

6009

2009-2010 Regular Sessions

I N A S S E M B L Y

February 24, 2009

Introduced by M. of A. CAHILL, EDDINGTON, PEOPLES, REILLY, N. RIVERA,
WEISENBERG -- Multi-Sponsored by -- M. of A. ALESSI, BENJAMIN,
BOYLAND, BRENNAN, DESTITO, JOHN, LATIMER, LAVINE, MOLINARO, ROBINSON,
SCHROEDER, SEMINERIO -- read once and referred 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 ASSEM-
BLY, 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

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

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TRANSFER OF STUDENTS INTO OR OUT OF SUCH DISTRICTS IN ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER.

S 3502. BASIC QUALITY EDUCATION. 1. THE STATE SHALL ASSUME ALL COSTS OF BASIC QUALITY EDUCATION, IN ACCORDANCE WITH SECTION THIRTY-FIVE HUNDRED FOUR OF THIS ARTICLE, INCLUDING ALL GENERAL AND SPECIAL EDUCATIONAL SERVICES WHICH THE COMMISSIONER, UNDER GUIDELINES ESTABLISHED BY THE LEGISLATURE, SHALL DEFINE AS NECESSARY. BASIC QUALITY EDUCATION, AS DEFINED BY THE COMMISSIONER, SHALL ALLOW SUFFICIENT LATITUDE SO THAT CHOICES MAY BE MADE BY LOCAL SCHOOL DISTRICTS WITH RESPECT TO THEIR INDIVIDUAL NEEDS. AS USED IN THIS ARTICLE "BASIC" SHALL MEAN EQUAL SERVICES TO ALL PUPILS REGARDLESS OF DIFFERENCES IN COST IN DIFFERENT DISTRICTS FOR SUCH SERVICES.

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

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

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

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

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

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

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

S 3504. COLLECTION AND DISTRIBUTION. NOTWITHSTANDING THE PROVISIONS OF ANY OTHER LAW, CODE, RULE OR REGULATION, THE STATE SHALL, WITHIN FIVE YEARS FROM THE EFFECTIVE DATE OF THIS ARTICLE, COLLECT AND DISTRIBUTE TO SCHOOL DISTRICTS ALL MONEYS RELATING TO THE FINANCING OF PUBLIC EDUCATION, EXCLUSIVE OF HIGHER EDUCATION, WITHIN THIS STATE, AS PROVIDED BY THE LEGISLATURE. THIS ASSUMPTION BY THE STATE OF ALL COSTS OF BASIC QUALITY EDUCATION SHALL BE ACCOMPLISHED IN APPROXIMATELY EQUAL INCREASES OVER A FIVE YEAR PERIOD FROM THE EFFECTIVE DATE OF THIS ARTICLE. DURING THIS PERIOD, THE AMOUNT OF MONEY DERIVED BY EACH SCHOOL DISTRICT FROM REAL PROPERTY TAXES SHALL BE REDUCED ACCORDINGLY. AFTER FIVE YEARS

1 FROM THE EFFECTIVE DATE OF THIS ARTICLE, MONEYS DISTRIBUTED TO ANY
2 SCHOOL DISTRICT SHALL BE REDUCED BY THE AMOUNT OF ANY REVENUES RECEIVED
3 BY SUCH SCHOOL DISTRICT FROM TAXES IMPOSED ON REAL PROPERTY BY OR ON
4 BEHALF OF SUCH SCHOOL DISTRICT.

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

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

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

22 S 3. The real property tax law is amended by adding a new section
23 467-g to read as follows:

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

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

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

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

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

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

3 6. The county treasurer of a county which has enacted a local law
4 pursuant to section nine hundred seventy-two of this [chapter] TITLE may
5 promulgate and amend suitable rules and regulations prescribing the
6 necessary forms for carrying into effect the provisions of this title
7 [and of article thirteen of this chapter] relating to the installment
8 payment of taxes.

