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

4399

2011-2012 Regular Sessions

I N A S S E M B L Y

February 3, 2011

Introduced by M. of A. CROUCH, KOLB, RAIA, GIGLIO, OAKS -- read once and referred to the Committee on Real Property Taxation

AN ACT to amend the real property tax law, in relation to retention of surplus funds for purposes of determining the school tax levy

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

Section 1. Subdivision 1 of section 1318 of the real property tax law, as amended by chapter 238 of the laws of 2007, is amended to read as follows:

1. The warrant of the collecting officer shall be signed by the trustee, or the trustees, or a majority of them, or the board of education or a majority thereof. Such warrant shall state the amount of unexpended surplus funds in the custody of the board and shall further state that except as authorized or required by law, such unexpended surplus funds have been applied in determining the amount of the school tax levy. For the two thousand seven--two thousand eight school year, surplus funds as used in this subdivision shall mean any operating funds in excess of three percent of the current school year budget, and shall not include funds properly retained under other sections of law. For the two thousand eight--two thousand nine school year, and thereafter, surplus funds as used in this subdivision shall mean any operating funds in excess of [four] *FIVE* percent of the current school year budget, and shall not include funds properly retained under other sections of law. Such warrant shall have the same force and effect as a warrant issued by a board of supervisors to a collecting officer in a town. The collecting officer to whom it may be delivered for collection shall be thereby authorized and required to collect from every person named on such school tax roll the sum set opposite his name, or the amount due from any person specified therein, in the same manner and with the same powers that collecting officers in towns are authorized to collect taxes levied by the board of supervisors.

S 2. This act shall take effect immediately.

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

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