

6212

2009-2010 Regular Sessions

I N S E N A T E

October 9, 2009

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

AN ACT to amend the real property tax law and the tax law, in relation to the "Middle Class STAR" rebate program; to amend the tax law, in relation to creating the middle class circuit breaker tax credit; to amend the education law, in relation to establishing limitations upon school district tax levies; and to amend the administrative code of the city of New York, in relation to an enhanced personal income tax credit in New York city

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

1 Section 1. The real property tax law is amended by adding a new
2 section 1306-b to read as follows:
3 S 1306-B. "MIDDLE CLASS STAR" REBATE PROGRAM. 1. TAX REBATES. (A) IF A
4 PARCEL IS ENTITLED TO THE BASIC OR ENHANCED STAR EXEMPTION AUTHORIZED BY
5 SECTION FOUR HUNDRED TWENTY-FIVE OF THIS CHAPTER FOR THE TWO THOUSAND
6 NINE--TWO THOUSAND TEN SCHOOL YEAR AND EACH YEAR THEREAFTER, EXCEPT AS
7 PROVIDED IN PARAGRAPH (G) OF SUBDIVISION THREE OF THIS SECTION, A LOCAL
8 PROPERTY TAX REBATE SHALL BE PROVIDED TO THE OWNER OR OWNERS OF SUCH
9 PARCEL AS SHOWN ON THE FINAL ASSESSMENT ROLL FOR SUCH YEAR, IN AN AMOUNT
10 COMPUTED AS PRESCRIBED BY THIS SECTION AND SECTION ONE HUNDRED SEVENTY-
11 EIGHT OF THE TAX LAW.
12 (B) IT SHALL BE THE RESPONSIBILITY OF THE STATE DEPARTMENT OF TAXATION
13 AND FINANCE TO ISSUE SUCH TAX REBATES TO SUCH OWNERS IN THE MANNER
14 PROVIDED BY SECTION ONE HUNDRED SEVENTY-EIGHT OF THE TAX LAW. NOTHING
15 CONTAINED HEREIN SHALL BE CONSTRUED AS PERMITTING PARTIAL OR INSTALLMENT
16 PAYMENTS OF TAXES IN A JURISDICTION WHICH HAS NOT AUTHORIZED THE SAME
17 PURSUANT TO LAW.
18 2. PROCEDURE. (A) ON OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND
19 NINE AND ON AUGUST FIFTEENTH EACH YEAR THEREAFTER, THE EXECUTIVE DIREC-
20 TOR OF THE OFFICE OF REAL PROPERTY SERVICES, OR HIS OR HER DESIGNEE, OR

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

LBD14262-11-9

1 ON OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND NINE AND ON JULY FIRST
2 EACH YEAR THEREAFTER, IN THE CASE OF A CITY WITH A POPULATION OF ONE
3 MILLION OR MORE, THE COMMISSIONER OF FINANCE, OR HIS OR HER DESIGNEE,
4 SHALL PROVIDE TO THE COMMISSIONER OF TAXATION AND FINANCE A REPORT IN A
5 MUTUALLY AGREEABLE FORMAT CONCERNING THOSE PARCELS WHICH HAVE BEEN
6 GRANTED AN EXEMPTION AUTHORIZED BY SECTION FOUR HUNDRED TWENTY-FIVE OF
7 THIS CHAPTER ON THE ASSESSMENT ROLLS USED TO GENERATE THE SCHOOL TAX
8 BILLS FOR THE TWO THOUSAND EIGHT--TWO THOUSAND NINE SCHOOL TAX YEAR AND
9 FOR EACH YEAR THEREAFTER; EXCEPT AS PROVIDED IN PARAGRAPH (G) OF SUBDI-
10 VISION THREE OF THIS SECTION, PROVIDED HOWEVER THE INFORMATION TO BE
11 PROVIDED ON SUCH REPORT SHALL BE OBTAINED FROM THE FINAL ASSESSMENT ROLL
12 DATA FILES USED TO GENERATE THE TWO THOUSAND EIGHT--TWO THOUSAND NINE
13 SCHOOL TAX BILLS AND EACH YEAR THEREAFTER, FILED WITH THE STATE BOARD
14 PURSUANT TO SECTION FIFTEEN HUNDRED NINETY OF THIS CHAPTER ON OR BEFORE
15 JULY THIRTY-FIRST OF SUCH YEAR. SUCH REPORT SHALL SET FORTH THE NAMES
16 AND MAILING ADDRESSES OF THE OWNERS OF SUCH PARCELS AS SHOWN ON SUCH
17 ASSESSMENT ROLL DATA FILES, THE IDENTIFICATION NUMBERS OF SUCH PARCELS
18 AS SHOWN ON SUCH ASSESSMENT ROLL DATA FILES, AND SUCH OTHER INFORMATION
19 IN THE POSSESSION OF THE OFFICE OF REAL PROPERTY SERVICES, OR IN THE
20 CASE OF A CITY WITH A POPULATION OF ONE MILLION OR MORE, THE COMMISSION-
21 ER OF FINANCE, AS THE COMMISSIONER OF TAXATION AND FINANCE MAY DEEM
22 NECESSARY FOR THE EFFECTIVE ADMINISTRATION OF THIS PROGRAM, INCLUDING
23 INFORMATION REGARDING COOPERATIVE APARTMENT BUILDINGS AND MOBILE HOME
24 PARKS OR SIMILAR PROPERTY. IT SHALL BE THE RESPONSIBILITY OF THE ASSES-
25 SOR OR ASSESSORS OF EACH ASSESSING UNIT TO ENSURE THAT THE NAMES AND
26 MAILING ADDRESSES OF SUCH OWNERS ARE ACCURATELY RECORDED ON SUCH ROLLS
27 AND FILES TO THE BEST OF HIS OR HER ABILITY, BASED UPON THE INFORMATION
28 CONTAINED IN HIS OR HER OFFICE. NOTHING CONTAINED IN THIS SUBDIVISION
29 SHALL BE CONSTRUED AS AFFECTING IN ANY WAY THE VALIDITY OR ENFORCEABILI-
30 TY OF A REAL PROPERTY TAX, OR THE APPLICABILITY OF INTEREST OR PENALTIES
31 WITH RESPECT THERETO, WHEN AN OWNER'S NAME OR MAILING ADDRESS HAS NOT
32 BEEN ACCURATELY RECORDED.

33 (B) (I) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDI-
34 VISION, WHERE AN ASSESSING UNIT CONTAINS ONE OR MORE PROPERTIES WHICH
35 ARE RECEIVING SUCH EXEMPTION IN RELATION TO A PRIOR YEAR ASSESSMENT ROLL
36 PURSUANT TO PARAGRAPH (D) OF SUBDIVISION SIX OF SECTION FOUR HUNDRED
37 TWENTY-FIVE OF THIS CHAPTER, OR CONTAINS ONE OR MORE PARCELS WITH
38 RESPECT TO WHICH SUCH EXEMPTION WAS DULY ADDED OR REMOVED AFTER THE
39 FILING OF THE FINAL ASSESSMENT ROLL PURSUANT TO THE PROVISIONS OF TITLE
40 THREE OF ARTICLE FIVE OF THIS CHAPTER, THE OFFICE OF REAL PROPERTY
41 SERVICES MAY REQUIRE THE ASSESSOR TO FILE WITH IT, ON OR BEFORE DECEMBER
42 THIRTY-FIRST, TWO THOUSAND NINE AND ON JULY THIRTY-FIRST EACH YEAR THER-
43 EAFTER, OR SUCH LATER DATE AS SUCH OFFICE MAY SPECIFY, A SUPPLEMENTAL
44 REPORT RELATING TO SUCH PROPERTY OR PROPERTIES, SO THAT INFORMATION
45 PERTAINING TO THE OWNERS THEREOF MAY BE INCLUDED IN THE REPORT TO BE
46 MADE TO THE COMMISSIONER OF TAXATION AND FINANCE PURSUANT TO THIS PARA-
47 GRAPH. WHEN ANY INFORMATION REQUIRED BY THIS PARAGRAPH IS RECEIVED BY
48 THE OFFICE OF REAL PROPERTY SERVICES AFTER DECEMBER THIRTY-FIRST, TWO
49 THOUSAND NINE AND ON JULY THIRTY-FIRST EACH YEAR THEREAFTER, SUCH INFOR-
50 MATION SHALL BE TRANSMITTED AS SOON AS REASONABLY PRACTICABLE TO THE
51 COMMISSIONER OF TAXATION AND FINANCE FOR USE IN ISSUING LOCAL PROPERTY
52 TAX REBATES PURSUANT TO SECTION ONE HUNDRED SEVENTY-EIGHT OF THE TAX
53 LAW.

54 (II) WHERE THE OWNERSHIP OF A PARCEL THAT HAD BEEN ELIGIBLE FOR A
55 REBATE PURSUANT TO THIS SECTION CHANGES OR AN EXEMPTION UNDER SECTION
56 FOUR HUNDRED TWENTY-FIVE OF THIS CHAPTER HAS BEEN GRANTED OR REMOVED,

1 THE ASSESSOR SHALL NOTIFY THE STATE BOARD OF THE CHANGE NO LATER THAN
2 AUGUST FIRST OF THE FOLLOWING YEAR. THE STATE BOARD SHALL FORWARD SUCH
3 REPORT TO THE DEPARTMENT OF TAXATION AND FINANCE IN A TIMELY MANNER AND
4 IN A MUTUALLY-AGREEABLE FORMAT.

5 3. (A) THE STATE BOARD SHALL CALCULATE THE REBATE BASE AS PROVIDED
6 HEREIN AND CERTIFY THE SAME TO THE DEPARTMENT OF TAXATION AND FINANCE NO
7 LATER THAN DECEMBER THIRTY-FIRST, TWO THOUSAND NINE AND ON JULY FIRST
8 EACH YEAR THEREAFTER.

9 (B) THREE REBATE BASES FOR THE BASIC STAR EXEMPTION SHALL BE DETER-
10 MINED FOR EACH SEGMENT FOR THE TWO THOUSAND EIGHT--TWO THOUSAND NINE AND
11 SUBSEQUENT SCHOOL YEARS. SUCH REBATE BASES SHALL BE COMPUTED BY DETER-
12 MINING THE EXEMPT AMOUNT ESTABLISHED FOR THE SEGMENT FOR PURPOSES OF THE
13 BASIC STAR EXEMPTION FOR THE TWO THOUSAND EIGHT--TWO THOUSAND NINE AND
14 SUBSEQUENT SCHOOL YEARS, MULTIPLYING THAT AMOUNT BY THE SCHOOL DISTRICT
15 TAX RATE APPLICABLE WITHIN THAT SEGMENT FOR PURPOSES OF THE TWO THOUSAND
16 EIGHT--TWO THOUSAND NINE AND SUBSEQUENT SCHOOL YEARS, AS REPORTED BY THE
17 SCHOOL DISTRICT. FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN AND
18 SUBSEQUENT SCHOOL YEARS, SUCH REBATE BASES SHALL BE COMPUTED BY MULTI-
19 PLYING THE PRODUCT BY THE FOLLOWING:

20 (I) FOR PURPOSES OF THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL
21 YEAR AND THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR, BY
22 SIXTY PERCENT, FORTY-FIVE PERCENT AND THIRTY PERCENT, RESPECTIVELY. THE
23 RESULTS SHALL BE ASSOCIATED WITH THE FIRST, SECOND AND THIRD INCOME
24 BRACKETS, RESPECTIVELY, THAT ARE APPLICABLE WITHIN THAT SEGMENT.

25 (II) FOR PURPOSES OF THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN
26 SCHOOL YEAR, BY SEVENTY PERCENT, FIFTY-TWO AND ONE-HALF PERCENT AND
27 THIRTY-FIVE PERCENT, RESPECTIVELY. THE RESULTS SHALL BE ASSOCIATED WITH
28 THE FIRST, SECOND AND THIRD INCOME BRACKETS, RESPECTIVELY, THAT ARE
29 APPLICABLE WITHIN THAT SEGMENT.

30 (III) FOR PURPOSES OF THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN
31 AND SUBSEQUENT SCHOOL YEARS, BY EIGHTY PERCENT, SIXTY PERCENT AND FORTY
32 PERCENT, RESPECTIVELY. THE RESULTS SHALL BE ASSOCIATED WITH THE FIRST,
33 SECOND AND THIRD INCOME BRACKETS, RESPECTIVELY, THAT ARE APPLICABLE
34 WITHIN THAT SEGMENT.

35 (IV) INCOME BRACKETS. (A) IN THE CITY OF NEW YORK, AND THE COUNTIES OF
36 NASSAU, SUFFOLK, ROCKLAND, WESTCHESTER, PUTNAM, ORANGE AND DUTCHESS, THE
37 FIRST INCOME BRACKET SHALL BE UP TO AND INCLUDING ONE HUNDRED TWENTY
38 THOUSAND DOLLARS; THE SECOND INCOME BRACKET SHALL BE OVER ONE HUNDRED
39 TWENTY THOUSAND DOLLARS UP TO AND INCLUDING ONE HUNDRED SEVENTY-FIVE
40 THOUSAND DOLLARS; AND THE THIRD INCOME BRACKET SHALL BE OVER ONE HUNDRED
41 SEVENTY-FIVE THOUSAND DOLLARS UP TO AND INCLUDING TWO HUNDRED FIFTY
42 THOUSAND DOLLARS.

43 (B) IN ALL OTHER COUNTIES IN THE STATE, THE FIRST INCOME BRACKET SHALL
44 BE UP TO AND INCLUDING NINETY THOUSAND DOLLARS; THE SECOND INCOME BRACK-
45 ET SHALL BE OVER NINETY THOUSAND DOLLARS AND UP TO AND INCLUDING ONE
46 HUNDRED FIFTY THOUSAND DOLLARS; AND THE THIRD INCOME BRACKET SHALL BE
47 OVER ONE HUNDRED FIFTY THOUSAND DOLLARS AND UP TO AND INCLUDING TWO
48 HUNDRED FIFTY THOUSAND DOLLARS.

49 (C) SUCH BRACKETS ARE SUBJECT TO INDEXING FOR INFLATION PURSUANT TO
50 SUBDIVISION FIFTEEN OF SECTION ONE HUNDRED SEVENTY-EIGHT OF THE TAX LAW.

