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

2592--B

2011-2012 Regular Sessions

I N S E N A T E

January 26, 2011

Introduced by Sens. LANZA, GOLDEN, RITCHIE -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to reimbursement of the metropolitan commuter transportation mobility tax to public and private elementary and secondary schools and to institutions of higher education

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

Section 1. Subdivision 1 of section 3609-g of the education law, as added by section 1 of part D of chapter 25 of the laws of 2009, is amended to read as follows:

1. Definition. As used in this section the following term shall be defined as follows: "School district" shall mean a public school district and shall not include a special act school district as defined in section four thousand one of this chapter; PROVIDED, HOWEVER, THAT SUCH TERM SHALL INCLUDE ALL NON PUBLIC AND PRIVATE ELEMENTARY AND SECONDARY SCHOOLS.

S 2. The education law is amended by adding a new article 128 to read as follows:

ARTICLE 128

STATE AID TO INSTITUTIONS OF HIGHER EDUCATION

SECTION 6360. MONEYS APPORTIONED TO INSTITUTIONS OF HIGHER EDUCATION FOR REIMBURSEMENT OF ARTICLE TWENTY-THREE OF THE TAX LAW PAYMENTS.

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

LBD04853-04-2

S 6360. MONEYS APPORTIONED TO INSTITUTIONS OF HIGHER EDUCATION FOR REIMBURSEMENT OF ARTICLE TWENTY-THREE OF THE TAX LAW PAYMENTS. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, INSTITUTIONS OF HIGHER EDUCATION SHALL BE REIMBURSED FOR PAYMENTS MADE PURSUANT TO ARTICLE TWENTY-THREE OF THE TAX LAW PURSUANT TO THIS SECTION.

1. AS USED IN THIS SECTION, "INSTITUTION OF HIGHER EDUCATION" SHALL MEAN ANY INSTITUTION PROVIDING HIGHER EDUCATION OR CAREER EDUCATION AS SUCH TERMS ARE DEFINED IN SECTION TWO OF THIS CHAPTER.

2. ON AND AFTER THE FIRST BUSINESS DAY OF JULY OF EACH CALENDAR YEAR, AN INSTITUTION OF HIGHER EDUCATION SHALL BE PAID AN AMOUNT EQUAL TO ONE HUNDRED PERCENT OF THE PAYMENTS MADE BY SUCH INSTITUTION ON OR AFTER JUNE FIRST OF THE PRIOR CALENDAR YEAR AND BEFORE JUNE FIRST OF THE CURRENT CALENDAR YEAR TO THE COMMISSIONER OF TAXATION AND FINANCE PURSUANT TO ARTICLE TWENTY-THREE OF THE TAX LAW. NO PAYMENT MAY BE MADE PURSUANT TO THIS SUBDIVISION UNTIL SUCH AMOUNT FOR EACH INSTITUTION OF HIGHER EDUCATION IS CERTIFIED BY THE COMMISSIONER OF TAXATION AND FINANCE AND TRANSMITTED TO THE COMMISSIONER. SUCH CERTIFICATION SHALL BE MADE ON OR BEFORE JUNE THIRTIETH SO AS TO FACILITATE PAYMENTS TO BE MADE PURSUANT TO THIS SECTION.

3. MONEYS PAID PURSUANT TO THIS SECTION SHALL BE PAYABLE TO THE TREASURER, COLLECTOR OR OTHER DISBURSING OFFICER OF AN INSTITUTION OF HIGHER EDUCATION, WHO SHALL APPLY FOR AND RECEIVE THE SAME AS SOON AS PAYABLE.

4. ANY PAYMENT TO AN INSTITUTION OF HIGHER EDUCATION PURSUANT TO THIS SECTION SHALL BE GENERAL RECEIPTS OF SUCH INSTITUTION AND MAY BE USED FOR ANY LAWFUL PURPOSE OF THE INSTITUTION.

S 3. This act shall take effect July 1, 2012.