

1819

2013-2014 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 9, 2013

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Introduced by M. of A. CROUCH, FINCH, GIGLIO, OAKS -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law and the real property tax law, in relation to providing for a real property tax abatement for land subject to freshwater wetland regulation

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

1     Section 1. Section 24-0905 of the environmental conservation law, as  
2     amended by chapter 654 of the laws of 1977, is amended to read as  
3     follows:  
4     S 24-0905. Tax abatement.  
5     Any freshwater wetland subject to land use regulations pursuant to  
6     section 24-0903 of this [article] TITLE or subject to a cooperative  
7     agreement pursuant to section 24-0901 of this [article] TITLE shall be  
8     deemed subject to a limitation on the use of such wetlands for the  
9     purposes of REAL property tax evaluation, in the same manner as if an  
10    easement or right had been acquired pursuant to the general municipal  
11    law. [Assessed] THE ASSESSED value OF SUCH FRESHWATER WETLAND shall be  
12    based, during the duration of such agreement or regulations, on the uses  
13    remaining to the owner thereof AS DETERMINED BY THE ASSESSING UNIT, AS  
14    DEFINED IN SECTION ONE HUNDRED TWO OF THE REAL PROPERTY TAX LAW, PURSU-  
15    ANT TO RULES AND REGULATIONS PROMULGATED BY THE COMMISSIONER OF TAXATION  
16    AND FINANCE. THE TAX ABATEMENT PROVIDED BY THIS SECTION SHALL ONLY BE  
17    GRANTED UPON SUBMISSION TO THE ASSESSING UNIT OF AN APPLICATION THERE-  
18    FOR, IN SUCH FORM AS SHALL BE ESTABLISHED BY THE COMMISSIONER OF TAXA-  
19    TION AND FINANCE.  
20    S 2. The environmental conservation law is amended by adding a new  
21    section 24-0907 to read as follows:  
22    S 24-0907. EFFECT OF TAX ABATEMENT.

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

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1 THE TOTAL REAL PROPERTY TAX SAVINGS PROVIDED BY EACH REAL PROPERTY TAX  
2 AUTHORITY PURSUANT TO SECTION 24-0905 OF THIS TITLE SHALL BE A STATE  
3 CHARGE WHICH SHALL BE PAYABLE BY THE DEPARTMENT PURSUANT TO INFORMATION  
4 PROVIDED BY AND SUBJECT TO A PROCEDURE ESTABLISHED BY THE COMMISSIONER  
5 OF TAXATION AND FINANCE.

6 S 3. Subdivision 4 of section 202 of the real property tax law is  
7 renumbered subdivision 5 and a new subdivision 4 is added to read as  
8 follows:

9 4. (A) THE COMMISSIONER SHALL PROMULGATE A STATEWIDE STANDARD APPLICA-  
10 TION FORM FOR THE TAX ABATEMENT FOR FRESHWATER WETLANDS GRANTED PURSUANT  
11 TO SECTION 24-0905 OF THE ENVIRONMENTAL CONSERVATION LAW. SUCH FORM  
12 SHALL INCLUDE ALL SUCH INFORMATION AS THE COMMISSIONER SHALL DETERMINE  
13 IS NECESSARY FOR AN ASSESSING UNIT TO DETERMINE THE AMOUNT OF SUCH TAX  
14 ABATEMENT ON THE APPROPRIATE FRESHWATER WETLAND.

15 (B) THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS PROVIDING  
16 FOR THE DETERMINATION OF THE TAX ABATEMENTS TO BE GRANTED TO FRESHWATER  
17 WETLANDS BY ASSESSING UNITS PURSUANT TO SECTION 24-0905 OF THE ENVIRON-  
18 MENTAL CONSERVATION LAW.

19 S 4. This act shall take effect immediately; except that sections one  
20 and two of this act shall take effect on the first of January next  
21 succeeding the date on which it shall have become a law and shall apply  
22 to real property with a taxable status date on or after such date.