51 (C) ONE REBATE BASE FOR THE ENHANCED STAR EXEMPTION SHALL BE DETER-
52 MINED FOR EACH SEGMENT FOR THE TWO THOUSAND NINE--TWO THOUSAND TEN AND
53 SUBSEQUENT SCHOOL YEARS. SUCH REBATE BASES SHALL BE COMPUTED BY DETER-
54 MINING THE EXEMPT AMOUNT ESTABLISHED FOR THE SEGMENT FOR PURPOSES OF THE
55 ENHANCED STAR EXEMPTION FOR THE TWO THOUSAND EIGHT--TWO THOUSAND NINE
56 SCHOOL YEAR. FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN AND SUBSE-

1 QUENT SCHOOL YEARS, SUCH REBATE BASES SHALL BE COMPUTED BY MULTIPLYING
2 THAT AMOUNT BY THE SCHOOL DISTRICT TAX RATE APPLICABLE WITHIN THAT
3 SEGMENT FOR PURPOSES OF THAT SCHOOL YEAR, AS REPORTED BY THE SCHOOL
4 DISTRICT, AND THEN MULTIPLYING THE PRODUCT BY THE FOLLOWING:

5 (I) FOR PURPOSES OF THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL
6 YEAR, BY TWENTY-FIVE PERCENT.

7 (II) FOR PURPOSES OF THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE AND
8 SUBSEQUENT SCHOOL YEARS, BY THIRTY-FIVE PERCENT.

9 (D) FOR PURPOSES OF THIS SECTION, THE TERM "SEGMENT" MEANS THE PART OF
10 A CITY OR TOWN THAT IS WITHIN A SCHOOL DISTRICT.

11 (E) IN THE CASE OF SCHOOL DISTRICTS WITHIN SPECIAL ASSESSING UNITS AS
12 DEFINED IN SECTION EIGHTEEN HUNDRED ONE OF THIS CHAPTER, THE SCHOOL
13 DISTRICT TAX RATE TO BE USED FOR THIS PURPOSE SHALL BE THE TAX RATE
14 APPLICABLE TO CLASS ONE PROPERTIES AS DEFINED IN ARTICLE EIGHTEEN OF
15 THIS CHAPTER, AS REPORTED BY THE SCHOOL DISTRICT AND THE EXEMPT AMOUNT
16 SHALL BE ESTABLISHED FOR THE SEGMENT. IN THE CASE OF SCHOOL DISTRICTS
17 WITHIN APPROVED ASSESSING UNITS AS DEFINED IN SECTION NINETEEN HUNDRED
18 ONE OF THIS CHAPTER WHICH HAVE ADOPTED THE PROVISIONS OF SECTION NINE-
19 TEEN HUNDRED THREE OF THIS CHAPTER, THE SCHOOL DISTRICT TAX RATE TO BE
20 USED FOR THIS PURPOSE SHALL BE THE TAX RATE APPLICABLE TO THE HOMESTEAD
21 CLASS, AS DEFINED IN ARTICLE NINETEEN OF THIS CHAPTER, AS REPORTED BY
22 THE SCHOOL DISTRICT.

23 (F) WHERE THE PROVISIONS OF SUBPARAGRAPH (IV) OF PARAGRAPH (K) OF
24 SUBDIVISION TWO OF SECTION FOUR HUNDRED TWENTY-FIVE OF THIS CHAPTER ARE
25 APPLICABLE, THE APPLICABLE REBATE AMOUNT SHALL BE ONE-THIRD OF THE
26 OTHERWISE APPLICABLE REBATE AMOUNT SET FORTH IN PARAGRAPH (B) OR (C) OF
27 THIS SUBDIVISION. THE STATE BOARD SHALL CALCULATE AND CERTIFY TO THE
28 DEPARTMENT OF TAXATION AND FINANCE THE REBATE AMOUNTS APPLICABLE IN SUCH
29 CASES, ALONG WITH THE CERTIFICATION REQUIRED BY PARAGRAPH (A) OF THIS
30 SUBDIVISION.

31 (G) FOR THE PURPOSES OF THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN
32 SCHOOL YEAR AND EACH YEAR THEREAFTER, TAX REBATES AUTHORIZED PURSUANT TO
33 THIS SECTION SHALL APPLY ONLY TO THOSE OWNERS WHO:

34 (I) HAVE ATTAINED THE AGE OF SIXTY-FIVE YEARS OR OLDER; AND

35 (II) HAVE "AFFILIATED INCOME" AS DEFINED IN PARAGRAPH (B) OF SUBDIVI-
36 SION SIX OF SECTION ONE HUNDRED SEVENTY-EIGHT OF THE TAX LAW EQUAL TO OR
37 LESS THAN ONE HUNDRED FIFTY THOUSAND DOLLARS.

38 S 2. The real property tax law is amended by adding a new section 1307
39 to read as follows:

40 S 1307. LIMITATIONS UPON SCHOOL DISTRICT TAX LEVIES. 1. GENERALLY.
41 UNLESS OTHERWISE PROVIDED BY LAW, THE AMOUNT OF TAXES THAT MAY BE LEVIED
42 BY OR ON BEHALF OF ANY SCHOOL DISTRICT, OTHER THAN A CITY SCHOOL
43 DISTRICT OF A CITY WITH ONE HUNDRED TWENTY-FIVE THOUSAND INHABITANTS OR
44 MORE, SHALL NOT EXCEED THE TAX LEVY LIMITATIONS ESTABLISHED PURSUANT TO
45 SECTION TWO THOUSAND TWENTY-THREE-A OF THE EDUCATION LAW. IT SHALL BE
46 THE RESPONSIBILITY OF THE COMMISSIONER OF EDUCATION TO ANNUALLY DETER-
47 MINE THE TAX LEVY LIMIT OF EACH SCHOOL DISTRICT IN ACCORDANCE WITH THE
48 PROVISIONS OF THIS SECTION.

49 2. DEFINITIONS. AS USED IN THIS SECTION:

50 (A) "AVAILABLE CARRYOVER" MEANS THE SUM OF THE AMOUNTS BY WHICH THE
51 TAX LEVY FOR EACH SCHOOL YEAR FROM THE TWO THOUSAND EIGHT--TWO THOUSAND
52 NINE SCHOOL YEAR THROUGH THE PRIOR SCHOOL YEAR WAS BELOW THE APPLICABLE
53 TAX LEVY LIMIT FOR SUCH SCHOOL YEAR, IF ANY.

54 (B) "COMING SCHOOL YEAR" MEANS THE SCHOOL YEAR FOR WHICH TAX LEVY
55 LIMITS ARE BEING DETERMINED PURSUANT TO THIS SECTION.

1 (C) "INFLATION FACTOR" MEANS THE PERCENTAGE THAT REPRESENTS THE PROD-
2 UCT OF ONE HUNDRED AND THE QUOTIENT OF: (I) THE AVERAGE OF THE NATIONAL
3 CONSUMER PRICE INDEXES DETERMINED BY THE UNITED STATES DEPARTMENT OF
4 LABOR FOR THE TWELVE MONTH PERIOD PRECEDING JANUARY FIRST OF THE CURRENT
5 YEAR MINUS THE AVERAGE OF THE NATIONAL CONSUMER PRICE INDEXES DETERMINED
6 BY THE UNITED STATES DEPARTMENT OF LABOR FOR THE TWELVE-MONTH PERIOD
7 PRECEDING JANUARY FIRST OF THE PRIOR YEAR, DIVIDED BY: (II) THE AVERAGE
8 OF THE NATIONAL CONSUMER PRICE INDEXES DETERMINED BY THE UNITED STATES
9 DEPARTMENT OF LABOR FOR THE TWELVE-MONTH PERIOD PRECEDING JANUARY FIRST
10 OF THE PRIOR YEAR, WITH THE RESULT EXPRESSED AS A DECIMAL TO TWO PLACES.

11 (D) "LEVY GROWTH FACTOR" SHALL BE THE LESSER OF: (I) FOUR PERCENT; OR
12 (II) ONE HUNDRED TWENTY PERCENT OF THE INFLATION FACTOR.

13 (E) "PRIOR SCHOOL YEAR" MEANS THE SCHOOL YEAR IMMEDIATELY PRECEDING
14 THE COMING SCHOOL YEAR.

15 (F) "SCHOOL DISTRICT" MEANS A COMMON SCHOOL DISTRICT, UNION FREE
16 SCHOOL DISTRICT, CENTRAL SCHOOL DISTRICT, CENTRAL HIGH SCHOOL DISTRICT
17 OR A CITY SCHOOL DISTRICT IN A CITY WITH LESS THAN ONE HUNDRED
18 TWENTY-FIVE THOUSAND INHABITANTS.

19 (G) "TAX LEVY BASE" MEANS THE AMOUNT OF TAXES A SCHOOL DISTRICT WOULD
20 BE AUTHORIZED TO LEVY WITHOUT THE ADDITION OF ANY AVAILABLE CARRYOVER
21 AMOUNT.

22 (H) "TAX LEVY LIMIT" MEANS THE AMOUNT OF TAXES A SCHOOL DISTRICT IS
23 AUTHORIZED TO LEVY PURSUANT TO THIS SECTION, IF ANY.

24 3. TAX BASE GROWTH FACTOR. (A) NO LATER THAN MARCH FIRST OF EACH YEAR,
25 THE STATE BOARD SHALL IDENTIFY THOSE SCHOOL DISTRICTS FOR WHICH TAX BASE
26 GROWTH FACTORS MUST BE DETERMINED FOR THE COMING SCHOOL YEAR, AND SHALL
27 NOTIFY THE COMMISSIONER OF EDUCATION OF THE TAX BASE GROWTH FACTORS SO
28 DETERMINED, IF ANY.

29 (B) THE STATE BOARD SHALL CALCULATE A QUANTITY CHANGE FACTOR FOR EACH
30 SCHOOL DISTRICT FOR THE COMING SCHOOL YEAR BASED UPON THE PHYSICAL OR
31 QUANTITY CHANGE, AS DEFINED BY SECTION TWELVE HUNDRED TWENTY OF THIS
32 CHAPTER, REPORTED TO THE STATE BOARD BY THE ASSESSOR OR ASSESSORS PURSU-
33 ANT TO SECTION FIVE HUNDRED SEVENTY-FIVE OF THIS CHAPTER. THE QUANTITY
34 CHANGE FACTOR SHALL SHOW THE PERCENTAGE BY WHICH THE FULL VALUE OF THE
35 TAXABLE REAL PROPERTY IN THE SCHOOL DISTRICT HAS CHANGED DUE TO PHYSICAL
36 OR QUANTITY CHANGE BETWEEN THE SECOND FINAL ASSESSMENT ROLL OR ROLLS
37 PRECEDING THE FINAL ASSESSMENT ROLL OR ROLLS UPON WHICH TAXES ARE TO BE
38 LEVIED, AND THE FINAL ASSESSMENT ROLL OR ROLLS IMMEDIATELY PRECEDING THE
39 FINAL ASSESSMENT ROLL OR ROLLS UPON WHICH TAXES ARE TO BE LEVIED.

40 (C) AFTER DETERMINING THE QUANTITY CHANGE FACTOR FOR A SCHOOL
41 DISTRICT, THE STATE BOARD SHALL PROCEED AS FOLLOWS:

42 (I) IF THE QUANTITY CHANGE FACTOR IS NEGATIVE, THE STATE BOARD SHALL
43 NOT DETERMINE A TAX BASE GROWTH FACTOR FOR THE SCHOOL DISTRICT.

44 (II) IF THE QUANTITY CHANGE FACTOR IS POSITIVE, THE STATE BOARD SHALL
45 DETERMINE A TAX BASE GROWTH FACTOR FOR THE SCHOOL DISTRICT WHICH IS
46 EQUAL TO THE QUANTITY CHANGE FACTOR, PROVIDED THAT IN NO CASE SHALL A
47 TAX BASE GROWTH FACTOR BE IN EXCESS OF TEN PERCENT.

48 4. COMPUTATION OF TAX LEVY LIMITS. (A) THE TAX LEVY BASE FOR EACH
49 SCHOOL YEAR SHALL BE DETERMINED AS FOLLOWS:

50 (I) ASCERTAIN THE TOTAL AMOUNT OF TAXES LEVIED FOR THE PRIOR SCHOOL
51 YEAR.

52 (II) ADD ANY PAYMENTS IN LIEU OF TAXES THAT WERE RECEIVABLE IN THE
53 PRIOR SCHOOL YEAR.

54 (III) MULTIPLY THE RESULT BY THE LEVY GROWTH FACTOR.

55 (IV) MULTIPLY THE RESULT BY THE TAX BASE GROWTH FACTOR, IF ANY.

1 (B) THE TAX LEVY BASE SHALL BE ADJUSTED BY ADDING THE AVAILABLE CARRY-
2 OVER, IF ANY, PROVIDED THAT IN NO EVENT SHALL THE AMOUNT OF ADDED CARRY-
3 OVER EXCEED ONE AND ONE-HALF PERCENT OF THE TAX LEVY FOR THE PRIOR
4 SCHOOL YEAR.

5 (C) THE TAX LEVY LIMIT FOR THE COMING SCHOOL YEAR SHALL BE THE
6 ADJUSTED TAX LEVY BASE, LESS ANY PAYMENTS IN LIEU OF TAXES RECEIVABLE IN
7 THE COMING SCHOOL YEAR. NO LATER THAN MARCH FIRST OF EACH YEAR, THE
8 COMMISSIONER OF EDUCATION SHALL CALCULATE THE TAX LEVY LIMIT FOR EACH
9 SCHOOL DISTRICT, AND SHALL NOTIFY EACH SCHOOL DISTRICT OF THE LEVY
10 GROWTH FACTOR, THE DISTRICT'S TAX BASE GROWTH FACTOR, IF ANY, THE
11 DISTRICT'S TAX LEVY BASE AND THE DISTRICT'S TAX LEVY LIMIT.

12 5. VOTER UNDERRIDES. THE QUALIFIED VOTERS OF A SCHOOL DISTRICT MAY
13 VOTE TO REDUCE (OR UNDERRIDE) THE LIMITATIONS IMPOSED BY THIS SECTION
14 FOR SUCH SCHOOL DISTRICT FOR THE COMING SCHOOL YEAR IN THE MANNER
15 PROVIDED BY SECTION TWO THOUSAND TWENTY-THREE-A OF THE EDUCATION LAW.

