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

5483

2015-2016 Regular Sessions

I N S E N A T E

May 14, 2015

Introduced by Sen. LARKIN -- 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 creating school tax relief for property within a school district where a power plant has been removed; 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 425-b to read as follows:

S 425-B. ADDITIONAL SCHOOL TAX RELIEF (STAR) EXEMPTION. 1. GENERALLY. IN ADDITION TO THE EXEMPTIONS PROVIDED FOR IN SECTION FOUR HUNDRED TWENTY-FIVE OF THIS TITLE, REAL PROPERTY WHICH SATISFIES THE REQUIREMENTS OF THIS SECTION SHALL BE EXEMPT FROM TAXATION FOR SCHOOL PURPOSES AS PROVIDED HEREIN.

2. EXEMPT AMOUNT. THE EXEMPT AMOUNT FOR EACH PROPERTY SHALL BE TWENTY THOUSAND DOLLARS OF ITS ASSESSED VALUE.

3. ELIGIBILITY REQUIREMENT. TO QUALIFY FOR EXEMPTION PURSUANT TO THIS SECTION, THE PROPERTY MUST BE WITHIN A SCHOOL DISTRICT WHERE A POWER PLANT HAS BEEN PHYSICALLY REMOVED BETWEEN TWO THOUSAND EIGHT AND THE EFFECTIVE DATE OF THIS SECTION.

4. PROCEDURE. ALL PROPERTY LOCATED WITHIN THE SCHOOL DISTRICT WHICH IS ELIGIBLE UNDER SUBDIVISION THREE OF THIS SECTION SHALL AUTOMATICALLY RECEIVE SUCH EXEMPTION.

5. EFFECT OF EXEMPTION. THE EXEMPTION AUTHORIZED BY THIS SECTION SHALL HAVE THE EFFECT SPECIFIED IN SECTION ONE THOUSAND THREE HUNDRED SIX-B OF THIS CHAPTER. THE EXEMPTION SHALL NOT BE CONSIDERED WHEN DETERMINING STATE AID TO EDUCATION PURSUANT TO SECTION THIRTY-SIX HUNDRED TWO OF THE EDUCATION LAW, WHEN DETERMINING SCHOOL DISTRICT DEBT LIMITS PURSUANT TO LAW, WHEN DETERMINING THE AMOUNT OF TAXES TO BE LEVIED BY OR ON BEHALF OF A SCHOOL DISTRICT, WHEN CALCULATING TAX RATES FOR A SCHOOL DISTRICT,

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

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WHEN APPORTIONING TAXES BETWEEN OR AMONG SCHOOL DISTRICTS, WHEN APPORTIONING TAXES AMONG CLASSES IN A SPECIAL ASSESSING UNIT UNDER ARTICLE EIGHTEEN OF THIS CHAPTER, OR WHEN APPORTIONING TAXES BETWEEN CLASSES IN AN APPROVED ASSESSING UNIT UNDER ARTICLE NINETEEN OF THIS CHAPTER.

6. DURATION OF EXEMPTION. IN THE CASE OF PROPERTY WHICH IS ELIGIBLE FOR THE EXEMPTION DESCRIBED IN THIS SECTION, ONCE GRANTED, SHALL REMAIN IN EFFECT UNTIL A NEW POWER PLANT OR ENERGY PROVIDING PLANT HAS BEEN RE-ESTABLISHED WITHIN THE DISTRICT.

7. DISCONTINUANCE OF EXEMPTION. THE ASSESSOR SHALL DISCONTINUE ANY EXEMPTION GRANTED PURSUANT TO THIS SECTION IF IT APPEARS THAT A NEW POWER PLANT OR ENERGY PROVIDING PLANT HAS BEEN REESTABLISHED WITHIN THE DISTRICT.

S 2. The real property tax law is amended by adding a new section 1306-b to read as follows:

S 1306-B. EFFECT OF ADDITIONAL SCHOOL TAX RELIEF (STAR) EXEMPTION UPON SCHOOL DISTRICT TAXES; STATE AID. 1. LEVY OF TAXES; DETERMINATION OF TAXES DUE. THE AMOUNT OF TAXES TO BE LEVIED FOR ANY SCHOOL YEAR SHALL BE DETERMINED WITHOUT REGARD TO THE FACT THAT STATE AID WILL BE PAYABLE PURSUANT TO THIS SECTION. IN ADDITION, THE TAX RATE FOR ANY SCHOOL YEAR SHALL BE DETERMINED AS IF NO PARCELS WERE EXEMPT FROM TAXATION PURSUANT TO SECTION FOUR HUNDRED TWENTY-FIVE-B OF THIS CHAPTER. HOWEVER, THE TAX RATE SO DETERMINED SHALL BE APPLIED TO THE TAXABLE ASSESSED VALUE OF EACH PARCEL AFTER ACCOUNTING FOR ALL APPLICABLE EXEMPTIONS, INCLUDING THE EXEMPTION AUTHORIZED BY SECTION FOUR HUNDRED TWENTY-FIVE-B OF THIS CHAPTER.

