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

4522

2013-2014 Regular Sessions

I N S E N A T E

April 8, 2013

Introduced by Sen. TKACZYK -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the real property tax law, in relation to providing state aid to certain public school districts in which tax exempt entities are situated; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. The real property tax law is amended by adding a new section 546-a to read as follows:

S 546-A. STATE AID; EXEMPT LANDS OF TAX EXEMPT ENTITIES. 1. IN ANY PUBLIC SCHOOL DISTRICT IN WHICH MORE THAN TWENTY-FIVE PERCENT OF THE TOTAL ASSESSED VALUE OF REAL PROPERTY THEREIN, AS DETERMINED BY THE ASSESSOR OF SUCH DISTRICT, IS OWNED BY TAX EXEMPT ENTITIES, THE STATE SHALL MAKE PAYMENTS TO THOSE PUBLIC SCHOOL DISTRICTS IN ACCORDANCE WITH THIS SECTION.

2. THE COMPTROLLER SHALL CREATE THE FORM OF APPLICATION A PUBLIC SCHOOL DISTRICT MUST USE WHEN MAKING A SUBMISSION PURSUANT TO THIS SECTION. THE COMPTROLLER SHALL ALSO ESTABLISH THE DATE BY WHICH ALL APPLICATIONS MUST BE SUBMITTED. NO APPLICATIONS FOR PAYMENT SHALL BE ACCEPTED AFTER THE DATE ESTABLISHED BY THE COMPTROLLER.

3. THE COMMISSIONER SHALL MAKE PAYMENTS, THE AGGREGATE OF WHICH SHALL NOT EXCEED TWO MILLION FIVE HUNDRED THOUSAND DOLLARS PER YEAR, TO PUBLIC SCHOOL DISTRICTS, ELIGIBLE PURSUANT TO SUBDIVISION ONE OF THIS SECTION, THAT HAVE MADE TIMELY APPLICATION THEREFOR. FOR EACH SUCH PUBLIC SCHOOL DISTRICT, THE PAYMENT SHALL BE COMPUTED AS FOLLOWS:

(A) TAKE THE TOTAL VALUE OF REAL PROPERTY OWNED BY TAX EXEMPT ENTITIES IN THE PUBLIC SCHOOL DISTRICT MULTIPLIED BY THE APPLICABLE EQUALIZATION RATE,

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

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(B) FROM THAT SUBTRACT TWENTY-FIVE PERCENT OF THE TOTAL VALUE OF ALL PROPERTY IN THE PUBLIC SCHOOL DISTRICT MULTIPLIED BY THE APPLICABLE EQUALIZATION RATE,

(C) MULTIPLY THE DIFFERENCE BY THE TAX RATE FOR THE APPLICABLE PUBLIC SCHOOL DISTRICT.

4. IF THE TOTAL AGGREGATE AMOUNT OF PAYMENTS REQUESTED BY PUBLIC SCHOOL DISTRICTS EXCEEDS THE TWO MILLION FIVE HUNDRED THOUSAND DOLLAR CAP ALLOWED UNDER SUBDIVISION THREE OF THIS SECTION, THE COMPTROLLER SHALL MAKE THE PAYMENTS TO EACH PUBLIC SCHOOL DISTRICT ON A PROPORTIONATE BASIS.

5. THE COMMISSIONER SHALL PROMULGATE ALL RULES AND REGULATIONS NECESSARY FOR THE IMPLEMENTATION OF THE PROVISIONS OF THIS SECTION.

6. WHEN CALCULATING THE ASSESSED VALUE OF ANY PARCEL OF PROPERTY FOR PURPOSES OF THIS SECTION, THE VALUE IN ANY YEAR MAY NOT BE GREATER THAN THE BASE YEAR PLUS TWO PERCENT FOR EACH ADDITIONAL YEAR BEYOND THE BASE YEAR. THE BASE YEAR FOR ALL PROPERTY FOR PURPOSES OF THIS SECTION SHALL BE THE ASSESSED VALUE OF SUCH PROPERTY FOR THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN ASSESSMENT ROLL.

7. THE ASSESSED VALUE OF ANY PROPERTY THAT RECEIVES TAX EXEMPT STATUS AFTER THE EFFECTIVE DATE OF THIS SECTION MUST BE EQUIVALENT TO SIMILARLY SITUATED PARCELS. THE COMMISSIONER MAY REFUSE TO INCLUDE A PARCEL IN THE CALCULATIONS REQUIRED BY THIS SECTION IF THE COMMISSIONER DETERMINES THAT THE ASSESSED VALUE OF SUCH PARCEL IS ARTIFICIALLY HIGH AND DISPROPORTIONATE TO THE TAXABLE PARCELS LOCATED WITHIN THE PUBLIC SCHOOL DISTRICTS.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law and shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after such effective date. This act shall expire and be deemed repealed following the 2022-23 assessment role. Effective immediately, any rules and regulations necessary to implement the provisions of this act on its effective date are authorized to be made on or before such date.