

STATE OF NEW YORK

8331

IN SENATE

February 15, 2022

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

AN ACT to amend the general municipal law, in relation to capital tax levies to support local tax expenditures

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph (g) of subdivision 2 of section 3-c of the gener-
2 al municipal law, as added by section 1 of part A of chapter 97 of the
3 laws of 2011, is amended and two new paragraphs (i) and (j) are added to
4 read as follows:

5 (g) "Tax levy limit" means the amount of taxes authorized to be levied
6 by or on behalf of a local government pursuant to this section,
7 provided, however, that the tax levy limit shall not include the follow-
8 ing:

9 (i) a tax levy necessary for expenditures resulting from court orders
10 or judgments against the local government arising out of tort actions
11 for any amount that exceeds five percent of the total tax levied in the
12 prior fiscal year;

13 (ii) in years in which the system average actuarial contribution rate
14 of the New York state and local employees' retirement system, as defined
15 by paragraph ten of subdivision a of section nineteen-a of the retire-
16 ment and social security law, increases by more than two percentage
17 points from the previous year, a tax levy necessary for expenditures for
18 the coming fiscal year for local government employer contributions to
19 the New York state and local employees' retirement system caused by
20 growth in the system average actuarial contribution rate minus two
21 percentage points;

22 (iii) in years in which the system average actuarial contribution rate
23 of the New York state and local police and fire retirement system, as
24 defined by paragraph eleven of subdivision a of section three hundred
25 nineteen-a of the retirement and social security law, increases by more
26 than two percentage points from the previous year, a tax levy necessary
27 for expenditures for the coming fiscal year for local government employ-
28 er contributions to the New York state and local police and fire retire-

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

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1 ment system caused by growth in the system average actuarial contrib-
2 ution rate minus two percentage points;

3 (iv) in years in which the normal contribution rate of the New York
4 state teachers' retirement system, as defined by paragraph a of subdivi-
5 sion two of section five hundred seventeen of the education law,
6 increases by more than two percentage points from the previous year, a
7 tax levy necessary for expenditures for the coming fiscal year for local
8 government employer contributions to the New York state teachers'
9 retirement system caused by growth in the normal contribution rate minus
10 two percentage points; and

11 (v) a capital tax levy.

12 (i) "Capital local expenditures" means the taxes associated with budg-
13 eted expenditures resulting from the financing, refinancing, acquisi-
14 tion, design, construction, reconstruction, rehabilitation, improvement,
15 furnishing and equipping of, or otherwise providing for, capital facili-
16 ties or capital equipment for which a period of probable usefulness is
17 provided in section 11.00 of the local finance law, including debt
18 service on obligations issued pursuant to the provisions of the local
19 finance law and including lease expenditures and payments due pursuant
20 to installment purchase contracts entered into pursuant to section one
21 hundred nine-b of this chapter.

22 (j) "Capital tax levy" means the tax levy necessary to support capital
23 local expenditures, if any.

24 § 2. This act shall take effect immediately.