2. TAX SAVINGS. (A)(I) THE TAX SAVINGS FOR EACH PARCEL RECEIVING THE EXEMPTION AUTHORIZED BY SECTION FOUR HUNDRED TWENTY-FIVE-B OF THIS CHAPTER SHALL BE COMPUTED BY SUBTRACTING THE AMOUNT ACTUALLY LEVIED AGAINST THE PARCEL FROM THE AMOUNT THAT WOULD HAVE BEEN LEVIED IF NOT FOR THE EXEMPTION. IT SHALL BE THE RESPONSIBILITY OF THE COMMISSIONER TO CALCULATE TAX SAVINGS LIMITATIONS FOR PURPOSES OF THIS SUBDIVISION.

(II) WHERE A SCHOOL TAX RATE WAS CHANGED IN THE MIDST OF THE PRIOR SCHOOL YEAR, AN ANNUALIZED SCHOOL TAX RATE SHALL BE USED FOR THIS PURPOSE. THE ANNUALIZED TAX RATE FOR THIS PURPOSE SHALL BE DETERMINED BY CALCULATING THE AVERAGE OF THE TAX RATES IN EFFECT AT VARIOUS TIMES DURING THE SCHOOL YEAR, WEIGHTED ACCORDING TO THE LENGTH OF TIME DURING WHICH THEY WERE RESPECTIVELY APPLICABLE.

(B) A STATEMENT SHALL THEN BE PLACED ON THE TAX BILL FOR THE PARCEL IN SUBSTANTIALLY THE FOLLOWING FORM: "YOUR TAX SAVINGS THIS YEAR RESULTING FROM THE NEW YORK STATE ADDITIONAL SCHOOL TAX RELIEF (STAR) PROGRAM PURSUANT TO SECTION 425-B OF THE REAL PROPERTY TAX LAW IS $."

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

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

(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.

(D) THE COMMISSIONER MAY AUDIT AN APPLICATION FOR STATE AID PURSUANT TO THIS SECTION WITHIN ONE YEAR AFTER AUTHORIZING PAYMENT THEREON. IF

THE COMMISSIONER SHOULD DISCOVER THAT A SCHOOL DISTRICT HAS RECEIVED A GREATER OR LESSER AMOUNT OF SUCH AID THAN IT SHOULD HAVE RECEIVED, THE COMMISSIONER SHALL SO NOTIFY THE SCHOOL DISTRICT, AND SHALL CAUSE THE NEXT PAYMENT OF SUCH AID TO THE SCHOOL DISTRICT TO BE ADJUSTED ACCORDINGLY.

(E) WHEN AN IMPROPERLY GRANTED EXEMPTION HAS BEEN REVOKED IN THE MANNER PROVIDED BY SECTION FOUR HUNDRED TWENTY-FIVE-B OF THIS CHAPTER, THE AID PAYABLE TO THE SCHOOL DISTRICT PURSUANT TO THIS SECTION SHALL BE REDUCED BY THE AMOUNT OF THE TAXES ATTRIBUTABLE TO THE REVOKED EXEMPTION.

4. INSTALLMENT PAYMENTS. WHEN SCHOOL TAXES ARE PAYABLE IN INSTALLMENTS PURSUANT TO LAW, THE TAX SAVINGS PROVIDED BY THIS SECTION SHALL BE APPLIED PROPORTIONALLY AGAINST THE RESPECTIVE INSTALLMENTS.

5. UNTIMELY PAYMENT OF TAXES.(A) WHEN TAXES ON A PROPERTY RECEIVING THE EXEMPTION AUTHORIZED BY SECTION FOUR HUNDRED TWENTY-FIVE-B OF THIS CHAPTER ARE NOT PAID IN A TIMELY MANNER, INTEREST, PENALTIES AND ANY OTHER APPLICABLE CHARGES SHALL BE IMPOSED ONLY AGAINST THE BALANCE DUE AFTER THE TAX SAVINGS PROVIDED BY THIS SECTION HAVE BEEN DEDUCTED FROM THE TAXES OWED.

(B) WHEN A COUNTY, CITY OR TOWN IS REQUIRED BY SECTION THIRTEEN HUNDRED THIRTY OR THIRTEEN HUNDRED THIRTY-TWO OF THIS CHAPTER, OR BY ANY OTHER GENERAL OR SPECIAL LAW, TO MAKE A PAYMENT TO A SCHOOL DISTRICT ON ACCOUNT OF UNPAID SCHOOL TAXES, THE TAX SAVINGS PROVIDED BY THIS SECTION SHALL BE DEDUCTED FROM THE AMOUNT SO PAYABLE.

6. INCONSISTENT LAWS SUPERSEDED. THE PROVISIONS OF THIS SECTION SHALL APPLY TO ALL SCHOOL DISTRICTS, NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY.

S 3. This act shall take effect immediately and shall expire and be deemed repealed 10 years after such date.