16 6. REORGANIZED SCHOOL DISTRICTS. WHEN TWO OR MORE SCHOOL DISTRICTS
17 REORGANIZE, THE COMMISSIONER OF EDUCATION SHALL DETERMINE THE TAX LEVY
18 LIMIT FOR THE REORGANIZED SCHOOL DISTRICT BASED ON THE RESPECTIVE TAX
19 LEVY LIMITS OF THE SCHOOL DISTRICTS THAT FORMED THE REORGANIZED DISTRICT
20 FROM THE LAST SCHOOL YEAR IN WHICH THEY WERE SEPARATE DISTRICTS,
21 PROVIDED THAT IN THE EVENT OF FORMATION OF A NEW CENTRAL HIGH SCHOOL
22 DISTRICT, THE TAX LEVY LIMITS FOR THE NEW CENTRAL HIGH SCHOOL DISTRICT
23 AND ITS COMPONENT SCHOOL DISTRICTS SHALL BE DETERMINED IN ACCORDANCE
24 WITH A METHODOLOGY PRESCRIBED BY THE COMMISSIONER OF EDUCATION.

25 7. ERRONEOUS LEVIES. IN THE EVENT A SCHOOL DISTRICT'S ACTUAL TAX LEVY
26 FOR A GIVEN SCHOOL YEAR EXCEEDS THE MAXIMUM ALLOWABLE LEVY AS ESTAB-
27 LISHED PURSUANT TO SECTION TWO THOUSAND TWENTY-THREE-A OF THE EDUCATION
28 LAW DUE TO CLERICAL OR TECHNICAL ERRORS, THE SCHOOL DISTRICT SHALL PLACE
29 THE EXCESS AMOUNT OF THE LEVY IN RESERVE IN ACCORDANCE WITH SUCH
30 REQUIREMENTS AS THE STATE COMPTROLLER MAY PRESCRIBE, AND SHALL USE SUCH
31 FUNDS AND ANY INTEREST EARNED THEREON TO OFFSET THE TAX LEVY FOR THE
32 ENSUING SCHOOL YEAR.

33 8. TAX EFFORT. BEGINNING WITH THE TWO THOUSAND ELEVEN--TWO THOUSAND
34 TWELVE SCHOOL YEAR, THE COMMISSIONER OF EDUCATION SHALL ANNUALLY IDENTI-
35 FY THOSE SCHOOL DISTRICTS FOR WHICH A MODIFIED TAX LEVY LIMIT IS APPRO-
36 PRIATE, USING CRITERIA PRESCRIBED BY THE COMMISSIONER BASED UPON A
37 DISTRICT'S FAILURE TO MEET THE "EXPECTED LOCAL CONTRIBUTION" COMPONENT
38 OF THE FOUNDATION AID FORMULA PRESCRIBED BY SUBDIVISION FOUR OF SECTION
39 THIRTY-SIX HUNDRED TWO OF THE EDUCATION LAW AND SUCH OTHER FACTORS AS HE
40 OR SHE DEEMS APPROPRIATE. NOTWITHSTANDING ANY PROVISION OF LAW TO THE
41 CONTRARY, FOR PURPOSES OF DETERMINING THE TAX LEVY LIMITS APPLICABLE TO
42 ANY SUCH SCHOOL DISTRICT FOR THE ENSUING SCHOOL YEAR:

43 (A) THE LEVY GROWTH FACTOR SHALL BE THE LESSER OF (I) FIVE PERCENT; OR
44 (II) ONE HUNDRED FIFTY PERCENT OF THE INFLATION FACTOR.

45 (B) A TAX LEVY PROPOSITION SUBMITTED PURSUANT TO SUBDIVISION THREE OF
46 SECTION TWO THOUSAND TWENTY-THREE-A OF THE EDUCATION LAW SHALL BE
47 APPROVED IF OVER FIFTY PERCENT OF THE VOTES ARE IN THE AFFIRMATIVE.

48 (C) AN UNDERRIDE PROPOSITION SUBMITTED PURSUANT TO SUBDIVISION TWO OF
49 SECTION TWO THOUSAND TWENTY-THREE-A OF THE EDUCATION LAW SHALL BE
50 APPROVED IF OVER SIXTY PERCENT OF THE VOTES ARE IN THE AFFIRMATIVE.

51 S 3. The tax law is amended by adding a new section 178 to read as
52 follows:

53 S 178. "MIDDLE CLASS STAR" REBATE PROGRAM. 1. THE COMMISSIONER SHALL
54 ISSUE THE LOCAL PROPERTY TAX REBATES AUTHORIZED BY SECTION THIRTEEN
55 HUNDRED SIX-B OF THE REAL PROPERTY TAX LAW EXCEPT AS PROVIDED IN PARA-
56 GRAPH (G) OF SUBDIVISION THREE OF SUCH SECTION. FOR PURPOSES OF THIS

1 SECTION THE REBATE SHALL BE CALCULATED USING THE COMPUTATION FORMULA SET
2 FORTH IN SUBDIVISION THREE OF SECTION THIRTEEN HUNDRED SIX-B OF THE REAL
3 PROPERTY TAX LAW.

4 2. ON OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND NINE AND ON AUGUST
5 FIFTEENTH EACH YEAR THEREAFTER, THE EXECUTIVE DIRECTOR OF THE OFFICE OF
6 REAL PROPERTY SERVICES, OR HIS OR HER DESIGNEE, OR ON OR BEFORE DECEMBER
7 THIRTY-FIRST, TWO THOUSAND NINE AND ON JULY FIRST EACH YEAR THEREAFTER
8 IN THE CASE OF A CITY WITH A POPULATION OF ONE MILLION OR MORE, THE
9 COMMISSIONER OF FINANCE, SHALL PROVIDE TO THE COMMISSIONER A REPORT IN A
10 MUTUALLY AGREEABLE FORMAT CONCERNING THOSE PARCELS WHICH SATISFY THE
11 CRITERIA SET FORTH IN SECTION THIRTEEN HUNDRED SIX-B OF THE REAL PROPER-
12 TY TAX LAW.

13 3. THE COMMISSIONER IN CONSULTATION WITH THE OFFICE OF REAL PROPERTY
14 SERVICES AND IN THE CASE OF A CITY WITH A POPULATION OF ONE MILLION OR
15 MORE, THE COMMISSIONER OF FINANCE, IS AUTHORIZED TO DEVELOP PROCEDURES
16 NECESSARY TO PROVIDE FOR THE ISSUANCE OF LOCAL PROPERTY TAX REBATES TO
17 QUALIFYING PROPERTY OWNERS, AND THOSE QUALIFYING PROPERTY OWNERS THAT
18 DID NOT RECEIVE THEM INITIALLY. IF THE COMMISSIONER IS NOT SATISFIED
19 THAT THE PROPERTY OWNER IS QUALIFIED FOR THE LOCAL PROPERTY TAX REBATE,
20 THE COMMISSIONER SHALL NOT ISSUE SUCH REBATE.

21 4. WHEN THE PROPER PAYMENT OF A TAX REBATE UNDER THIS SECTION DEPENDS
22 UPON CONSTRUCTION OF THE MEANING OF THE PROVISIONS OF SECTION THIRTEEN
23 HUNDRED SIX-B OF THE REAL PROPERTY TAX LAW (AND ANY RELATED PROVISIONS
24 OF SUCH LAW) OR INTERPRETATION OF THE TERMS CONTAINED THEREIN, IT SHALL
25 BE THE RESPONSIBILITY OF THE STATE BOARD OF REAL PROPERTY SERVICES TO
26 PROVIDE TO THE DEPARTMENT THE CONSTRUCTION OR INTERPRETATION OF ANY SUCH
27 PROVISIONS OR TERMS.

28 5. BY DEPOSITING A REBATE ISSUED PURSUANT TO THIS SECTION AND AUTHOR-
29 IZED BY SECTION THIRTEEN HUNDRED SIX-B OF THE REAL PROPERTY TAX LAW, THE
30 PAYEE IS CERTIFYING THAT HE OR SHE IS THE PROPERTY OWNER, AND THAT THE
31 PRIMARY RESIDENCE OF SUCH PROPERTY OWNER IS NOT SUBJECT TO ANY DELIN-
32 QUENT SCHOOL TAXES.

33 6. VERIFICATION OF "AFFILIATED INCOME" FOR "MIDDLE CLASS STAR" REBATE
34 PROGRAM. (A) GENERALLY. THE DETERMINATION OF THE "AFFILIATED INCOME" OF
35 PARCELS FOR PURPOSES OF THE "MIDDLE CLASS STAR" REBATE PROGRAM AS
36 AUTHORIZED BY SUBDIVISION THREE OF SECTION THIRTEEN HUNDRED SIX-B OF THE
37 REAL PROPERTY TAX LAW SHALL BE MADE AS PROVIDED BY THIS SECTION.

38 (B) FOR PURPOSES OF THIS SUBDIVISION, THE TERM "INCOME" SHALL HAVE THE
39 SAME MEANING AS SET FORTH IN SUBPARAGRAPH (II) OF PARAGRAPH (B) OF
40 SUBDIVISION FOUR OF SECTION FOUR HUNDRED TWENTY-FIVE OF THE REAL PROPER-
41 TY TAX LAW. THE TERM "AFFILIATED INCOME" SHALL MEAN THE COMBINED INCOME
42 OF ALL OF THE OWNERS OF THE PARCEL WHO RESIDED PRIMARILY THEREON ON THE
43 TAXABLE STATUS DATE FOR THE ASSESSMENT ROLL USED TO GENERATE THE APPLI-
44 CABLE SCHOOL TAX BILLS, AND OF ANY OWNERS' SPOUSES FILING JOINTLY OR
45 SPOUSES' RESIDING PRIMARILY THEREON IN THE CASES OF SPOUSES' FILING
46 SEPARATE RETURNS ON SUCH TAXABLE STATUS DATE AND SHALL BE DETERMINED AS
47 FOLLOWS:

48 (I) FOR THE TWO THOUSAND NINE--TWO THOUSAND TEN SCHOOL YEAR, AFFIL-
49 IATED INCOME SHALL BE DETERMINED BASED UPON THE PARTIES' INCOMES FOR THE
50 INCOME TAX YEAR ENDING IN TWO THOUSAND EIGHT. IN EACH SUBSEQUENT YEAR,
51 THE APPLICABLE INCOME TAX YEAR SHALL BE ADVANCED BY ONE YEAR.

52 (II) THE DEPARTMENT SHALL DETERMINE THE AFFILIATED INCOME FOR EACH
53 PARCEL AND SHALL ASSIGN A REBATE AMOUNT FOR EACH PARCEL BASED UPON SUCH
54 DETERMINATION. IN ANY CASE WHERE AFFILIATED INCOME CANNOT BE DETERMINED,
55 A REBATE SHALL NOT BE ISSUED.

1 7. NOTIFICATION REQUIREMENT. THE DEPARTMENT SHALL MAIL INFORMATION
2 CONCERNING THE "MIDDLE CLASS STAR" REBATE PROGRAM TO OWNERS OF PARCELS
3 RECEIVING A BASIC STAR EXEMPTION ON THE ASSESSMENT ROLL USED TO GENERATE
4 THE TWO THOUSAND NINE--TWO THOUSAND TEN SCHOOL TAX BILL. SUCH NOTIFICA-
5 TION SHALL EXPLAIN THAT PROPERTY OWNERS MUST FILE APPLICATIONS WITH THE
6 DEPARTMENT IN ORDER TO OBTAIN THE REBATE AVAILABLE UNDER THE "MIDDLE
7 CLASS STAR" REBATE PROGRAM. SUCH NOTICE SHALL FURTHER EXPLAIN HOW TO
8 OBTAIN THE APPLICATION.

9 8. APPLICATIONS. (A) IN ORDER TO OBTAIN THE BENEFITS OF THE "MIDDLE
10 CLASS STAR" REBATE PROGRAM, THE PROPERTY OWNER MUST SUBMIT AN APPLICA-
11 TION TO THE DEPARTMENT NO LATER THAN DECEMBER THIRTY-FIRST, TWO THOUSAND
12 NINE. THE APPLICANT SHALL PROVIDE THE DEPARTMENT WITH SUCH INFORMATION
13 AS MAY BE NECESSARY TO DETERMINE THE PARCEL'S AFFILIATED INCOME. THE
14 PERSONS OTHER THAN THE APPLICANT WHOSE INCOMES ARE NECESSARY TO THE
15 DETERMINATION OF THE PARCEL'S AFFILIATED INCOME SHALL BE REFERRED TO IN
16 THIS SECTION AS "AFFILIATED PERSONS." RECIPIENTS OF THE ENHANCED STAR
17 EXEMPTION SHALL NOT FILE AN APPLICATION TO RECEIVE A REBATE. THE DEPART-
18 MENT SHALL MAIL ENHANCED STAR REBATE RECIPIENTS THEIR REBATES IN A TIME-
19 LY MANNER.

20 (B) IF THE APPLICANT OR ANY AFFILIATED PERSONS WERE NOT REQUIRED TO
21 FILE NEW YORK STATE INCOME TAX RETURNS FOR THE TWO THOUSAND EIGHT INCOME
22 TAX YEAR BECAUSE THEIR INCOMES WERE BELOW THE THRESHOLD THAT NECESSI-
23 TATED SUCH FILING, THE APPLICATION SHALL SO INDICATE.

24 (C) IF THE APPLICANT OR ANY AFFILIATED PERSONS WERE NOT REQUIRED TO
25 FILE NEW YORK STATE INCOME TAX RETURNS FOR THE TWO THOUSAND EIGHT INCOME
26 TAX YEAR BECAUSE THEY DID NOT RESIDE IN NEW YORK STATE IN SUCH TAXABLE
27 YEAR, THE APPLICATION SHALL SO INDICATE. SUCH PERSONS SHALL PROVIDE WITH
28 THE APPLICATION ANY INFORMATION THAT THE DEPARTMENT DETERMINES IS NECES-
29 SARY TO CALCULATE THE PARCEL'S AFFILIATED INCOME UNDER THE "MIDDLE CLASS
30 STAR" REBATE PROGRAM.

31 (D) AFTER TWO THOUSAND NINE, APPLICATIONS SHALL BE REQUIRED ONLY WHEN
32 A NEW APPLICATION FOR A BASIC STAR EXEMPTION FOR REAL PROPERTY TAXATION
33 IS FILED PURSUANT TO SECTION FOUR HUNDRED TWENTY-FIVE OF THE REAL PROP-
34 erty TAX LAW, OR WHEN THERE IS A CHANGE OF OWNERSHIP WHICH DOES NOT
35 NECESSITATE THE FILING OF A NEW APPLICATION FOR A BASIC STAR EXEMPTION.
36 IN EITHER INSTANCE, AN APPLICATION SHALL BE SUBMITTED TO THE DEPARTMENT
37 ON A TIMELY BASIS.

