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

5109

2015-2016 Regular Sessions

I N S E N A T E

May 1, 2015

Introduced by Sen. FUNKE -- 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 and the education law, in relation to payment of state aid for school tax relief within ninety days after application to the commissioner of taxation and finance

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

Section 1. Paragraph (c) of subdivision 3 of section 1306-a of the real property tax law, as amended by section 60 of part C of chapter 58 of the laws of 1998 and as further amended by subdivision (b) of section 1 of part W of chapter 56 of the laws of 2010, is amended to read as follows:

(c) Upon approving an application for state aid pursuant to this section, the commissioner shall compute and certify to the commissioner of education the amounts payable to the school district. Such state aid shall be payable upon the audit and warrant of the state comptroller from vouchers certified and approved by the commissioner of education, as provided by section thirty-six hundred nine-e of the education law, as applicable. SUCH STATE AID SHALL BE PAID WITHIN NINETY DAYS OF RECEIPT OF THE APPLICATION BY THE COMMISSIONER.

S 2. Section 3609-e of the education law, as added by section 46 of part C of chapter 58 of the laws of 1998, paragraph a of subdivision 1 as amended and paragraph e of subdivision 1 as added by section 34 of part B of chapter 57 of the laws of 2007, paragraph b of subdivision 1 as amended by section 46-a of part L of chapter 405 of the laws of 1999, and subdivision 2 as amended by section 26 of part B of chapter 57 of the laws of 2008, is amended to read as follows:

S 3609-e. School tax relief aid, when and how payable [commencing July first, nineteen hundred ninety-eight]. Notwithstanding any other provisions of this article, school tax relief aid shall be paid pursuant to this section.

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

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1. Definitions. As used in this section the following terms shall be defined as follows:

a. "Amount of tax levy" shall mean the amount of property taxes levied for school purposes in the current year pursuant to subdivision one of section thirteen hundred six of the real property tax law, except that for a city school district of a city with one hundred twenty-five thousand inhabitants or more "amount of tax levy" shall mean an amount equal to the product of the tax rate computed pursuant to paragraph [e] D of this subdivision for aids payable in the current year multiplied by such district's actual valuation as defined in subdivision one of section thirty-six hundred two of this article.

b. ["Phase-in factor" shall mean: (i) for aid payable in the two thousand--two thousand one school year, seventy-five percent and (ii) for aid payable in the two thousand one--two thousand two school year and thereafter, one hundred percent.

c.] "STAR portion of the tax levy" shall mean the quotient of the school tax relief aid payable in the current year divided by the amount of tax levy expressed as a decimal to four places without rounding.

[d.] C. The definitions of "school tax relief aid," "current year" and "base year" as set forth in subdivision one of section thirty-six hundred two of this article shall apply to this section.

[e.] D. "Tax rate" shall mean the amount computed by dividing a school district's total revenues from real property and non-property tax levies for the base year levied for school purposes exclusive of library purposes plus any payments in lieu of taxes received pursuant to section four hundred eighty-five of the real property tax law and exclusive of any balances in excess of six percent of general fund expense remaining in the general fund of the district at the end of the base year, by such district's actual valuation as defined in subdivision one of section thirty-six hundred two of this article including any actual valuation equivalent of payments in lieu of taxes determined pursuant to section four hundred eighty-five of the real property tax law, provided, however, that in the instance of a fiscally dependent city school district, the tax rate shall be computed by dividing (i) such district's total general fund expenditures, plus inter-fund transfers outgoing from the general fund, and plus general fund reserve expenditures, less any and all general fund non-tax revenue of such city school district which has been paid and identified by an original payer as being specifically on behalf of such city school district, and less any and all non-tax revenue of the city upon which such city school district is fiscally dependent which has been paid and identified by an original payer as being specifically on behalf of such city school district but which has not been identified as revenue of such city school district, and less any and all other general fund revenues of such city school district which are determined by the commissioner to be non-tax revenue of the city upon which such city school district is fiscally dependent, by (ii) such district's actual valuation as defined in subdivision one of such section thirty-six hundred two. Revenues raised by a school district in support of a central high school district shall be included in the revenue of the district raising such revenue, and no local revenue shall be attributed to such central high school districts. Such tax rate shall be computed to five decimals without rounding and shall be multiplied by one thousand to be expressed in mills.

