one or more eligible tenant-stockhold-  
43 ers. The STAR savings for each such unit shall be equal to one-third of  
44 the exempt amount determined pursuant to paragraph (a) of this subdivi-  
45 sion for purposes of the basic or enhanced exemption, as the case may  
46 be, multiplied by the applicable school tax rate, or in the case of a  
47 school district described in paragraph (j) of this subdivision, by the  
48 applicable city tax rate. Provided, however, in no case shall the STAR  
49 savings for any individual unit exceed the amount payable by or chargea-  
50 ble to the unit on account of real property taxes or payments in lieu of  
51 taxes. The STAR savings so determined for each unit shall be credited by  
52 the cooperative apartment corporation against the real property taxes or  
53 payments in lieu of taxes otherwise payable by or chargeable to the  
54 eligible tenant-stockholders. The total of the alternative benefits  
55 provided pursuant to this subparagraph shall be a state charge which  
56 shall be payable in the same manner that school districts are compen-

sated [pursuant to section thirteen hundred six-a of this chapter] for tax savings attributable to exemptions granted pursuant to this section.

S 37. Subdivisions 1 and 2 of section 1216 of the real property tax law, as added by chapter 800 of the laws of 1967 and subdivision 1 as further amended by subdivision (b) of section 1 of part W of chapter 56 of the laws of 2010, are amended to read as follows:

1. Where a supplemental assessment roll has been completed, verified and filed [pursuant to section thirteen hundred thirty-five of this chapter] AS PER THE REQUEST OF THE SCHOOL AUTHORITIES OF A SCHOOL DISTRICT, the commissioner shall determine an equalization rate for such supplemental assessment roll in the manner provided in this article for determining equalization rates for towns. The equalization rate so determined for the supplemental assessment roll shall be used in computing the taxable full valuation of real property on the supplemental assessment roll for all school district purposes except as otherwise provided [in section thirteen hundred fourteen] BY OTHER PROVISIONS of this chapter.

2. The full valuation of taxable property for school district purposes for a fiscal year of a school district in which SUCH supplemental assessment rolls were completed, verified and filed [pursuant to section thirteen hundred thirty-five of this chapter] for such fiscal year, shall be the simple average of the full valuation of taxable property on the regular and supplemental assessment rolls of such school district for such fiscal year, provided however, that such supplemental assessment rolls shall not be used in determining limitations on indebtedness pursuant to the local finance law. Such full valuation shall be computed for each roll by dividing the taxable assessed valuation on each such roll by the state equalization rate established for each such roll.

S 38. Subdivision 1 of section 1226 of the real property tax law, as added by chapter 280 of the laws of 1985 and as further amended by subdivision (b) of section 1 of part W of chapter 56 of the laws of 2010, is amended to read as follows:

1. If the commissioner finds that there has been a material change in level of assessment in a town or city since the last state equalization rate was established, it shall determine and certify a special equalization rate for tax apportionment purposes to the district superintendent of schools for use in the apportionment of school taxes [as provided in section thirteen hundred fourteen of this chapter].

S 39. Paragraph (a) of subdivision 2 of section 1227 of the real property tax law, as added by chapter 87 of the laws of 2001 and as further amended by subdivision (b) of section 1 of part W of chapter 56 of the laws of 2010, is amended to read as follows:

(a) When a nuclear powered electric generating facility is exempt from taxation for school district purposes pursuant to section four hundred eighty-five of this chapter, but it is not exempt for all purposes, the commissioner shall establish a special apportionment rate for the assessing unit containing the facility, which rate shall be used for purposes of apportioning school district taxes to that assessing unit [pursuant to section thirteen hundred fourteen of this chapter,] subject to the provisions of paragraph (b) of this subdivision. Provided, however, that no such rate shall be established unless it would result in a change of two percent or more in the share of the school district levy allocated to at least one school district segment, or where applicable in the share of the non-homestead class levy allocated to at least one portion.

1 S 40. Subdivision 1 and paragraph (a) and the opening paragraph of  
2 paragraph (d) of subdivision 7 of section 1316 of the real property tax  
3 law, as added by chapter 556 of the laws of 2002, are amended to read as  
4 follows:

5 1. Notwithstanding the provisions of [section thirteen hundred four-  
6 teen of this] article SEVENTY-ONE OF THE EDUCATION LAW, a school  
7 district located in more than one city or town, which includes a desig-  
8 nated large property, as determined by the [state board] COMMISSIONER,  
9 may provide by annual resolution, adopted no later than ten days prior  
10 to the last day provided by law for the levy of school taxes, that  
11 school taxes to be levied for the fiscal year commencing July first of  
12 the same year shall be apportioned to each city or town or part thereof  
13 in accordance with the provisions set forth in this section.