38 (E) IF AN APPLICATION FOR A "MIDDLE CLASS STAR" REBATE IS RECEIVED
39 AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND NINE, AN OTHERWISE ELIGIBLE
40 PROPERTY OWNER SHALL NOT RECEIVE A REBATE FOR SUCH YEAR. HOWEVER, SUCH
41 APPLICATION SHALL BE CONSIDERED TIMELY FILED FOR A REBATE IN SUBSEQUENT
42 YEARS PROVIDED THE OWNERSHIP OF THE PARCEL REMAINS UNCHANGED.

43 9. PROCESSING OF APPLICATIONS. (A) AFTER RECEIVING A TIMELY APPLICA-
44 TION, THE DEPARTMENT SHALL ATTEMPT TO DETERMINE THE AFFILIATED INCOME OF
45 THE PARCEL AND THE REBATE AMOUNT TO WHICH THE PARCEL IS ENTITLED, IF
46 ANY.

47 (B) IN THE CASE OF AN APPLICATION WHICH INDICATES THAT THE APPLICANT
48 AND ANY AFFILIATED PERSONS WERE NOT REQUIRED TO FILE NEW YORK STATE
49 INCOME TAX RETURNS FOR THE TWO THOUSAND EIGHT INCOME TAX YEAR BECAUSE
50 THEIR INCOMES WERE BELOW THE THRESHOLD WHICH NECESSITATED THE FILING OF
51 A STATE INCOME TAX RETURN, THE DEPARTMENT MAY, SUBJECT TO AUDIT, ISSUE A
52 REBATE EQUAL TO THE HIGHEST AMOUNT AVAILABLE FOR THAT SCHOOL DISTRICT
53 SEGMENT.

54 (C) IN THE CASE OF AN APPLICATION WHICH INDICATES THAT THE APPLICANT
55 AND ANY AFFILIATED PERSONS WERE NOT REQUIRED TO FILE NEW YORK STATE
56 INCOME TAX RETURNS FOR THE TWO THOUSAND EIGHT INCOME TAX YEAR BECAUSE

1 THEY DID NOT RESIDE IN NEW YORK STATE IN SUCH TAXABLE YEAR, THE APPLI-
2 CANT SHALL PROVIDE SUCH INFORMATION REGARDING INCOME AS IS REQUESTED BY
3 THE DEPARTMENT. THE DEPARTMENT SHALL ISSUE A REBATE BASED UPON THE
4 INFORMATION PROVIDED BY THE APPLICANT AND ANY OTHER INFORMATION TO WHICH
5 THE DEPARTMENT MAY HAVE ACCESS CONCERNING THE INCOME OF SUCH PERSON OR
6 PERSONS.

7 10. RECONSIDERATION OF REBATE AMOUNT. IN THE EVENT THE DEPARTMENT IS
8 UNABLE TO DETERMINE THE AFFILIATED INCOME FOR A PARCEL OR THE DEPARTMENT
9 DETERMINES THAT A REBATE SHALL NOT BE ISSUED FOR A PARCEL, THE DEPART-
10 MENT SHALL NOTIFY THE APPLICANT OF THAT FACT. A PROPERTY OWNER MAY SEEK
11 RECONSIDERATION OF THE REBATE AMOUNT DETERMINATION FOR HIS OR HER PARCEL
12 ON THE GROUNDS THAT THE PARCEL'S AFFILIATED INCOME WAS DETERMINED ERRO-
13 NEOUSLY. A PROPERTY OWNER MAY ALSO SEEK RECONSIDERATION IF NO REBATE WAS
14 ISSUED BECAUSE THE PARCEL'S AFFILIATED INCOME WAS UNDETERMINED. AN
15 APPLICATION FOR RECONSIDERATION OF REBATE AMOUNT SHALL BE MADE IN A
16 MANNER PRESCRIBED BY THE DEPARTMENT, AND SHALL BE ACCOMPANIED BY SUCH
17 DOCUMENTATION AS THE DEPARTMENT MAY REQUIRE. SUCH APPLICATION SHALL BE
18 FILED NO LATER THAN MARCH THIRTY-FIRST, TWO THOUSAND TEN. IF THE DEPART-
19 MENT FINDS AFTER REVIEWING SUCH AN APPLICATION THAT THE REBATE AMOUNT
20 DETERMINATION FOR A PARCEL SHOULD BE CORRECTED, IT SHALL ISSUE AN
21 AMENDED OR INITIAL REBATE CHECK. IF THE DEPARTMENT FINDS AFTER REVIEWING
22 SUCH AN APPLICATION THAT THE REBATE AMOUNT DETERMINATION FOR THE PARCEL
23 WAS CORRECTLY DETERMINED, IT SHALL SO NOTIFY THE APPLICANT. SUCH NOTIFI-
24 CATION SHALL INCLUDE AN EXPLANATION OF THE DEPARTMENT'S FINDINGS, INDI-
25 CATE THAT THE APPLICANT HAS THE RIGHT TO A PROCEEDING UNDER ARTICLE
26 SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES, AND INDICATE THE
27 STATUTE OF LIMITATIONS ASSOCIATED WITH SUCH PROCEEDINGS. SUCH FINDING
28 SHALL BE SUBJECT TO REVIEW PURSUANT ONLY TO A PROCEEDING UNDER ARTICLE
29 SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES.

30 11. SPECIAL PROVISIONS RELATING TO CO-OPERATIVE APARTMENT UNITS AND
31 MOBILE HOMES. THE DEPARTMENT'S DETERMINATION OF AFFILIATED INCOME SHALL
32 BE MADE WITH RESPECT TO THE TENANT-SHAREHOLDERS OR OWNERS OF THE UNIT IN
33 QUESTION RATHER THAN OF THE PARCEL.

34 12. SUBSEQUENT YEARS. IN EACH YEAR SUBSEQUENT TO TWO THOUSAND NINE,
35 AFFILIATED INCOMES SHALL CONTINUE TO BE DETERMINED AS PROVIDED BY THIS
36 SECTION FOR PURPOSES OF THE "MIDDLE CLASS STAR" REBATE PROGRAM, EXCEPT
37 THAT:

38 (A) THE NOTIFICATION REQUIREMENT OF SUBDIVISION SEVEN OF THIS SECTION
39 SHALL NOT BE APPLICABLE;

40 (B) APPLICATIONS SHALL BE REQUIRED ONLY AS PROVIDED IN SUBDIVISION
41 EIGHT OF THIS SECTION; AND

42 (C) IN EACH SUBSEQUENT YEAR, THE APPLICABLE INCOME TAX YEAR FOR DETER-
43 MINATIONS UNDER THIS SECTION SHALL BE ADVANCED ONE YEAR. ALL OTHER
44 APPLICABLE DATES AND DEADLINES WHICH REFERENCE A DATE IN TWO THOUSAND
45 NINE SHALL BE ADVANCED AND SHALL BE DEEMED TO REFERENCE DATES IN THAT
46 SUBSEQUENT YEAR, EXCEPT THAT APPLICATIONS FOR RECONSIDERATION OF REBATE
47 AMOUNT DETERMINATIONS SHALL BE SUBMITTED NO LATER THAN MARCH
48 THIRTY-FIRST OF THE ENSUING YEAR.

49 13. CONFIDENTIAL INFORMATION; DISCLOSURE PROHIBITION. INFORMATION
50 REGARDING REBATES ISSUED TO INDIVIDUALS SHALL NOT BE SUBJECT TO DISCLO-
51 SURE; INCLUDING NAMES, ADDRESSES, AND DOLLAR AMOUNTS OF REBATES. IN
52 ADDITION, ALL APPLICATIONS SUBMITTED FOR REBATES SHALL NOT BE SUBJECT TO
53 DISCLOSURE.

54 14. DEADLINE. IF ANY APPLICABLE DEADLINE SHALL FALL ON A SATURDAY,
55 SUNDAY OR LEGAL HOLIDAY, SUCH DEADLINE SHALL BE ADVANCED TO THE NEXT
56 BUSINESS DAY.

1 15. AFFILIATED INCOME BRACKETS; INDEXING. THE DEPARTMENT SHALL ESTAB-
2 LISH THE AFFILIATED INCOME BRACKETS TO BE ASSOCIATED WITH THE REBATE
3 AMOUNTS FOR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR
4 AND EACH SCHOOL YEAR THEREAFTER BY APPLYING THE INFLATION FACTOR SET
5 FORTH IN THIS SUBDIVISION TO THE FIGURES THAT DEFINED THE INCOME BRACK-
6 ETS THAT WERE APPLICABLE TO THE TWO THOUSAND THIRTEEN--TWO THOUSAND
7 FOURTEEN SCHOOL YEAR, AND ROUNDING EACH RESULT TO THE NEAREST MULTIPLE
8 OF ONE HUNDRED DOLLARS. FOR PURPOSES OF THIS SUBDIVISION, THE
9 "INFLATION FACTOR" FOR EACH INCOME BRACKET SHALL BE DETERMINED BY THE
10 PERCENTAGE INCREASE IN THE CONSUMER PRICE INDEX FOR URBAN WAGE EARNERS
11 AND CLERICAL WORKERS (CPI-W) PUBLISHED BY THE UNITED STATES DEPARTMENT
12 OF LABOR, BUREAU OF LABOR STATISTICS, FOR THE THIRD QUARTER OF THE
13 CALENDAR YEAR PRECEDING THE APPLICABLE SCHOOL YEAR, AS COMPARED TO THE
14 THIRD QUARTER OF THE PRIOR CALENDAR YEAR. IF A BASE FIGURE AS SO DETER-
15 MINED IS NOT EXACTLY EQUAL TO A MULTIPLE OF ONE HUNDRED DOLLARS, IT
16 SHALL BE ROUNDED TO THE NEAREST MULTIPLE OF ONE HUNDRED DOLLARS. IN EACH
17 SUBSEQUENT SCHOOL YEAR, THE PRIOR YEAR'S INCOME BRACKETS SHALL BE
18 INDEXED USING THE ABOVE FORMULA WITH EACH YEAR ADVANCED BY ONE YEAR.

19 S 4. Section 606 of the tax law is amended by adding a new subsection
20 (qq) to read as follows:

21 (QQ) MIDDLE CLASS CIRCUIT BREAKER CREDIT. (1) DEFINITIONS. FOR THE
22 PURPOSES OF THIS SUBSECTION:

23 (A) "QUALIFIED TAXPAYER" MEANS A RESIDENT INDIVIDUAL OF THE STATE WHO
24 OWNS OR RENTS THE RESIDENTIAL REAL PROPERTY IN WHICH HE OR SHE RESIDES,
25 AND HAS RESIDED IN SUCH RESIDENTIAL REAL PROPERTY FOR NOT LESS THAN
26 THREE YEARS.

27 (B) "HOUSEHOLD" OR "MEMBERS OF THE HOUSEHOLD" MEANS A QUALIFIED
28 TAXPAYER OR QUALIFIED TAXPAYERS AND ALL OTHER PERSONS, NOT NECESSARILY
29 RELATED, WHO ALL RESIDE IN THE RESIDENTIAL REAL PROPERTY OWNED BY THE
30 TAXPAYER OR TAXPAYERS, AND SHARE ITS FURNISHINGS, FACILITIES AND ACCOM-
31 MODATIONS; PROVIDED THAT NO PERSON MAY BE A MEMBER OF MORE THAN ONE
32 HOUSEHOLD AT ONE TIME.

33 (C) "HOUSEHOLD GROSS INCOME" MEANS THE AGGREGATE ADJUSTED GROSS INCOME
34 OF ALL MEMBERS OF THE HOUSEHOLD FOR THE TAXABLE YEAR AS REPORTED FOR
35 FEDERAL INCOME TAX PURPOSES, OR WHICH WOULD BE REPORTED AS ADJUSTED
36 GROSS INCOME IF A FEDERAL INCOME TAX RETURN WERE REQUIRED TO BE FILED,
37 WITH THE MODIFICATIONS IN SUBSECTION (B) OF SECTION SIX HUNDRED TWELVE
38 OF THIS ARTICLE BUT WITHOUT THE MODIFICATIONS IN SUBSECTION (C) OF SUCH
39 SECTION, PLUS ANY PORTION OF THE GAIN FROM THE SALE OR EXCHANGE OF PROP-
40 ERTY OTHERWISE EXCLUDED FROM SUCH AMOUNT; EARNED INCOME FROM SOURCES
41 WITHOUT THE UNITED STATES EXCLUDABLE FROM FEDERAL GROSS INCOME BY
42 SECTION NINE HUNDRED ELEVEN OF THE INTERNAL REVENUE CODE; SUPPORT MONEY
43 NOT INCLUDED IN ADJUSTED GROSS INCOME; NONTAXABLE STRIKE BENEFITS;
44 SUPPLEMENTAL SECURITY INCOME PAYMENTS; THE GROSS AMOUNT OF ANY PENSION
45 OR ANNUITY BENEFITS TO THE EXTENT NOT INCLUDED IN SUCH ADJUSTED GROSS
46 INCOME (INCLUDING, BUT NOT LIMITED TO, RAILROAD RETIREMENT BENEFITS AND
47 ALL PAYMENTS RECEIVED UNDER THE FEDERAL SOCIAL SECURITY ACT AND VETER-
48 ANS' DISABILITY PENSIONS); NONTAXABLE INTEREST RECEIVED FROM THE STATE
49 OF NEW YORK, ITS AGENCIES, INSTRUMENTALITIES, PUBLIC CORPORATIONS, OR
50 POLITICAL SUBDIVISIONS (INCLUDING A PUBLIC CORPORATION CREATED PURSUANT
51 TO AGREEMENT OR COMPACT WITH ANOTHER STATE OR CANADA); WORKERS' COMPEN-
52 SATION; THE GROSS AMOUNT OF "LOSS-OF-TIME" INSURANCE; AND THE AMOUNT OF
53 CASH PUBLIC ASSISTANCE AND RELIEF, OTHER THAN MEDICAL ASSISTANCE FOR THE
54 NEEDY, PAID TO OR FOR THE BENEFIT OF THE QUALIFIED TAXPAYER OR MEMBERS
55 OF HIS OR HER HOUSEHOLD. HOUSEHOLD GROSS INCOME SHALL NOT INCLUDE
56 SURPLUS FOODS OR OTHER RELIEF IN KIND OR PAYMENTS MADE TO INDIVIDUALS

1 BECAUSE OF THEIR STATUS AS VICTIMS OF NAZI PERSECUTION AS DEFINED IN
2 PUBLIC LAW 103-286 OR ANY DISABILITY COMPENSATION RECEIVED BY VETERANS
3 ON ACCOUNT OF INJURY OR ILLNESS INCURRED OR AGGRAVATED DURING MILITARY
4 SERVICE IN THE WARS IN AFGHANISTAN AND IRAQ SINCE SEPTEMBER ELEVENTH,
5 TWO THOUSAND ONE. PROVIDED, FURTHER, HOUSEHOLD GROSS INCOME SHALL ONLY
6 INCLUDE ALL SUCH INCOME RECEIVED BY ALL MEMBERS OF THE HOUSEHOLD WHILE
7 MEMBERS OF SUCH HOUSEHOLD. FOR FARM FAMILIES EARNING AT LEAST FIFTY
8 PERCENT OF THEIR INCOME FROM FARMING, "ADJUSTED GROSS INCOME" SHALL BE
9 REPLACED WITH "MODIFIED ADJUSTED GROSS INCOME" FOR FEDERAL TAX PURPOSES
10 AS REPORTED ON THE APPLICANT'S FEDERAL AND STATE INCOME TAX RETURNS FOR
11 THE APPLICABLE INCOME TAX YEAR.