9 S 6. Subdivision 5 of section 1618 of the real property tax law, as
10 added by chapter 512 of the laws of 1993, is amended to read as follows:

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

16 S 7. The tax law is amended by adding a new section 601-A to read as
17 follows:

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

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

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

38 S 7-a. The real property tax law is amended by adding a new section
39 307-b to read as follows:

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

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

1 SUBJECT TO DISBURSEMENT IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE
2 SEVENTY-ONE OF THE EDUCATION LAW.

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

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

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

11 S 10. Section 1213 of the tax law, as amended by chapter 651 of the
12 laws of 1999, is amended to read as follows:

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

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

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

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

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

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

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

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

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

53 S 15. Subparagraph (iii) of paragraph 1 of subdivision (a) of section
54 1214 of the tax law, as amended by chapter 481 of the laws of 2000, is
55 amended to read as follows:

(iii) is not engaged in carrying on in such jurisdiction any employment, trade, business or profession in which the motor vehicle or vessel will be used in such jurisdiction, and such other proof as the commissioner may require to ensure proper administration of the taxes imposed under the authority of [sections] SECTION twelve hundred ten [and twelve hundred eleven] of this article.

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

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

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

S 17. Section 1223 of the tax law, as separately amended by chapters 4, 8 and 9 of the laws of 2003 and subdivision (a) as separately amended by section 8 of part SS-1 of chapter 57 and chapter 65 of the laws of 2008, is amended to read as follows:

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

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

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

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

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

54 S 19. Subdivision (k) of section 1224 of the tax law, as amended by
55 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, is amended to read as follows:

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

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

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

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

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

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

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

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

55 S 1253. Registration. Every person required to register pursuant to
56 section eleven hundred thirty-four OF THIS CHAPTER shall be required to

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

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

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

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

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

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

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

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

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

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

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

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

1 stability authority, except as provided in such authority's agreements
2 with the county of Erie.

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

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

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

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

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

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

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

1 ment roll shall be imprinted or otherwise indicated at the top of the
2 first page of each volume of such roll.

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

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

23 S 34. Section 3601 of the education law, as amended by section 4-a of
24 part A-1 of chapter 58 of the laws of 2006, is amended to read as
25 follows:

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

52 S 35. Paragraph y of subdivision 1 of section 3602 of the education
53 law, as added by section 11 of part B of chapter 57 of the laws of 2007,
54 is amended to read as follows:

55 y. "School tax relief aid" shall mean state aid payable to a school
56 district representing tax savings duly provided by the school district

1 [pursuant to section thirteen hundred six-a of the real property tax
2 law] that is claimed by the school district and certified by the state
3 board of real property services [pursuant to subdivision three of
4 section thirteen hundred six-a of the real property tax law].

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

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

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

1 S 37. Paragraph (b) of subdivision 2 of section 202 of the real prop-
2 erty tax law, as added by chapter 522 of the laws of 1981, is amended to
3 read as follows:

4 (b) Any resolution which delegates powers and duties relating to the
5 establishment of special state equalization rates pursuant to [sections]
6 SECTION eight hundred six [and thirteen hundred fourteen] of this chap-
7 ter and special equalization ratios pursuant to articles twelve-A and
8 twelve-B of this chapter and certifications of changes in the level of
9 assessment pursuant to this chapter or any other law shall prescribe the
10 policies or criteria to be observed in the exercise of such powers and
11 duties by the officer or employee to whom they are delegated. However,
12 no such resolution may delegate the power to make a final determination
13 in a matter in which a complaint has been filed pursuant to articles
14 twelve-A and twelve-B of this chapter.

