

1699--A

2015-2016 Regular Sessions

I N S E N A T E

January 14, 2015

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

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

LBD03810-03-5

1 THE AMOUNT OF TAXES TO BE LEVIED FOR ANY SCHOOL YEAR SHALL BE DETERMINED
2 WITHOUT REGARD TO THE FACT THAT STATE AID WILL BE PAYABLE PURSUANT TO
3 THIS SECTION. IN ADDITION, THE TAX RATE FOR ANY SCHOOL YEAR SHALL BE
4 DETERMINED AS IF NO PARCELS WERE EXEMPT FROM TAXATION PURSUANT TO
5 SECTION FOUR HUNDRED FIFTY-EIGHT-A OF THIS CHAPTER. HOWEVER, THE TAX
6 RATE SO DETERMINED SHALL BE APPLIED TO THE TAXABLE ASSESSED VALUE OF
7 EACH PARCEL AFTER ACCOUNTING FOR ALL APPLICABLE EXEMPTIONS, INCLUDING
8 THE EXEMPTION AUTHORIZED BY SECTION FOUR HUNDRED FIFTY-EIGHT-A OF THIS
9 CHAPTER.

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

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

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

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

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

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

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

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

49 S 4. This act shall take effect immediately and shall apply to taxa-
50 ble years beginning on and after January 1, 2016.