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

5269

2013-2014 Regular Sessions

I N A S S E M B L Y

February 21, 2013

Introduced by M. of A. NOLAN -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to calculating school district tax levy limits and preventing school district tax levy limits from being a negative number

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

Section 1. Paragraphs b and c of subdivision 2 of section 2023-a of the education law, as amended by section 2 of part A of chapter 97 of the laws of 2011, are amended to read as follows:

b. "Available carryover" means the amount by which the tax levy, NOT INCLUDING SUBPARAGRAPHS (I) THROUGH (IV) OF PARAGRAPH I OF THIS SUBDIVISION, for the prior school year was below the applicable tax levy limit for such school year, if any, but no more than an amount that equals one and one-half percent of the tax levy limit for such school year.

c. "Capital local expenditures" means the taxes associated with budgeted expenditures resulting from the financing, refinancing, acquisition, design, construction, reconstruction, rehabilitation, improvement, furnishing and equipping of, or otherwise providing for school district capital facilities or school district capital equipment, including debt service and lease expenditures, BUDGETED TRANSFERS TO CAPITAL FUND and transportation capital debt service, subject to the approval of the qualified voters where required by law.

S 2. Paragraph b of subdivision 2-a of section 2023-a of the education law, as amended by section 2 of part A of chapter 97 of the laws of 2011, is amended to read as follows:

b. The commissioner of taxation and finance shall calculate a quantity change factor for the coming school year for each school district based upon the physical or quantity change, as defined by section twelve hundred twenty of the real property tax law, reported to the commissioner of taxation and finance by the assessor or assessors pursuant to

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

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section five hundred seventy-five of the real property tax law. The quantity change factor shall show the percentage by which the full value of the taxable real property in the school district has changed due to physical or quantity change between the second final assessment roll or rolls preceding the final assessment roll or rolls upon which taxes are to be levied, and the final assessment roll or rolls immediately preceding the final assessment roll or rolls upon which taxes are to be levied AND INCLUDE THE NET CHANGE IN ASSESSED VALUE OF THE PORTIONS OF THE FULL ASSESSMENTS FOR EACH PROPERTY ON THE EXEMPT SIDE OF THE TAX ROLLS UNDER A PAYMENT IN LIEU OF TAX AGREEMENT BASED ON THE FRACTION OF THE ASSESSED VALUES AS IT RELATES TO THE FRACTION OF FULL TAXES PAID UNDER THE RESPECTIVE PAYMENT IN LIEU OF TAX AGREEMENTS.

S 3. Paragraph b of subdivision 3 of section 2023-a of the education law is relettered paragraph c and a new paragraph b is added to read as follows:

B. AFTER EACH SCHOOL DISTRICT DETERMINES ITS TAX LEVY LIMIT, IF THE COMPUTATION OF THE TAX LEVY LIMIT IS LESS THAN THE PRIOR YEAR SCHOOL TAX LEVY, THE TAX LEVY LIMIT IN THE COMING SCHOOL YEAR SHALL BE NO LESS THAN THE TAX LEVY IN THE PRIOR SCHOOL YEAR.

S 4. This act shall take effect immediately, provided, however that the amendments to section 2023-a of the education law made by sections one, two, and three of this act shall not affect the repeal of such section and shall be deemed repealed therewith.