14 (a) The tax shall be apportioned in accordance with the provisions of  
15 [section thirteen hundred fourteen of this] article SEVENTY-ONE OF THE  
16 EDUCATION LAW.

17 The resulting tax levy from paragraph (c) of this subdivision shall be  
18 reapportioned among all other property within the taxing jurisdiction,  
19 exclusive of the designated large property. This reapportionment shall  
20 be done in accordance with [section thirteen hundred fourteen of this]  
21 THE PROVISIONS OF article SEVENTY-ONE OF THE EDUCATION LAW, except that:

22 S 41. Paragraphs (a) and (f) of subdivision 4 of section 1903-a of the  
23 real property tax law, as amended by chapter 47 of the laws of 1991, are  
24 amended to read as follows:

25 (a) Equalization by class. The tax authorities shall determine for the  
26 homestead and non-homestead classes, respectively, the total full valu-  
27 ation and total taxable full valuation of the real property subject to  
28 taxation for district purposes in each city or town or part thereof  
29 included within the tax district. The total full valuation of a class in  
30 a city or town or part thereof shall be computed by dividing the total  
31 assessed value of the property in the class by the state equalization  
32 rate or special equalization rate [prescribed in section thirteen  
33 hundred fourteen of this chapter]. The total taxable full valuation of a  
34 class in a city or town or part thereof shall be computed by dividing  
35 the total taxable assessed value of the property in the class by the  
36 state equalization rate or special equalization rate [prescribed in  
37 section thirteen hundred fourteen of this chapter].

38 (f) Correction and review. The equalization and apportionment required  
39 by this subdivision shall be subject to correction and review to the  
40 extent practicable [as provided in section thirteen hundred fourteen of  
41 this chapter].

42 S 42. Subdivision 2 of section 954 of the real property tax law, as  
43 added by chapter 440 of the laws of 1989, is amended to read as follows:

44 2. Notwithstanding the provisions of section nine hundred twenty-two[,  
45 thirteen hundred twenty-two, thirteen hundred twenty-four] or fourteen  
46 hundred thirty of this chapter, upon agreement between a collecting  
47 officer and a mortgage investing institution, the mortgage investing  
48 institution or its agent shall, no later than thirty days prior to the  
49 last date established by law for the annexation of the warrant to the  
50 assessment roll, present to the collecting officer a list in any mutual-  
51 ly agreeable format of the real property tax escrow accounts with  
52 respect to which the mortgage investing institution or its agent has  
53 been authorized by the mortgagor to receive tax bills. If the collecting  
54 officer and mortgage investing institution agree, a list of additions  
55 and deletions to the last such list so delivered may be presented  
56 instead.

1 S 43. Subdivision 2 of section 544 of the real property tax law is  
2 amended to read as follows:

3 2. No penalties, interest or fees of any kind, except fees payable to  
4 school district collecting officers [pursuant to subdivision one of  
5 section thirteen hundred twenty-eight of this chapter] on school taxes  
6 on lands outside the forest preserve, shall be added to taxes payable by  
7 the state pursuant to the provisions of this section.

8 S 44. Subdivision 2 of section 558 of the real property tax law, as  
9 amended by chapter 529 of the laws of 1990, is amended to read as  
10 follows:

11 2. The county legislature of any county shall direct the cancellation  
12 of any unpaid school tax relieved by such county [pursuant to subdivi-  
13 sion five of section thirteen hundred thirty or subdivision five of  
14 section thirteen hundred thirty-two of this chapter,] or any unpaid  
15 village tax relieved by such county pursuant to subdivision four of  
16 section fourteen hundred forty-two of this chapter, against property of  
17 the state or the United States where it is determined that the lien of  
18 such tax cannot be enforced, or where the lien of such tax is rendered  
19 permanently unenforceable by operation of the provisions of any statute.  
20 The amount of any tax so cancelled shall be charged against the school  
21 district or village which levied such tax. The amount so charged against  
22 a school district or village shall be withheld by the county treasurer  
23 from any moneys which shall become payable by him to such school  
24 district or village by reason of taxes which shall thereafter be  
25 returned to him as uncollected by such school district or village. No  
26 such cancellation of any unpaid school taxes or no such charge shall be  
27 made by the county legislature against any such school district or  
28 village unless ten days' notice thereof by mail shall be given to the  
29 school authorities thereof.