12 (D) "ADJUSTED RENT" MEANS RENT PAID FOR THE RIGHT OF OCCUPANCY OF A
13 RESIDENCE.

14 (E) "REAL PROPERTY TAX EQUIVALENT" MEANS (1) FOR TAXABLE YEARS BEGIN-
15 NING IN TWO THOUSAND TEN, FIFTEEN PERCENT OF THE ADJUSTED RENT ACTUALLY
16 PAID IN THE TAXABLE YEAR BY A HOUSEHOLD SOLELY FOR THE RIGHT OF OCCUPAN-
17 CY OF ITS NEW YORK RESIDENCE FOR THE TAXABLE YEAR. IF (I) A RESIDENCE IS
18 RENTED TO TWO OR MORE INDIVIDUALS AS COTENANTS, OR SUCH INDIVIDUALS
19 SHARE IN THE PAYMENT OF A SINGLE RENT FOR THE RIGHT OF OCCUPANCY OF SUCH
20 RESIDENCE, AND (II) EACH OF SUCH INDIVIDUALS IS A MEMBER OF A DIFFER-
21 ENT HOUSEHOLD, ONE OR MORE OF WHICH INDIVIDUALS SHARES SUCH RESIDENCE,
22 REAL PROPERTY TAX EQUIVALENT IS THAT PORTION OF FIFTEEN PERCENT OF THE
23 ADJUSTED RENT PAID IN THE TAXABLE YEAR WHICH REFLECTS THAT PORTION OF
24 THE RENT ATTRIBUTABLE TO THE QUALIFIED TAXPAYER AND THE MEMBERS OF HIS
25 OR HER HOUSEHOLD; AND (2) FOR TAXABLE YEARS BEGINNING IN TWO THOUSAND
26 ELEVEN AND THEREAFTER, TWENTY PERCENT OF THE ADJUSTED RENT ACTUALLY PAID
27 IN THE TAXABLE YEAR BY A HOUSEHOLD SOLELY FOR THE RIGHT OF OCCUPANCY OF
28 ITS NEW YORK RESIDENCE FOR THE TAXABLE YEAR. IF (I) A RESIDENCE IS RENT-
29 ED TO TWO OR MORE INDIVIDUALS AS COTENANTS, OR SUCH INDIVIDUALS SHARE IN
30 THE PAYMENT OF A SINGLE RENT FOR THE RIGHT OF OCCUPANCY OF SUCH RESI-
31 DENCE, AND (II) EACH OF SUCH INDIVIDUALS IS A MEMBER OF A DIFFERENT
32 HOUSEHOLD, ONE OR MORE OF WHICH INDIVIDUALS SHARES SUCH RESIDENCE, REAL
33 PROPERTY TAX EQUIVALENT IS THAT PORTION OF TWENTY PERCENT OF THE
34 ADJUSTED RENT PAID IN THE TAXABLE YEAR WHICH REFLECTS THAT PORTION OF
35 THE RENT ATTRIBUTABLE TO THE QUALIFIED TAXPAYER AND THE MEMBERS OF HIS
36 OR HER HOUSEHOLD.

37 (F) "NET REAL PROPERTY TAX" MEANS THE REAL PROPERTY TAXES ASSESSED ON
38 THE RESIDENTIAL REAL PROPERTY OWNED AND OCCUPIED BY THE TAXPAYER OR
39 TAXPAYERS AFTER ANY EXEMPTION OR ABATEMENT RECEIVED PURSUANT TO THE REAL
40 PROPERTY TAX LAW, OR ANY REBATE RECEIVED PURSUANT TO SECTION THIRTEEN
41 HUNDRED SIX-B OF SUCH LAW.

42 (2) CREDIT. A QUALIFIED TAXPAYER SHALL BE ALLOWED A CREDIT AGAINST THE
43 TAXES IMPOSED BY THIS ARTICLE, EQUAL TO SEVENTY PERCENT OF THE AMOUNT BY
44 WHICH THE TAXPAYER'S NET REAL PROPERTY TAX OR THE TAXPAYER'S REAL PROP-
45 erty TAX EQUIVALENT EXCEEDS THE TAXPAYER'S MAXIMUM REAL PROPERTY TAX, AS
46 DETERMINED BY PARAGRAPH THREE OF THIS SUBSECTION. IF SUCH CREDIT EXCEEDS
47 THE TAX FOR SUCH TAXABLE YEAR, AS REDUCED BY THE OTHER CREDITS PERMITTED
48 BY THIS ARTICLE, THE QUALIFIED TAXPAYER MAY RECEIVE, AND THE COMP-
49 TROLLER, SUBJECT TO A CERTIFICATE OF THE DEPARTMENT, SHALL PAY AS AN
50 OVERPAYMENT, WITHOUT INTEREST, ANY EXCESS BETWEEN SUCH TAX AS SO REDUCED
51 AND THE AMOUNT OF THE CREDIT. IF A QUALIFIED TAXPAYER IS NOT REQUIRED TO
52 FILE A RETURN PURSUANT TO SECTION SIX HUNDRED FIFTY-ONE OF THIS ARTICLE,
53 A QUALIFIED TAXPAYER MAY NEVERTHELESS RECEIVE AND THE COMPTROLLER,
54 SUBJECT TO A CERTIFICATE OF THE DEPARTMENT, SHALL PAY AS AN OVERPAYMENT
55 THE FULL AMOUNT OF THE CREDIT, WITHOUT INTEREST.

1 (3) MAXIMUM REAL PROPERTY TAX. A QUALIFIED TAXPAYER'S MAXIMUM REAL
2 PROPERTY TAX SHALL BE DETERMINED AS FOLLOWS:

3 (A) IN THE CITY OF NEW YORK, AND THE COUNTIES OF NASSAU, SUFFOLK,
4 ROCKLAND, WESTCHESTER, PUTNAM, ORANGE AND DUTCHESS:

5 HOUSEHOLD GROSS INCOME MAXIMUM REAL PROPERTY TAX
6 ONE HUNDRED TWENTY THOUSAND SIX PERCENT OF THE
7 DOLLARS OR LESS HOUSEHOLD GROSS INCOME

8 MORE THAN ONE HUNDRED TWENTY SIX PERCENT OF ONE HUNDRED TWENTY
9 THOUSAND DOLLARS, BUT LESS THAN THOUSAND DOLLARS PLUS SEVEN
10 OR EQUAL TO ONE HUNDRED SEVENTY- PERCENT OF HOUSEHOLD GROSS INCOME
11 FIVE THOUSAND DOLLARS ABOVE ONE HUNDRED TWENTY THOUSAND
12 DOLLARS

13 MORE THAN ONE HUNDRED SEVENTY- SIX PERCENT OF ONE HUNDRED TWENTY
14 FIVE THOUSAND DOLLARS, BUT LESS THOUSAND DOLLARS PLUS SEVEN
15 THAN OR EQUAL TO TWO HUNDRED FIFTY PERCENT OF FIFTY-FIVE THOUSAND
16 THOUSAND DOLLARS DOLLARS PLUS EIGHT PERCENT OF
17 HOUSEHOLD GROSS INCOME ABOVE
18 ONE HUNDRED SEVENTY-FIVE
19 THOUSAND DOLLARS

20 MORE THAN TWO HUNDRED FIFTY NO LIMITATION.
21 THOUSAND DOLLARS

22 (B) IN ALL OTHER COUNTIES OF THE STATE:

23 HOUSEHOLD GROSS INCOME MAXIMUM REAL PROPERTY TAX
24 NINETY THOUSAND SIX PERCENT OF THE
25 DOLLARS OR LESS HOUSEHOLD GROSS INCOME

26 MORE THAN NINETY THOUSAND SIX PERCENT OF NINETY
27 DOLLARS, BUT LESS THAN OR EQUAL THOUSAND DOLLARS PLUS SEVEN
28 TO ONE HUNDRED FIFTY THOUSAND PERCENT OF HOUSEHOLD GROSS INCOME
29 DOLLARS ABOVE NINETY THOUSAND DOLLARS

30 MORE THAN ONE HUNDRED FIFTY SIX PERCENT OF NINETY THOUSAND
31 THOUSAND DOLLARS, BUT LESS DOLLARS PLUS SEVEN PERCENT OF
32 THAN OR EQUAL TO TWO HUNDRED FIFTY SIXTY THOUSAND DOLLARS PLUS
33 THOUSAND DOLLARS EIGHT PERCENT OF HOUSEHOLD GROSS
34 INCOME ABOVE ONE HUNDRED FIFTY
35 THOUSAND DOLLARS

36 MORE THAN TWO HUNDRED FIFTY NO LIMITATION.
37 THOUSAND DOLLARS

38 S 5. Subparagraphs (A) and (B) of paragraph 2 of subsection (e) of
39 section 1310 of the tax law, as amended by section 4 of part M of chap-
40 ter 57 of the laws of 2009, are amended to read as follows:

41 (A) Married individuals filing joint returns and surviving spouses. In
42 the case of a husband and wife who make a single return jointly and of a
43 surviving spouse:

44	For taxable years beginning:	The credit shall be:
45	in 2001-2005	\$125
46	in 2006	\$230

1	in 2007-2008	\$290
2	in 2009 [and after]	[\$125] \$0
3	AFTER 2009	\$125

4 (B) All others. In the case of an unmarried individual, a head of a
5 household or a married individual filing a separate return:

6	For taxable years beginning:	The credit shall be:
7	in 2001-2005	\$62.50
8	in 2006	\$115
9	in 2007-2008	\$145
10	in 2009 [and after]	[\$62.50] \$0
11	AFTER 2009	\$62.50

12 S 6. Subsection (e) of section 1310 of the tax law, as added by
13 section 135 of part A of chapter 389 of the laws of 1997, is amended by
14 adding a new paragraph 3 to read as follows:

15 (3) NOTWITHSTANDING THE SCHEDULE OF CREDIT IN SUBPARAGRAPHS (A) AND
16 (B) OF PARAGRAPH TWO OF THIS SUBSECTION, STARTING IN TWO THOUSAND TEN
17 TAXPAYERS WHO:

18 (A) ARE SIXTY-FIVE YEARS OR OLDER AS OF DECEMBER THIRTY-FIRST, TWO
19 THOUSAND TEN AND FOR EACH SUBSEQUENT TAX YEAR THE APPLICABLE DATE SHALL
20 BE ADVANCED BY ONE YEAR; AND

21 (B) WHERE THE HOUSEHOLD GROSS INCOME IS LESS THAN ONE HUNDRED FIFTY
22 THOUSAND DOLLARS SHALL INSTEAD BE ENTITLED TO A CREDIT OF THREE HUNDRED
23 THIRTY-FIVE DOLLARS FOR MARRIED INDIVIDUALS FILING JOINT RETURNS AND
24 SURVIVING SPOUSES AND ONE HUNDRED SIXTY-SEVEN DOLLARS AND FIFTY CENTS
25 FOR ALL OTHERS, INCLUDING AN UNMARRIED INDIVIDUAL, A HEAD OF HOUSEHOLD
26 OR A MARRIED INDIVIDUAL FILING A SEPARATE RETURN. THE REBATE AMOUNTS AND
27 INCOME LIMITATIONS SHALL BE ADJUSTED ANNUALLY BY APPLYING THE INFLATION
28 FACTOR SET FORTH IN PARAGRAPH TWO OF THIS SUBSECTION.

29 S 7. Subparagraphs (A) and (B) of paragraph 2 of subdivision (c) of
30 section 11-1706 of the administrative code of the city of New York, as
31 amended by section 5 of part M of chapter 57 of the laws of 2009, are
32 amended to read as follows:

33 (A) Married individuals filing joint returns and surviving spouses. In
34 the case of a husband and wife who make a single return jointly and of a
35 surviving spouse:

36	For taxable years beginning:	The credit shall be:
37	in 2001-2005	\$125
38	in 2006	\$230
39	in 2007-2008	\$290
40	in 2009 [and after]	[\$125] \$0
41	AFTER 2009	\$125

42 (B) All others. In the case of an unmarried individual, a head of a
43 household or a married individual filing a separate return:

44	For taxable years beginning:	The credit shall be:
45	in 2001-2005	\$62.50
46	in 2006	\$115
47	in 2007-2008	\$145
48	in 2009 [and after]	[\$65.50] \$0
49	AFTER 2009	\$65.50

50 S 8. Subdivision (c) of section 11-1706 of the administrative code of
51 the city of New York, as added by section 137 of part A of chapter 389
52 of the laws of 1997, is amended by adding a new paragraph 3 to read as
53 follows:

54 (3) NOTWITHSTANDING THE SCHEDULE OF CREDIT IN SUBPARAGRAPHS (A) AND
55 (B) OF PARAGRAPH TWO OF THIS SUBDIVISION, STARTING IN TWO THOUSAND TEN
56 TAXPAYERS WHO:

1 (A) ARE SIXTY-FIVE YEARS OR OLDER AS OF DECEMBER THIRTY-FIRST, TWO
2 THOUSAND TEN AND FOR EACH SUBSEQUENT TAX YEAR THE APPLICABLE DATE SHALL
3 BE ADVANCED BY ONE YEAR; AND

4 (B) WHERE THE HOUSEHOLD GROSS INCOME IS LESS THAN ONE HUNDRED FIFTY
5 THOUSAND DOLLARS SHALL INSTEAD BE ENTITLED TO A CREDIT OF THREE HUNDRED
6 THIRTY-FIVE DOLLARS FOR MARRIED INDIVIDUALS FILING JOINT RETURNS AND
7 SURVIVING SPOUSES AND ONE HUNDRED SIXTY-SEVEN DOLLARS AND FIFTY CENTS
8 FOR ALL OTHERS, INCLUDING AN UNMARRIED INDIVIDUAL, A HEAD OF HOUSEHOLD
9 OR A MARRIED INDIVIDUAL FILING A SEPARATE RETURN. THE REBATE AMOUNTS AND
10 INCOME LIMITATIONS SHALL BE ADJUSTED ANNUALLY BY APPLYING THE INFLATION
11 FACTOR SET FORTH IN PARAGRAPH TWO OF THIS SUBDIVISION.

