S T A T E O F N E W Y O R K

9148

2009-2010 Regular Sessions

I N A S S E M B L Y

September 22, 2009

Introduced by M. of A. LATIMER -- read once and referred to the Committee on Governmental Operations

AN ACT to amend chapter 15 of the laws of 1998 relating to authorizing the extension of state and local deadlines following a state disaster emergency, in relation to the prerequisites, time and scope thereof

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

Section 1. Chapter 15 of the laws of 1998 relating to authorizing the extension of state and local deadlines following a state disaster emergency, is amended to read as follows:

Section 1. Notwithstanding any other provision of law to the contrary which relates to the collection of real property taxes, fees, civil fines or other moneys owed to a municipal or district corporation OR SCHOOL DISTRICT, to the imposition of penalties or interest therefor for a late payment, or to the filing of an application, report, or other document, form or other paper necessary for the processing of an application or other process to fulfill requirements to qualify for, or meet a condition of a government assistance program for persons, businesses or corporations, higher education loans, grants or financial assistance, licenses, registrations or any other programs administered by a municipal or district corporation OR SCHOOL DISTRICT, during a state disaster emergency as defined by section 20 of the executive law, the governor may, by executive order issued upon the request of the chief executive officer of a municipal or district corporation OR SCHOOL DISTRICT in the affected area, extend the deadline for payment of any such moneys owed or for the filing of any such applications, reports, or documents by persons residing or located in such areas OR BY CERTAIN CLASSES OR CATEGORIES OF PERSONS OR ENTITIES WITHIN THE AFFECTED AREAS, which are due during such state disaster emergency from the date the executive order is issued until the date the governor, in consultation with the director of state operations, rescinds the executive order which declared the

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

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state disaster emergency; provided that the governor, after consultation with the chief executive officer of the municipal or district corporation OR SCHOOL DISTRICT in the affected area, may extend such deadline for a period of up to thirty days by so providing in the executive order declaring that the state disaster emergency has ceased; provided, further, that no interest or penalties shall accrue during such extension period; provided, however, that the governor may order that the extension period provided for in this section shall not be applicable to certain reporting requirements mandated under state law, the primary purpose of which is to protect the health, safety or general welfare of the public from an imminent threat or danger.

S 2. Notwithstanding any other provision of law to the contrary, any deadline or date set by state law or regulation for the payment of fees, civil fines or other moneys owed to the state, for the imposition of penalties or interest therefor for a late payment made after such date, or for the filing of an application, report or other document, form or other paper necessary for the processing of an application or other process to fulfill requirements of, qualify for, or meet a condition of a government assistance program for persons, businesses, municipalities or corporations, higher education loans, grants or financial assistance, licenses, registrations or any other programs, administered by state government agencies, divisions, departments or offices, shall, where such deadline or date occurs during a state disaster emergency as defined by section 20 of the executive law, upon the issuance of an executive order declaring a state disaster emergency, be extended for persons residing or located in the affected areas OR FOR CERTAIN CLASSES OR CATEGORIES OF PERSONS OR ENTITIES WITHIN THE AFFECTED AREAS, for a period of time from the date of the executive order declaring a state disaster emergency to the date that the governor, in consultation with the director of state operations, rescinds the executive order declaring the state disaster emergency; provided that the governor may extend such deadline for a period of up to thirty days by so providing in the executive order declaring that the state disaster emergency has ceased; provided, however, that the governor may order that the extension period provided for in this section shall not be applicable to certain reporting requirements mandated under state law, the primary purpose of which is to protect the health, safety or general welfare of the public from an imminent threat or danger.

S 3. Where the provisions of this act have been invoked in connection with a state disaster emergency declared by the governor, the state shall provide aid to each affected municipal or district corporation OR SCHOOL DISTRICT, whichever is appropriate, to compensate it for the loss of interest or other investment income reasonably attributable to the extension of the period for the payment of moneys; provided, that in no case shall such aid exceed the moneys that would have been collected during the extension period or periods declared by the governor pursuant to section one of this act, which shall not exceed thirty days from the date that the governor rescinded the executive order declaring a state disaster emergency, multiplied by an annualized interest rate of six percent. Such aid shall be payable upon the audit and warrant of the comptroller.

S 4. NOTWITHSTANDING THE PROVISIONS OF SECTIONS ONE THROUGH THREE OF THIS ACT, THE GOVERNOR MAY, WHENEVER HE OR SHE DETERMINES THAT A STATE DISASTER EMERGENCY SO REQUIRES: (1) ISSUE AN EXECUTIVE ORDER EXTENDING A DEADLINE IN AN AFFECTED MUNICIPAL OR DISTRICT CORPORATION OR SCHOOL DISTRICT WITHOUT A REQUEST THEREFOR FROM THE CHIEF EXECUTIVE OFFICER OF

SUCH MUNICIPAL OR DISTRICT CORPORATION OR SCHOOL DISTRICT, (2) DIRECT THAT AN EXTENSION PERIOD SHALL END ON A DATE CERTAIN, WHICH DATE SHALL BE SPECIFIED IN THE EXECUTIVE ORDER INITIALLY DIRECTING SUCH EXTENSION, PROVIDED THAT THE EXTENSION PERIOD SO GRANTED MAY BE FURTHER EXTENDED BY ONE OR MORE SUBSEQUENT ORDERS, OR (3) ACT IN ACCORDANCE WITH BOTH OF THE FOREGOING PROVISIONS OF THIS SECTION.

S 5. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after January 7, 1998.

S 2. This act shall take effect immediately.