

1699

2015-2016 Regular Sessions

I N   S E N A T E

January 14, 2015

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Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the real property tax law, in relation to veteran alternative tax exemptions

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

1     Section 1. Section 458-a of the real property tax law is amended by  
2     adding two new subdivisions 10 and 11 to read as follows:  
3     10. THE ASSESSED VALUE OF ANY EXEMPTION GRANTED PURSUANT TO THIS  
4     SECTION SHALL BE ENTERED BY THE ASSESSOR ON THE ASSESSMENT ROLL WITH THE  
5     TAXABLE PROPERTY, WITH THE AMOUNT OF THE EXEMPTION ENTERED IN A SEPARATE  
6     COLUMN.  
7     11. THE EXEMPTION AUTHORIZED BY THIS SECTION SHALL HAVE THE EFFECT  
8     SPECIFIED IN SECTION THIRTEEN HUNDRED SIX-B OF THIS CHAPTER. THE  
9     EXEMPTION SHALL NOT BE CONSIDERED WHEN DETERMINING STATE AID TO EDUCA-  
10    TION PURSUANT TO SECTION THIRTY-SIX HUNDRED TWO OF THE EDUCATION LAW,  
11    WHEN DETERMINING SCHOOL DISTRICT DEBT LIMITS PURSUANT TO LAW, WHEN  
12    DETERMINING THE AMOUNT OF TAXES TO BE LEVIED BY OR ON BEHALF OF A SCHOOL  
13    DISTRICT, WHEN CALCULATING TAX RATES FOR A SCHOOL DISTRICT, WHEN APPOR-  
14    TIONING TAXES BETWEEN OR AMONG SCHOOL DISTRICTS, WHEN APPORTIONING TAXES  
15    AMONG CLASSES IN A SPECIAL ASSESSING UNIT UNDER ARTICLE EIGHTEEN OF THIS  
16    CHAPTER, OR WHEN APPORTIONING TAXES BETWEEN CLASSES IN AN APPROVED  
17    ASSESSING UNIT UNDER ARTICLE NINETEEN OF THIS CHAPTER.  
18    S 2. The real property tax law is amended by adding a new section  
19    1306-b to read as follows:  
20    S 1306-B.     EFFECT OF VETERANS ALTERNATIVE EXEMPTION UPON SCHOOL  
21    DISTRICT TAXES; STATE AID. 1. LEVY OF TAXES; DETERMINATION OF TAXES DUE.  
22    THE AMOUNT OF TAXES TO BE LEVIED FOR ANY SCHOOL YEAR SHALL BE DETERMINED  
23    WITHOUT REGARD TO THE FACT THAT STATE AID WILL BE PAYABLE PURSUANT TO  
24    THIS SECTION. IN ADDITION, THE TAX RATE FOR ANY SCHOOL YEAR SHALL BE

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

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1 DETERMINED AS IF NO PARCELS WERE EXEMPT FROM TAXATION PURSUANT TO  
2 SECTION FOUR HUNDRED FIFTY-EIGHT-A OF THIS CHAPTER. HOWEVER, THE TAX  
3 RATE SO DETERMINED SHALL BE APPLIED TO THE TAXABLE ASSESSED VALUE OF  
4 EACH PARCEL AFTER ACCOUNTING FOR ALL APPLICABLE EXEMPTIONS, INCLUDING  
5 THE EXEMPTION AUTHORIZED BY SECTION FOUR HUNDRED FIFTY-EIGHT-A OF THIS  
6 CHAPTER.

7 2. TAX SAVINGS. THE TAX SAVINGS FOR EACH PARCEL RECEIVING THE  
8 EXEMPTION AUTHORIZED BY SECTION FOUR HUNDRED FIFTY-EIGHT-A OF THIS CHAP-  
9 TER SHALL BE COMPUTED BY SUBTRACTING THE AMOUNT ACTUALLY LEVIED AGAINST  
10 THE PARCEL FROM THE AMOUNT THAT WOULD HAVE BEEN LEVIED IF NOT FOR THE  
11 EXEMPTION.

12 3. STATE AID. (A) THE TOTAL TAX SAVINGS DULY PROVIDED BY EACH SCHOOL  
13 DISTRICT PURSUANT TO THIS SECTION SHALL BE A STATE CHARGE, WHICH SHALL  
14 BE PAYABLE AS PROVIDED HEREIN.

15 (B) A SCHOOL DISTRICT SEEKING STATE AID PURSUANT TO THIS SECTION SHALL  
16 SUBMIT AN APPLICATION THEREFOR TO THE COMMISSIONER. THE APPLICATION  
17 SHALL INCLUDE SUCH INFORMATION AS THE COMMISSIONER SHALL REQUIRE.

18 (C) UPON APPROVING AN APPLICATION FOR STATE AID PURSUANT TO THIS  
19 SECTION, THE COMMISSIONER SHALL COMPUTE AND CERTIFY TO THE COMMISSIONER  
20 OF EDUCATION THE AMOUNTS PAYABLE TO THE SCHOOL DISTRICT. SUCH STATE AID  
21 SHALL BE PAYABLE UPON THE AUDIT AND WARRANT OF THE STATE COMPTROLLER  
22 FROM VOUCHERS CERTIFIED AND APPROVED BY THE COMMISSIONER OF EDUCATION,  
23 AS PROVIDED BY SECTION THIRTY-SIX HUNDRED NINE-E OF THE EDUCATION LAW,  
24 AS APPLICABLE.

25 (D) THE COMMISSIONER MAY AUDIT AN APPLICATION FOR STATE AID PURSUANT  
26 TO THIS SECTION WITHIN ONE YEAR AFTER AUTHORIZING PAYMENT THEREON. IF  
27 THE COMMISSIONER SHOULD DISCOVER THAT A SCHOOL DISTRICT HAS RECEIVED A  
28 GREATER OR LESSER AMOUNT OF SUCH AID THAN IT SHOULD HAVE RECEIVED, THE  
29 COMMISSIONER SHALL SO NOTIFY THE SCHOOL DISTRICT, AND SHALL CAUSE THE  
30 NEXT PAYMENT OF SUCH AID TO THE SCHOOL DISTRICT TO BE ADJUSTED ACCORD-  
31 INGLY.

32 (E) WHEN AN EXEMPTION PURSUANT TO SECTION FOUR HUNDRED FIFTY-EIGHT-A  
33 OF THIS CHAPTER HAS BEEN REVOKED, THE AID PAYABLE TO THE SCHOOL DISTRICT  
34 PURSUANT TO THIS SECTION SHALL BE REDUCED BY THE AMOUNT OF THE TAXES  
35 ATTRIBUTABLE TO THE REVOKED EXEMPTION.

36 S 3. Paragraph (c) of subdivision 1 of section 458-a of the real prop-  
37 erty tax law, as amended by chapter 100 of the laws of 1988, is amended  
38 to read as follows:

39 (c) "Qualified owner" means a veteran, the spouse of a veteran or the  
40 unremarried surviving spouse of a veteran, PROVIDED SUCH PERSON IS NOT  
41 EARNING AN ANNUAL INCOME EQUAL TO OR IN EXCESS OF FIVE HUNDRED THOUSAND  
42 DOLLARS. Where property is owned by more than one qualified owner, the  
43 exemption to which each is entitled may be combined. Where a veteran is  
44 also the unremarried surviving spouse of a veteran, such person may also  
45 receive any exemption to which the deceased spouse was entitled.

46 S 4. This act shall take effect immediately and shall apply to taxa-  
47 ble years beginning on and after January 1, 2015.