12 S 9. Section 1608 of the education law, as amended by section 5 of
13 part A of chapter 436 of the laws of 1997, subdivisions 2 and 4 as
14 amended by chapter 640 of the laws of 2008, subdivision 7 as amended by
15 section 4 of part H of chapter 83 of the laws of 2002 and paragraph a of
16 subdivision 7 as amended by chapter 238 of the laws of 2007, is amended
17 to read as follows:

18 S 1608. Estimated expenses for ensuing year. 1. It shall be the duty
19 of the trustees of each common school district to present at the annual
20 budget hearing a detailed statement in writing of the amount of money
21 which will be required for the ensuing year for school purposes, speci-
22 fying the several purposes and the amount for each. WHERE A PROPOSITION
23 TO UNDERRIDE A TAX LEVY LIMITATION HAS BEEN APPROVED PURSUANT TO SECTION
24 TWO THOUSAND TWENTY-THREE-A OF THIS TITLE, THE TRUSTEES SHALL PRESENT AT
25 THE ANNUAL BUDGET HEARING A BUDGET THAT COMPLIES WITH THE APPROVED
26 UNDERRIDE PROPOSITION. The amount for each purpose estimated necessary
27 for payments to boards of cooperative educational services shall be
28 shown in full, with no deduction of estimated state aid. The amount of
29 state aid provided and its percentage relationship to the total expendi-
30 tures shall also be shown. This section shall not be construed to
31 prevent the trustees from presenting such statement at a budget hearing
32 held not less than seven nor more than fourteen days prior to a special
33 meeting called for the purpose, nor from presenting a supplementary and
34 amended statement or estimate at any time.

35 2. Such statement shall be completed at least seven days before the
36 budget hearing at which it is to be presented and copies thereof shall
37 be prepared and made available, upon request and at the school district
38 offices, at any public library or free association library within the
39 district and on the school district's internet website, if one exists,
40 to residents within the district during the period of fourteen days
41 immediately preceding the annual meeting [and election or special
42 district meeting at which the budget vote will occur] and at such meet-
43 ing or hearing. The board shall also as a part of the notice required by
44 section two thousand three of this chapter give notice of the date, time
45 and place of the budget hearing and that a copy of such statement may be
46 obtained by any resident in the district at each schoolhouse in the
47 district in which school is maintained during certain designated hours
48 on each day other than a Saturday, Sunday or holiday during the fourteen
49 days immediately preceding such meeting. The board shall include notice
50 of the availability of such statement at least once during the school
51 year in any district-wide mailing distributed.

52 3. Commencing with the proposed budget for the nineteen hundred nine-
53 ty-seven--ninety-eight school year, such proposed budget shall be in
54 plain language and shall be consistent with regulations promulgated by
55 the commissioner pursuant to subdivision twenty-six of section three
56 hundred five of this chapter. Categorization of and format for revenue,

1 including payments in lieu of taxes, property tax refunds from certiorari proceedings, expenditure, transfer, and fund balance information and
2 changes in such data from the prior year and, in the case of [a resubmitted or] AN amended budget, changes in such information from the prior
3 year's submitted budget, shall be complete and accurate and set forth in
4 such a manner as to best promote public comprehension and readability.
5

6 4. Commencing with the proposed budget for the nineteen hundred ninety-eight--ninety-nine school year, such proposed budget shall be
7 presented in three components: a program component, a capital component
8 and an administrative component which shall be separately delineated in
9 accordance with regulations of the commissioner after consultation with
10 local school district officials. The administrative component shall
11 include, but need not be limited to, office and central administrative
12 expenses, traveling expenses and all compensation, salaries and benefits
13 of all school administrators and supervisors, including business administrators, superintendents of schools and deputy, assistant, associate
14 or other superintendents under all existing employment contracts or
15 collective bargaining agreements, any and all expenditures associated
16 with the operation of the office of trustee or board of trustees, the
17 office of the superintendent of schools, general administration, the
18 school business office, consulting costs not directly related to direct
19 student services and programs, planning and all other administrative
20 activities. The program component shall include, but need not be limited
21 to, all program expenditures of the school district, including the salaries and benefits of teachers and any school administrators or supervisors who spend a majority of their time performing teaching duties, and
22 all transportation operating expenses. The capital component shall
23 include, but need not be limited to, all transportation capital, debt
24 service, and lease expenditures; costs resulting from judgments in tax
25 certiorari proceedings or the payment of awards from court judgments,
26 administrative orders or settled or compromised claims; and all facilities costs of the school district, including facilities lease expenditures, the annual debt service and total debt for all facilities
27 financed by bonds and notes of the school district, and the costs of
28 construction, acquisition, reconstruction, rehabilitation or improvement
29 of school buildings, provided that such budget shall include a rental,
30 operations and maintenance section that includes base rent costs, total
31 rent costs, operation and maintenance charges, cost per square foot for
32 each facility leased by the school district, and any and all expenditures associated with custodial salaries and benefits, service
33 contracts, supplies, utilities, and maintenance and repairs of school
34 facilities. [For the purposes of the development of a budget for the
35 nineteen hundred ninety-eight--ninety-nine school year, the trustee or
36 board of trustees shall separate the district's program, capital and
37 administrative costs for the nineteen hundred ninety-seven--ninety-eight
38 school year in the manner as if the budget for such year had been
39 presented in three components.]
40

41 5. The trustee or board of trustees shall append to the statement of
42 estimated expenditures a detailed statement of the total compensation to
43 be paid to the superintendent of schools, and any assistant or associate
44 superintendents of schools in the ensuing school year, including a
45 delineation of the salary, annualized cost of benefits and any in-kind
46 or other form of remuneration. The trustees shall also append a list of
47 all other school administrators and supervisors, if any, whose annual
48 salary will be eighty-five thousand dollars or more in the ensuing
49 school year, with the title of their positions and annual salary identi-
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1 fied; provided however, that the commissioner may adjust such salary
2 level to reflect increases in administrative salaries after June thirti-
3 eth, nineteen hundred ninety-eight. The trustees shall submit a copy of
4 such list and statement, in a form prescribed by the commissioner, of
5 compensation to the commissioner within five days after their prepara-
6 tion. The commissioner shall compile such data, together with the data
7 submitted pursuant to subdivision three of section seventeen hundred
8 sixteen of this chapter, into a single statewide compilation, which
9 shall be made available to the governor, the legislature, and other
10 interested parties upon request.

11 6. Each year, the board of education shall prepare a school district
12 report card, pursuant to regulations of the commissioner, and shall make
13 it publicly available by transmitting it to local newspapers of general
14 circulation, appending it to copies of the proposed budget made publicly
15 available as required by law, making it available for distribution at
16 the annual meeting, and otherwise disseminating it as required by the
17 commissioner. Such report card shall include measures of the academic
18 performance of the school district, on a school by school basis, and
19 measures of the fiscal performance of the district, as prescribed by the
20 commissioner. Pursuant to regulations of the commissioner, the report
21 card shall also compare these measures to statewide averages for all
22 public schools, and statewide averages for public schools of comparable
23 wealth and need, developed by the commissioner. Such report card shall
24 include, at a minimum, any information on the school district regarding
25 pupil performance and expenditure per pupil required to be included in
26 the annual report by the regents to the governor and the legislature
27 pursuant to section two hundred fifteen-a of this chapter; and any other
28 information required by the commissioner. School districts (i) identi-
29 fied as having fifteen percent or more of their students in special
30 education, or (ii) which have fifty percent or more of their students
31 with disabilities in special education programs or services sixty
32 percent or more of the school day in a general education building, or
33 (iii) which have eight percent or more of their students with disabili-
34 ties in special education programs in public or private separate educa-
35 tional settings shall indicate on their school district report card
36 their respective percentages as defined in this [subparagraph] PARAGRAPH
37 and [subparagraphs] PARAGRAPHS (i) and (ii) of this [paragraph] SUBDIVI-
38 SION as compared to the statewide average.

39 7. a. Each year, commencing with the proposed budget for the two thou-
40 sand--two thousand one school year, the trustee or board of trustees
41 shall prepare a property tax report card, pursuant to regulations of the
42 commissioner, and shall make it publicly available by transmitting it to
43 local newspapers of general circulation, appending it to copies of the
44 proposed budget made publicly available as required by law, making it
45 available for distribution at the annual [meeting] BUDGET HEARING, and
46 otherwise disseminating it as required by the commissioner. Such report
47 card shall include: (i) the amount of total spending and total estimated
48 school tax levy that would result from adoption of the proposed budget
49 and the percentage increase or decrease in total spending and total
50 school tax levy from the school district budget for the preceding school
51 year; and (ii) THE DISTRICT'S TAX LEVY LIMIT AND TAX LEVY BASE DETER-
52 MINED PURSUANT TO SECTION THIRTEEN HUNDRED SEVEN OF THE REAL PROPERTY
53 TAX LAW, THE TAX LEVY PROPOSED BY THE DISTRICT; AND (III) the projected
54 enrollment growth for the school year for which the budget is prepared,
55 and the percentage change in enrollment from the previous year; and
56 [(iii)] (IV) the percentage increase in the consumer price index, as

1 defined in paragraph c of this subdivision; and [(iv)] (V) the projected
2 amount of the unappropriated unreserved fund balance that will be
3 retained if the proposed budget is adopted, the projected amount of the
4 reserved fund balance, the projected amount of the appropriated fund
5 balance, the percentage of the proposed budget that the unappropriated
6 unreserved fund balance represents, the actual unappropriated unreserved
7 fund balance retained in the school district budget for the preceding
8 school year, and the percentage of the school district budget for the
9 preceding school year that the actual unappropriated unreserved fund
10 balance represents.

11 b. A copy of the property tax report card prepared for the annual
12 [district meeting] BUDGET HEARING shall be submitted to the department
13 in the manner prescribed by the department by the end of the business
14 day next following approval of the report card by the trustee or board
15 of trustees, but no later than twenty-four days prior to the statewide
16 uniform voting day. The department shall compile such data for all
17 school districts [whose budgets are subject to a vote of the qualified
18 voters] SUBJECT TO A TAX LEVY LIMITATION PURSUANT TO SECTION THIRTEEN
19 HUNDRED SEVEN OF THE REAL PROPERTY TAX LAW and shall make such compila-
20 tion available electronically at least ten days prior to the statewide
21 uniform voting day.

22 c. For purposes of this subdivision, "percentage increase in the
23 consumer price index" shall mean the percentage that represents the
24 product of one hundred and the quotient of: (i) the average of the
25 national consumer price indexes determined by the United States depart-
26 ment of labor for the twelve-month period preceding January first of the
27 current year minus the average of the national consumer price indexes
28 determined by the United States department of labor for the twelve-month
29 period preceding January first of the prior year, divided by (ii) the
30 average of the national consumer price indexes determined by the United
31 States department of labor for the twelve-month period preceding January
32 first of the prior year, with the result expressed as a decimal to two
33 places.

34 S 10. Section 1716 of the education law, as amended by section 7 of
35 part A of chapter 436 of the laws of 1997, subdivisions 2 and 4 as
36 amended by chapter 640 of the laws of 2008, subdivision 7 as amended by
37 section 5 of part H of chapter 83 of the laws of 2002 and paragraph a of
38 subdivision 7 as amended by chapter 238 of the laws of 2007, is amended
39 to read as follows:

40 S 1716. Estimated expenses for ensuing year. 1. It shall be the duty
41 of the board of education of each district to present at the annual
42 budget hearing a detailed statement in writing of the amount of money
43 which will be required for the ensuing year for school purposes, speci-
44 fying the several purposes and the amount for each. WHERE A PROPOSITION
45 TO UNDERRIDE A TAX LEVY LIMITATION HAS BEEN APPROVED PURSUANT TO SECTION
46 TWO THOUSAND TWENTY-THREE-A OF THIS TITLE, THE BOARD OF EDUCATION SHALL
47 PRESENT AT THE ANNUAL BUDGET HEARING A BUDGET THAT COMPLIES WITH THE
48 APPROVED UNDERRIDE PROPOSITION. The amount for each purpose estimated
49 necessary for payments to boards of cooperative educational services
50 shall be shown in full, with no deduction of estimated state aid. The
51 amount of state aid provided and its percentage relationship to the
52 total expenditures shall also be shown. This section shall not be
53 construed to prevent the board from presenting such statement at a budg-
54 et hearing held not less than seven nor more than fourteen days prior to
55 a special meeting called for the purpose, nor from presenting a supple-
56 mentary and amended statement or estimate at any time.

1 2. Such statement shall be completed at least seven days before the
2 budget hearing at which it is to be presented and copies thereof shall
3 be prepared and made available, upon request and at the school district
4 offices, at any public library or free association library within the
5 district and on the school district's internet website, if one exists,
6 to residents within the district during the period of fourteen days
7 immediately preceding the annual meeting [and election or special
8 district meeting at which the budget vote will occur] and at such meet-
9 ing or hearing. The board shall also as a part of the notice required by
10 section two thousand four of this chapter give notice of the date, time
11 and place of the budget hearing and that a copy of such statement may be
12 obtained by any resident in the district at each schoolhouse in the
13 district in which school is maintained during certain designated hours
14 on each day other than a Saturday, Sunday or holiday during the fourteen
15 days immediately preceding such meeting. The board shall include notice
16 of the availability of such statement at least once during the school
17 year in any district-wide mailing distributed.

18 3. Commencing with the proposed budget for the nineteen hundred nine-
19 ty-seven--ninety-eight school year, such proposed budget shall be in
20 plain language and shall be consistent with regulations promulgated by
21 the commissioner pursuant to subdivision twenty-six of section three
22 hundred five of this chapter. Categorization of and format for revenue,
23 including payments in lieu of taxes, property tax refunds from certior-
24 ari proceedings, expenditure, transfer, and fund balance information and
25 changes in such data from the prior year and, in the case of [a resub-
26 mitted or] AN amended budget, changes in such information from the prior
27 year submitted budget, shall be complete and accurate and set forth in
28 such a manner as to best promote public comprehension and readability.