30 S 45. Subdivision 1-b of section 3651 of the education law, as added  
31 by section 73 of part A of chapter 436 of the laws of 1997, is amended  
32 to read as follows:

33 1-b. Notwithstanding the provisions of subdivision one of this  
34 section, where the city or county is not required to pay to the treasur-  
35 er of a city school district unpaid taxes during the fiscal year for  
36 which such real property taxes are levied, the board of education of  
37 such city school district may establish a reserve for uncollected taxes  
38 without approval of the qualified voters of the school district,  
39 provided that the ratio of the amount of such reserve to the total prin-  
40 cipal amount of the district's tax levy for such fiscal year shall not  
41 be less than the ratio of the principal amount of the school district  
42 taxes as levied by the school district for the last completed fiscal  
43 year but not received by the district before the end of such fiscal year  
44 to the total principal amount of the tax levy for such last completed  
45 fiscal year. If the city or county is not required to pay to the treas-  
46 urer of a city school district unpaid taxes [pursuant to section thir-  
47 teen hundred thirty-two of the real property tax law], the board of  
48 education of the city school district shall establish a reserve pursuant  
49 to this subdivision, provided that such reserve shall not be less than  
50 the amount of taxes for the fiscal year for which such budget is being  
51 prepared which are estimated to be unpaid during such fiscal year [under  
52 the aforesaid provisions of the real property tax law].

53 S 46. Paragraph e of subdivision 7 of section 545 of the real property  
54 tax law, as amended by chapter 800 of the laws of 1967, is amended to  
55 read as follows:

1 e. "Latest preceding assessment roll" means the last preceding assess-  
2 ment roll finally completed, verified and filed prior to the final  
3 completion of the assessment roll for which the transition assessment is  
4 being established, but shall not mean or include a supplemental assess-  
5 ment roll completed, verified and filed as [provided in section thirteen  
6 hundred thirty-five of this chapter] PER THE REQUEST OF THE SCHOOL  
7 AUTHORITIES OF A SCHOOL DISTRICT.

8 S 47. Subdivisions 1 and 3 of section 972 of the real property tax  
9 law, as amended by section 12 of part B of chapter 389 of the laws of  
10 1997, are amended to read as follows:

11 1. Adoption. Notwithstanding any provisions of this chapter, or any  
12 other general, special or local law to the contrary, the legislative  
13 body of a county may, by local law, provide that thereafter and until  
14 such local law is repealed, the county shall become the tax collection  
15 agency for the purpose of collecting taxes in installments as prescribed  
16 by this title [and by sections thirteen hundred thirty-six through thir-  
17 teen hundred forty-two of this chapter]. The term "taxes" as used in  
18 this title shall include special assessments which are levied by the  
19 county legislative body at the time and in the manner provided by law  
20 for the levy of county and town taxes.

21 3. Interest. (a) Each installment other than the first shall be  
22 subject to interest at the rate determined pursuant to section nine  
23 hundred twenty-four-a of this article, or such other law as may be  
24 locally applicable, up to and including the date on which it is to be  
25 paid. Such interest shall be amortized over all scheduled payments,  
26 unless the local law provides for unequal installments, in which case  
27 interest shall be calculated and imposed separately upon each install-  
28 ment.

29 (b) If an installment is not paid on or before the date it is due,  
30 additional interest shall be added as provided by section nine hundred  
31 seventy-five [or section thirteen hundred forty] of this [chapter] ARTI-  
32 CLE.

33 (c) The amount of any interest which shall be added to any installment  
34 pursuant to this section and section nine hundred seventy-five [or  
35 section thirteen hundred forty] of this [chapter] ARTICLE shall belong  
36 to the county.

37 S 48. In order to provide for continuity of funding to school  
38 districts, fifty percent of the school taxes due on July first in the  
39 year preceding the effective date of this act shall be paid as hereto-  
40 fore required by law.

41 S 49. This act shall take effect on the first of January next succeed-  
42 ing the date on which it shall have become a law, provided, however,  
43 that sections two, four, five, six, eight and ten through forty-seven of  
44 this act shall take effect on the first of January in the fifth year  
45 next succeeding such effective date.