15 S 38. Subdivisions 1 and 2 of section 1216 of the real property tax
16 law, as added by chapter 800 of the laws of 1967, are amended to read as
17 follows:

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

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

40 S 39. Subdivision 1 of section 1226 of the real property tax law, as
41 added by chapter 280 of the laws of 1985, is amended to read as follows:

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

48 S 40. Paragraph (a) of subdivision 2 of section 1227 of the real prop-
49 erty tax law, as added by chapter 87 of the laws of 2001, is amended to
50 read as follows:

51 (a) When a nuclear powered electric generating facility is exempt from
52 taxation for school district purposes pursuant to section four hundred
53 eighty-five of this chapter, but it is not exempt for all purposes, the
54 state board shall establish a special apportionment rate for the assess-
55 ing unit containing the facility, which rate shall be used for purposes
56 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.

S 41. Subdivision 1 and paragraph (a) and the opening paragraph of paragraph (d) of subdivision 7 of section 1316 of the real property tax law, as added by chapter 556 of the laws of 2002, are amended to read as follows:

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

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

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

S 42. Paragraphs (a) and (f) of subdivision 4 of section 1903-a of the real property tax law, as amended by chapter 47 of the laws of 1991, are amended to read as follows:

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

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

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

2. Notwithstanding the provisions of section nine hundred twenty-two[, thirteen hundred twenty-two, thirteen hundred twenty-four] or fourteen hundred thirty of this chapter, upon agreement between a collecting officer and a mortgage investing institution, the mortgage investing institution or its agent shall, no later than thirty days prior to the last date established by law for the annexation of the warrant to the

assessment roll, present to the collecting officer a list in any mutually agreeable format of the real property tax escrow accounts with respect to which the mortgage investing institution or its agent has been authorized by the mortgagor to receive tax bills. If the collecting officer and mortgage investing institution agree, a list of additions and deletions to the last such list so delivered may be presented instead.

S 44. Subdivision 2 of section 544 of the real property tax law is amended to read as follows:

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

S 45. Subdivision 2 of section 558 of the real property tax law, as amended by chapter 529 of the laws of 1990, is amended to read as follows:

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

S 46. Subdivision 1-b of section 3651 of the education law, as added by section 73 of part A of chapter 436 of the laws of 1997, is amended to read as follows:

1-b. Notwithstanding the provisions of subdivision one of this section, where the city or county is not required to pay to the treasurer of a city school district unpaid taxes during the fiscal year for which such real property taxes are levied, the board of education of such city school district may establish a reserve for uncollected taxes without approval of the qualified voters of the school district, provided that the ratio of the amount of such reserve to the total principal amount of the district's tax levy for such fiscal year shall not be less than the ratio of the principal amount of the school district taxes as levied by the school district for the last completed fiscal year but not received by the district before the end of such fiscal year to the total principal amount of the tax levy for such last completed fiscal year. If the city or county is not required to pay to the treasurer of a city school district unpaid taxes [pursuant to section thirteen hundred thirty-two of the real property tax law], the board of education of the city school district shall establish a reserve pursuant to this subdivision, provided that such reserve shall not be less than

1 the amount of taxes for the fiscal year for which such budget is being
2 prepared which are estimated to be unpaid during such fiscal year [under
3 the aforesaid provisions of the real property tax law].

4 S 47. Paragraph e of subdivision 7 of section 545 of the real property
5 tax law, as amended by chapter 800 of the laws of 1967, is amended to
6 read as follows:

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

14 S 48. Subdivisions 1 and 3 of section 972 of the real property tax
15 law, as amended by section 12 of part B of chapter 389 of the laws of
16 1997, are amended to read as follows:

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

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

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

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

43 S 49. In order to provide for continuity of funding to school
44 districts, fifty percent of the school taxes due on July first in the
45 year preceding the effective date of this act shall be paid as hereto-
46 fore required by law.

47 S 50. This act shall take effect on the first of January next succeed-
48 ing the date on which it shall have become a law, provided, however,
49 that sections two, four, five, six, eight and ten through forty-eight of
50 this act shall take effect on the first of January in the fifth year
51 next succeeding such effective date.