29 4. Commencing with the proposed budget for the nineteen hundred nine-
30 ty-eight--ninety-nine school year, such proposed budget shall be
31 presented in three components: a program component, a capital component
32 and an administrative component which shall be separately delineated in
33 accordance with regulations of the commissioner after consultation with
34 local school district officials. The administrative component shall
35 include, but need not be limited to, office and central administrative
36 expenses, traveling expenses and all compensation, salaries and benefits
37 of all school administrators and supervisors, including business admin-
38 istrators, superintendents of schools and deputy, assistant, associate
39 or other superintendents under all existing employment contracts or
40 collective bargaining agreements, any and all expenditures associated
41 with the operation of the board of education, the office of the super-
42 intendent of schools, general administration, the school business
43 office, consulting costs not directly related to direct student services
44 and programs, planning and all other administrative activities. The
45 program component shall include, but need not be limited to, all program
46 expenditures of the school district, including the salaries and benefits
47 of teachers and any school administrators or supervisors who spend a
48 majority of their time performing teaching duties, and all transporta-
49 tion operating expenses. The capital component shall include, but need
50 not be limited to, all transportation capital, debt service, and lease
51 expenditures; costs resulting from judgments in tax certiorari
52 proceedings or the payment of awards from court judgments, administra-
53 tive orders or settled or compromised claims; and all facilities costs
54 of the school district, including facilities lease expenditures, the
55 annual debt service and total debt for all facilities financed by bonds
56 and notes of the school district, and the costs of construction, acqui-

1 sition, reconstruction, rehabilitation or improvement of school build-
2 ings, provided that such budget shall include a rental, operations and
3 maintenance section that includes base rent costs, total rent costs,
4 operation and maintenance charges, cost per square foot for each facili-
5 ty leased by the school district, and any and all expenditures associ-
6 ated with custodial salaries and benefits, service contracts, supplies,
7 utilities, and maintenance and repairs of school facilities. [For the
8 purposes of the development of a budget for the nineteen hundred nine-
9 ty-eight--ninety-nine school year, the board of education shall separate
10 the district's program, capital and administrative costs for the nine-
11 teen hundred ninety-seven--ninety-eight school year in the manner as if
12 the budget for such year had been presented in three components.]

13 5. The board of education shall append to the statement of estimated
14 expenditures a detailed statement of the total compensation to be paid
15 to the superintendent of schools, and any assistant or associate super-
16 intendants of schools in the ensuing school year, including a deline-
17 ation of the salary, annualized cost of benefits and any in-kind or
18 other form of remuneration. The board shall also append a list of all
19 other school administrators and supervisors, if any, whose annual salary
20 will be eighty-five thousand dollars or more in the ensuing school year,
21 with the title of their positions and annual salary identified; provided
22 however, that the commissioner may adjust such salary level to reflect
23 increases in administrative salaries after June thirtieth, nineteen
24 hundred ninety-eight. The board of education shall submit a copy of such
25 list and statement, in a form prescribed by the commissioner, of compen-
26 sation to the commissioner within five days after their preparation. The
27 commissioner shall compile such data, together with the data submitted
28 pursuant to subdivision four of section sixteen hundred eight of this
29 [chapter] TITLE, into a single statewide compilation, which shall be
30 made available to the governor, the legislature, and other interested
31 parties upon request.

32 6. Each year, the board of education shall prepare a school district
33 report card, pursuant to regulations of the commissioner, and shall make
34 it publicly available by transmitting it to local newspapers of general
35 circulation, appending it to copies of the proposed budget made publicly
36 available as required by law, making it available for distribution at
37 the annual meeting, and otherwise disseminating it as required by the
38 commissioner. Such report card shall include measures of the academic
39 performance of the school district, on a school by school basis, and
40 measures of the fiscal performance of the district, as prescribed by the
41 commissioner. Pursuant to regulations of the commissioner, the report
42 card shall also compare these measures to statewide averages for all
43 public schools, and statewide averages for public schools of comparable
44 wealth and need, developed by the commissioner. Such report card shall
45 include, at a minimum, any information of the school district regarding
46 pupil performance and expenditure per pupil required to be included in
47 the annual report by the regents to the governor and the legislature
48 pursuant to section two hundred fifteen-a of this chapter; and any other
49 information required by the commissioner. School districts (i) identi-
50 fied as having fifteen percent or more of their students in special
51 education, or (ii) which have fifty percent or more of their students
52 with disabilities in special education programs or services sixty
53 percent or more of the school day in a general education building, or
54 (iii) which have eight percent or more of their students with disabili-
55 ties in special education programs in public or private separate educa-
56 tional settings shall indicate on their school district report card

1 their respective percentages as defined in this paragraph and paragraphs
2 (i) and (ii) of this subdivision as compared to the statewide average.

3 7. a. Each year, commencing with the proposed budget for the two thou-
4 sand--two thousand one school year, the board of education shall prepare
5 a property tax report card, pursuant to regulations of the commissioner,
6 and shall make it publicly available by transmitting it to local newspa-
7 pers of general circulation, appending it to copies of the proposed
8 budget made publicly available as required by law, making it available
9 for distribution at the annual [meeting] BUDGET HEARING, and otherwise
10 disseminating it as required by the commissioner. Such report card shall
11 include: (i) the amount of total spending and total estimated school tax
12 levy that would result from adoption of the proposed budget and the
13 percentage increase or decrease in total spending and total school tax
14 levy from the school district budget for the preceding school year; and
15 (ii) THE DISTRICT'S TAX LEVY LIMIT AND TAX LEVY BASE DETERMINED PURSUANT
16 TO SECTION THIRTEEN HUNDRED SEVEN OF THE REAL PROPERTY TAX LAW, AND THE
17 TAX LEVY PROPOSED BY THE DISTRICT, IF ANY; AND (III) the projected
18 enrollment growth for the school year for which the budget is prepared,
19 and the percentage change in enrollment from the previous year; and
20 [(iii)] (IV) the percentage increase in the consumer price index, as
21 defined in paragraph c of this subdivision; and [(iv)] (V) the projected
22 amount of the unappropriated unreserved fund balance that will be
23 retained if the proposed budget is adopted, the projected amount of the
24 reserved fund balance, the projected amount of the appropriated fund
25 balance, the percentage of the proposed budget that the unappropriated
26 unreserved fund balance represents, the actual unappropriated unreserved
27 fund balance retained in the school district budget for the preceding
28 school year, and the percentage of the school district budget for the
29 preceding school year that the actual unappropriated unreserved fund
30 balance represents.

31 b. A copy of the property tax report card prepared for the annual
32 [district meeting] BUDGET HEARING shall be submitted to the department
33 in the manner prescribed by the department by the end of the business
34 day next following approval of the report card by the board of educa-
35 tion, but no later than twenty-four days prior to the statewide uniform
36 voting day. The department shall compile such data for all school
37 districts [whose budgets are subject to a vote of the qualified voters]
38 SUBJECT TO A TAX LEVY LIMITATION PURSUANT TO SECTION THIRTEEN HUNDRED
39 SEVEN OF THE REAL PROPERTY TAX LAW and shall make such compilation
40 available electronically at least ten days prior to the statewide
41 uniform voting day.

42 c. For purposes of this subdivision, "percentage increase in the
43 consumer price index" shall mean the percentage that represents the
44 product of one hundred and the quotient of: (i) the average of the
45 national consumer price indexes determined by the United States depart-
46 ment of labor for the twelve-month period preceding January first of the
47 current year minus the average of the national consumer price indexes
48 determined by the United States department of labor for the twelve-month
49 period preceding January first of the prior year, divided by (ii) the
50 average of the national consumer price indexes determined by the United
51 States department of labor for the twelve-month period preceding January
52 first of the prior year, with the result expressed as a decimal to two
53 places.

54 S 11. Section 2008 of the education law is amended by adding a new
55 subdivision 3 to read as follows:

1 3. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, IT
2 SHALL NOT BE WITHIN THE POWERS OF THE VOTERS OF A SCHOOL DISTRICT TO
3 SUBMIT A PROPOSITION THAT REQUIRES THE EXPENDITURE OF MONEY, PROVIDED
4 THAT THE VOTERS MAY SUBMIT A TAX LEVY LIMIT UNDERRIDE PROPOSITION AS
5 AUTHORIZED PURSUANT TO SUBDIVISION TWO OF SECTION TWO THOUSAND
6 TWENTY-THREE-A OF THIS PART OR A PROPOSITION TO CHANGE THE MILEAGE LIM-
7 TATIONS ON TRANSPORTATION PURSUANT TO SUBDIVISION NINETEEN OF SECTION
8 TWO THOUSAND TWENTY-ONE OF THIS PART.

9 S 12. Section 2022 of the education law, as amended by section 23 of
10 part A of chapter 436 of the laws of 1997, subdivisions 1 and 3 as
11 amended by section 8 of part C of chapter 58 of the laws of 1998, subdi-
12 vision 2-a as amended by section 3 of part A of chapter 60 of the laws
13 of 2000, paragraph b of subdivision 2-a as amended by section 5 of part
14 W of chapter 57 of the laws of 2008, subdivision 4 as amended by section
15 7 of part M of chapter 57 of the laws of 2005 and subdivision 6 as added
16 by chapter 61 of the laws of 2003, is amended to read as follows:

17 S 2022. [Vote on] ADOPTION OF school district budgets [and on the];
18 ANNUAL DISTRICT MEETING AND election of school district trustees and
19 board of education members. 1. Notwithstanding any law, rule or regu-
20 lation to the contrary, the ANNUAL DISTRICT MEETING AND election of
21 trustees or members of the board of education, and the TAX LEVY PROPOSI-
22 TION vote [upon the appropriation of the necessary funds to meet the
23 estimated expenditures,] in any common school district, union free
24 school district, central school district or central high school district
25 shall be held [at the annual meeting and election] on the third Tuesday
26 in May, provided, however, that such election shall be held on the
27 second Tuesday in May if the commissioner at the request of a local
28 school board certifies no later than March first that such election
29 would conflict with religious observances. [When such election or vote
30 is taken by recording the ayes and noes of the qualified voters attend-
31 ing, a majority of the qualified voters present and voting, by a hand or
32 voice vote, may determine to take up the question of voting the neces-
33 sary funds to meet the estimated expenditures for a specific item sepa-
34 rately, and the qualified voters present and voting may increase the
35 amount of any estimated expenditures or reduce the same, except for
36 teachers' salaries, and the ordinary contingent expenses of the
37 schools.] The sole trustee, board of trustees or board of education of
38 every common, union free, central or central high school district and
39 every city school district to which this article applies shall hold a
40 budget hearing not less than seven nor more than fourteen days prior to
41 the annual meeting and election [or special district meeting at which a
42 school budget vote will occur], and shall prepare and present to the
43 voters at such budget hearing a proposed school district budget for the
44 ensuing school year. IF THE QUALIFIED VOTERS HAVE APPROVED A TAX LEVY
45 PROPOSITION OR UNDERRIDE PROPOSITION IN ACCORDANCE WITH SECTION TWO
46 THOUSAND TWENTY-THREE-A OF THIS PART, SUCH TRUSTEES OR BOARD OF EDUCA-
47 TION SHALL ADOPT A BUDGET THAT COMPLIES WITH SUCH PROPOSITION. IF NO
48 TAX LEVY PROPOSITION OR UNDERRIDE PROPOSITION HAS BEEN APPROVED BY THE
49 QUALIFIED VOTERS, THEN THE TRUSTEES OR BOARD OF EDUCATION SHALL ADOPT A
50 BUDGET THAT REQUIRES A TAX LEVY, THAT IS NO GREATER THAN THE TAX LEVY
51 BASE DETERMINED PURSUANT TO SECTION THIRTEEN HUNDRED SEVEN OF THE REAL
52 PROPERTY TAX LAW.

53 2. [Except as provided in subdivision four of this section, nothing]
54 NOTHING in this section shall preclude the trustees or board of educa-
55 tion, in their discretion, from submitting additional items of expendi-
56 ture to the voters for approval as separate propositions or the voters

1 from submitting propositions pursuant to [section] SECTIONS two thousand
2 eight and two thousand thirty-five of this [article] PART.

3 2-a. Every common, union free, central, central high school district
4 and city school district to which this article applies shall mail a
5 school budget notice to all qualified voters of the school district
6 after the date of the budget hearing, but no later than six days prior
7 to the annual meeting and election [or special district meeting at which
8 a school budget vote will occur]. The school budget notice shall compare
9 the percentage increase or decrease in total spending under the proposed
10 budget over total spending under the school district budget adopted for
11 the current school year, with the percentage increase or decrease in the
12 consumer price index, from January first of the prior school year to
13 January first of the current school year, and shall also include [the
14 information required by paragraphs a and b of this subdivision. The
15 notice shall also set forth the date, time and place of the school budg-
16 et vote, in the same manner as in the notice of annual meeting] THE
17 DISTRICT'S TAX LEVY LIMIT AND TAX LEVY BASE DETERMINED PURSUANT TO
18 SECTION THIRTEEN HUNDRED SEVEN OF THE REAL PROPERTY TAX LAW, AND THE TAX
19 LEVY PROPOSED BY THE DISTRICT, IF ANY. Such notice shall be in a form
20 prescribed by the commissioner.

21 [a. Commencing with the proposed budget for the two thousand one--two
22 thousand two school year, such notice shall also include a description
23 of how total spending and the tax levy resulting from the proposed budg-
24 et would compare with a projected contingency budget adopted pursuant to
25 section two thousand twenty-three of this article, assuming that such
26 contingency budget is adopted on the same day as the vote on the
27 proposed budget. Such comparison shall be in total and by component
28 (program, capital and administrative), and shall include a statement of
29 the assumptions made in estimating the projected contingency budget.

30 b.] Commencing with the proposed budget for the two thousand eight--
31 two thousand nine school year, such notice shall also include, in a
32 format prescribed by the commissioner, an estimate of the tax savings
33 that would be available to an eligible homeowner under the basic school
34 tax relief (STAR) exemption authorized by section four hundred twenty-
35 five of the real property tax law if the proposed budget were adopted.
36 Such estimate shall be made in the manner prescribed by the commission-
37 er, in consultation with the office of real property services.

38 3. In all elections for trustees or members of boards of education or
39 votes ON PROPOSITIONS involving the expenditure of money, or authorizing
40 the levy of taxes, OR VOTES ON PROPOSITIONS TO UNDERRIDE A TAX LEVY
41 LIMITATION PURSUANT TO SECTION TWO THOUSAND TWENTY-THREE-A OF THIS PART,
42 the vote thereon shall be by ballot, or, in school districts that prior
43 to nineteen hundred ninety-eight conducted their vote at the annual
44 meeting, may be ascertained by taking and recording the ayes and noes of
45 such qualified voters attending and voting at such district meetings.