2. [Prescribed payments. a. October payment for aids payable in the nineteen hundred ninety-eight--ninety-nine through two thousand two--two thousand three school years and the two thousand four--two thousand five

through two thousand eight--two thousand nine school years. On or before October fifteenth, a portion of the school tax relief aid payable to the school district for the current year shall be paid equal to the product of the total school tax relief aid for the current school year adjusted to reflect adjustments to payments for prior years and thirty-five one-hundredths.

b. October payment for aids payable in the two thousand three--two thousand four school year, and the two thousand nine--two thousand ten school year and thereafter. On or before October fifteenth, a portion of the school tax relief aid payable to the school district for the current year adjusted to reflect adjustments to payments for prior years, not to exceed one hundred percent of such aid payable, shall be paid equal to the product of the amount of tax levy and the positive difference, if any, of the STAR portion of the tax levy minus the product of twenty-five one-hundredths and the phase-in factor.

c. November payment for the aids payable in the nineteen hundred ninety-eight--ninety-nine through two thousand two--two thousand three school years and the two thousand four--two thousand five through two thousand eight--two thousand nine school years. On or before November fifteenth, a portion of the school tax relief aid payable to the school district for the current year shall be paid equal to the product of the total school tax relief aid for the current school year adjusted to reflect adjustments to payments for prior years and seventy-one hundredths less any payments made pursuant to paragraph a of this subdivision.

d. November payment for aids payable in the two thousand three--two thousand four school year, and the two thousand nine--two thousand ten school year and thereafter. On or before November fifteenth, a portion of the school tax relief aid payable to the school district for the current year adjusted to reflect adjustments to payments for prior years, not to exceed one hundred percent of such aid payable, shall be paid equal to: (i) the product of the amount of tax levy and the positive difference, if any, of the STAR portion of the tax levy minus the product of twenty one hundredths and the phase-in factor less (ii) any payments made pursuant to paragraph b of this subdivision.

e. December payment for aids payable in the nineteen hundred ninety-eight--ninety-nine through two thousand two--two thousand three school years and the two thousand four--two thousand five through two thousand eight--two thousand nine school years. On or before December fifteenth, a portion of the school tax relief aid payable to the school district for the current year shall be paid equal to the product of the total school tax relief aid for the current school year adjusted to reflect adjustments to payments for prior years and eighty one-hundredths less any payments made pursuant to paragraphs a and c of this subdivision.

f. December payment for aids payable in the two thousand three--two thousand four school year, and the two thousand nine--two thousand ten school year and thereafter. On or before December fifteenth, a portion of the school tax relief aid payable to the school district for the current year adjusted to reflect adjustments to payments for prior years, not to exceed one hundred percent of such aid payable, shall be paid equal to: (i) the product of the amount of tax levy and the positive difference, if any, of the STAR portion of the tax levy minus the product of fifteen one-hundredths and the phase-in factor less (ii) any payments made pursuant to paragraphs b and d of this subdivision.

g. January payment. On or before the first business day of January, a portion of the school tax relief aid payable to the school district for

the current year shall be paid equal to one hundred percent of such total school tax relief aid payable for the current school year adjusted to reflect adjustments to payments for prior years less any payments made pursuant to paragraph a, b, c, d, e or f of this subdivision.

h. On or before March thirty-first a portion of the school tax relief aid payable to the school district for the current year shall be paid equal to one hundred percent of any increase in such aid over the total of such aids paid through the first business day of January, adjusted to reflect adjustments to payments for prior years, as certified to the commissioner by the office of real property services on or before March first] PAYMENT OF STATE AID. BEGINNING WITH THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR, ALL PAYMENTS FOR SCHOOL TAX RELIEF AID SHALL BE MADE WITHIN NINETY DAYS OF RECEIPT BY THE COMMISSIONER OF TAXATION AND FINANCE OF THE APPLICATION FOR STATE AID MADE PURSUANT TO SECTION THIRTEEN HUNDRED SIX-A OF THE REAL PROPERTY TAX LAW.

3. a. Such moneys shall be payable to the treasurer of each city school district, and the treasurer of each union free school district and of each central school district and of each other school district, if there be a treasurer, otherwise to the collector or other disbursing officer of such district, who shall apply for and receive the same as soon as payable.

b. In the case of city school districts of the cities with one hundred twenty-five thousand inhabitants or more, any payments which pursuant to this section is required to be made to the treasurer of the city school district, shall be made to the city treasurer or chamberlain.

4. Any payment to a school district pursuant to this section shall be general receipts of the district and may be used for any lawful purpose of the district.

S 3. This act shall take effect on the ninetieth day after it shall have become a law.