46 4. [In the event that the original proposed budget is not approved by
47 the voters, the sole trustee, trustees or board of education may adopt a
48 final budget pursuant to subdivision five of this section or resubmit to
49 the voters the original or a revised budget pursuant to subdivision
50 three of section two thousand seven of this part. Upon one defeat of
51 such resubmitted budget, the sole trustee, trustees or board of educa-
52 tion shall adopt a final budget pursuant to subdivision five of this
53 section.] Notwithstanding any other provision of law to the contrary,
54 [the school district budget for any school year, or any part of such
55 budget or] any propositions involving the expenditure of money for such

1 school year shall not be submitted for a vote of the qualified voters
2 more than twice.

3 [5. If the qualified voters fail to approve the proposed school
4 district budget upon resubmission or upon a determination not to resub-
5 mit for a second vote pursuant to subdivision four of this section, the
6 sole trustee, trustees or board of education, after applying thereto the
7 public school moneys and other moneys received or to be received for
8 that purpose, shall levy a tax for the sum necessary for teachers' sala-
9 ries and other ordinary contingent expenses in accordance with the
10 provisions of this subdivision and section two thousand twenty-three of
11 this article.

12 6. Notwithstanding the provisions of subdivision four of section eigh-
13 teen hundred four and subdivision five of section nineteen hundred six
14 of this title, subdivision one of section two thousand two of this arti-
15 cle, subdivision one of this section, subdivision two of section twen-
16 ty-six hundred one-a of this title and any other provision of law to the
17 contrary, the annual district meeting and election of every common,
18 union free, central and central high school district and the annual
19 meeting of every city school district in a city having a population of
20 less than one hundred twenty-five thousand inhabitants that is scheduled
21 to be held on the third Tuesday of May, two thousand three is hereby
22 adjourned until the first Tuesday in June, two thousand three. The trus-
23 tees or board of education of each such school district shall provide
24 notice of such adjourned meeting to the qualified voters in the manner
25 prescribed for notice of the annual meeting, and such notice shall
26 provide for an adjourned budget hearing. The adjourned district meeting
27 or district meeting and election shall be deemed the annual meeting or
28 annual meeting and election of the district for all purposes under this
29 title and the date of the adjourned meeting shall be deemed the state-
30 wide uniform voting day for all purposes under this title. Notwith-
31 standing the provisions of subdivision seven of section sixteen hundred
32 eight or subdivision seven of section seventeen hundred sixteen of this
33 title or any other provision of law, rule or regulation to the contrary,
34 in two thousand three the property tax report card shall be submitted to
35 the department no later than twenty days prior to the date of the
36 adjourned meeting and the department shall make its compilation avail-
37 able electronically at least seven days prior to such date.]

38 S 13. The education law is amended by adding a new section 2023-a to
39 read as follows:

40 S 2023-A. VOTER APPROVAL OF TAX LEVY LIMITATIONS. 1. THE TAX LEVY FOR
41 ANY SCHOOL DISTRICT SUBJECT TO THE TAX LEVY LIMITATIONS ESTABLISHED BY
42 SECTION THIRTEEN HUNDRED SEVEN OF THE REAL PROPERTY TAX LAW SHALL BE
43 APPROVED BY THE QUALIFIED VOTERS OF THE SCHOOL DISTRICT AS PROVIDED IN
44 THIS SECTION. AS USED IN THIS SECTION, THE TERM "TAX LEVY PROPOSITION"
45 MEANS A PROPOSITION TO AUTHORIZE A TAX LEVY SUFFICIENT TO SUPPORT THE
46 PROPOSED SCHOOL DISTRICT BUDGET; THE TERM "UNDERRIDE PROPOSITION" MEANS
47 A PROPOSITION TO IMPOSE A MORE RESTRICTIVE TAX LEVY LIMIT UPON A SCHOOL
48 DISTRICT THAN THE TAX LEVY LIMIT ESTABLISHED PURSUANT TO SECTION THIR-
49 TEEN HUNDRED SEVEN OF THE REAL PROPERTY TAX LAW; AND THE TERM "GENERAL
50 PURPOSE STATE AID" MEANS ALL FORMS OF STATE AID WHICH ARE PAYABLE TO A
51 SCHOOL DISTRICT AS GENERAL SUPPORT FOR THE PUBLIC SCHOOLS, WITH THE
52 EXCEPTION OF BUILDING AID, LIBRARY AID, COMPUTER HARDWARE AND SOFTWARE
53 AID, UNIVERSAL PRE-KINDERGARTEN AID AND TEXTBOOK AID. THE DIRECTOR OF
54 THE BUDGET SHALL ANNUALLY CERTIFY THE AMOUNT OF GENERAL PURPOSE STATE
55 AID PAYABLE TO EACH SCHOOL DISTRICT.

1 2. A. THE QUALIFIED VOTERS OF A COMMON SCHOOL DISTRICT, UNION FREE
2 SCHOOL DISTRICT, CENTRAL SCHOOL DISTRICT, CENTRAL HIGH SCHOOL DISTRICT
3 OR A CITY SCHOOL DISTRICT IN A CITY WITH LESS THAN ONE HUNDRED
4 TWENTY-FIVE THOUSAND INHABITANTS, UPON FILING OF A VALID PETITION PURSU-
5 ANT TO PARAGRAPH B OF THIS SUBDIVISION, MAY VOTE TO IMPOSE TAX LEVY
6 LIMITS FOR THE ENSUING SCHOOL YEAR THAT ARE MORE RESTRICTIVE THAN THOSE
7 OTHERWISE IMPOSED BY SECTION THIRTEEN HUNDRED SEVEN OF THE REAL PROPERTY
8 TAX LAW. NO SUCH VOTE SHALL APPLY TO MORE THAN ONE SCHOOL YEAR.

9 B. UPON THE FILING WITH THE TRUSTEE, TRUSTEES OR BOARD OF EDUCATION OF
10 ONE OR MORE PETITIONS PURSUANT TO THIS SUBDIVISION REQUESTING THAT AN
11 UNDERRIDE PROPOSITION BE SUBMITTED FOR A VOTE AT A SPECIAL DISTRICT
12 MEETING, SUCH OFFICERS SHALL CALL A SPECIAL DISTRICT MEETING TO BE HELD
13 ON THE FIRST TUESDAY IN MAY, OR THE LAST TUESDAY IN APRIL WHERE THERE
14 WOULD BE A CONFLICT WITH RELIGIOUS OBSERVANCES, IN ACCORDANCE WITH THE
15 APPLICABLE PROVISIONS OF SUBDIVISION THREE OF SECTION TWO THOUSAND SEVEN
16 OF THIS PART, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS AN
17 UNDERRIDE PROPOSITION. SUCH OFFICERS SHALL SUBMIT FOR A VOTE OF THE
18 QUALIFIED VOTERS THE PROPOSITION THAT WAS SIGNED BY THE GREATEST NUMBER
19 OF QUALIFIED VOTERS, OR, IF THERE IS A TIE, THE PROPOSITION SIGNED BY
20 THE GREATEST NUMBER OF QUALIFIED VOTERS THAT WAS FILED FIRST. A PETITION
21 FOR AN UNDERRIDE PROPOSITION SHALL BE SIGNED BY: (I) AT LEAST TEN
22 PERCENT OF THE REGISTERED VOTERS OF THE SCHOOL DISTRICT BASED ON THE
23 REGISTER PREPARED AT THE LAST ANNUAL MEETING AND ELECTION OF THE SCHOOL
24 DISTRICT; OR (II) IF THE SCHOOL DISTRICT DOES NOT PROVIDE FOR THE
25 PERSONAL REGISTRATION OF VOTERS, BY TWO HUNDRED FIFTY QUALIFIED VOTERS
26 OR TWENTY PERCENT OF THE NUMBER OF VOTERS WHO VOTED IN THE PREVIOUS
27 ANNUAL ELECTION OF THE MEMBERS OF THE BOARD OF EDUCATION OR TRUSTEES,
28 WHICHEVER IS LESS. SUCH PETITION SHALL BE FILED IN THE OFFICE OF THE
29 CLERK OF THE DISTRICT BETWEEN THE HOURS OF NINE A.M. AND FIVE P.M., NOT
30 LATER THAN THE TWENTIETH DAY PRECEDING THE SPECIAL DISTRICT MEETING AT
31 WHICH AN UNDERRIDE VOTE MAY OCCUR.

32 C. WHERE A PROPOSITION TO UNDERRIDE A TAX LEVY LIMITATION IS TO BE
33 SUBMITTED FOR A VOTE AT A SPECIAL DISTRICT MEETING CALLED FOR THIS
34 PURPOSE, THE CLERK OF THE DISTRICT SHALL GIVE NOTICE OF THE TIME AND
35 PLACE OF THE SPECIAL DISTRICT MEETING BY PUBLISHING A NOTICE AT LEAST
36 FOURTEEN DAYS PRIOR TO THE SPECIAL DISTRICT MEETING IN TWO NEWSPAPERS IF
37 THERE SHALL BE TWO, OR IN ONE NEWSPAPER IF THERE SHALL BE BUT ONE,
38 HAVING GENERAL CIRCULATION WITHIN SUCH DISTRICT, PROVIDED, HOWEVER, THAT
39 IF THERE IS NO NEWSPAPER HAVING GENERAL CIRCULATION WITHIN THE DISTRICT,
40 THE SAID NOTICE SHALL BE POSTED IN AT LEAST TWENTY OF THE MOST PUBLIC
41 PLACES IN SAID DISTRICT FOURTEEN DAYS BEFORE THE TIME OF SUCH MEETING.

42 D. AN UNDERRIDE PROPOSITION SHALL BE A SEPARATE PROPOSITION IN
43 SUBSTANTIALLY THE FOLLOWING FORM:

44 "SHALL THE SCHOOL DISTRICT BE AUTHORIZED TO IMPOSE A TAX
45 LEVY FOR THE SCHOOL YEAR, OF , THEN MAKING THE STATUTORY TAX
46 LEVY LIMIT FOR THAT SCHOOL YEAR ?"

47 E. AN UNDERRIDE PROPOSITION SHALL BE APPROVED IF OVER FIFTY PERCENT OF
48 THE VOTES CAST THEREON ARE IN THE AFFIRMATIVE. IF SUCH UNDERRIDE PROPO-
49 SITION IS APPROVED BY THE QUALIFIED VOTERS, THE TAX LEVY LIMIT IMPOSED
50 THEREBY SHALL BE DEEMED TO BE THE TAX LEVY LIMIT FOR THE SCHOOL DISTRICT
51 FOR THE COMING SCHOOL YEAR FOR PURPOSES OF SECTION THIRTEEN HUNDRED
52 SEVEN OF THE REAL PROPERTY TAX LAW, AND THE TRUSTEES OR BOARD OF EDUCA-
53 TION SHALL ADOPT A BUDGET THAT COMPLIES WITH SUCH TAX LEVY LIMIT. UPON
54 APPROVAL OF AN UNDERRIDE PROPOSITION, NO OTHER TAX LEVY PROPOSITION MAY
55 BE SUBMITTED TO THE VOTERS FOR THAT SAME SCHOOL YEAR.

1 3. A. UNLESS AN UNDERRIDE PROPOSITION HAS BEEN APPROVED PURSUANT TO
2 SUBDIVISION TWO OF THIS SECTION, THE TRUSTEE, TRUSTEES OR BOARD OF
3 EDUCATION OF A SCHOOL DISTRICT SHALL PRESENT AT THE ANNUAL MEETING AND
4 ELECTION A TAX LEVY PROPOSITION IN SUBSTANTIALLY THE FOLLOWING FORM:

5 "SHALL THE SCHOOL DISTRICT BE AUTHORIZED TO IMPOSE A TAX
6 LEVY FOR THE SCHOOL YEAR, OF , THEN MAKING THE STATUTORY
7 TAX LEVY LIMIT FOR THAT SCHOOL YEAR ?"

8 B. EXCEPT AS OTHERWISE PROVIDED IN SECTION THIRTEEN HUNDRED SEVEN OF
9 THE REAL PROPERTY TAX LAW, IF THE PROPOSED TAX LEVY DOES NOT EXCEED THE
10 TAX LEVY LIMIT DETERMINED PURSUANT TO SECTION THIRTEEN HUNDRED SEVEN OF
11 THE REAL PROPERTY TAX LAW, THEN THE PROPOSITION SHALL BE APPROVED IF
12 OVER FIFTY PERCENT OF THE VOTES CAST THEREON ARE IN THE AFFIRMATIVE. IF
13 THE PROPOSED TAX LEVY WOULD EXCEED THE TAX LEVY LIMIT DETERMINED PURSU-
14 ANT TO SECTION THIRTEEN HUNDRED SEVEN OF THE REAL PROPERTY TAX LAW, THEN
15 THE PROPOSITION SHALL BE APPROVED IF OVER FIFTY-FIVE PERCENT OF VOTES
16 CAST THEREON ARE IN THE AFFIRMATIVE.

17 IF THE AMOUNT OF GENERAL PURPOSE STATE AID WHICH WILL BE PAYABLE TO A
18 SCHOOL DISTRICT FOR THE COMING SCHOOL YEAR HAS NOT BEEN CERTIFIED BY THE
19 DIRECTOR OF THE BUDGET, THEN FIFTY PERCENT OF THE VOTES CAST ON THE
20 PROPOSITION BY QUALIFIED VOTERS MUST BE IN THE AFFIRMATIVE IN ORDER FOR
21 THE PROPOSITION TO BE APPROVED.

22 C. IF THE TAX LEVY PROPOSITION IS APPROVED BY THE QUALIFIED VOTERS,
23 THE TAX LEVY LIMIT IMPOSED THEREBY SHALL BE DEEMED TO BE THE TAX LEVY
24 LIMIT FOR THE SCHOOL DISTRICT FOR THE COMING SCHOOL YEAR, AND THE TRUS-
25 TEES OR BOARD OF EDUCATION SHALL ADOPT A BUDGET THAT COMPLIES WITH SUCH
26 TAX LEVY LIMIT. IF, HOWEVER, THE TAX LEVY PROPOSITION IS NOT APPROVED BY
27 THE QUALIFIED VOTERS, THEN THE TRUSTEES OR BOARD OF EDUCATION SHALL
28 ADOPT A BUDGET THAT REQUIRES A TAX LEVY THAT IS GREATER THAN THE TAX
29 LEVY BASE DETERMINED PURSUANT TO SECTION THIRTEEN HUNDRED SEVEN OF THE
30 REAL PROPERTY TAX LAW.

31 S 14. This act shall take effect immediately.