

5483

2015-2016 Regular Sessions

I N   S E N A T E

May 14, 2015

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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:

- 1     Section 1. The real property tax law is amended by adding a new  
2     section 425-b to read as follows:  
3     S 425-B. ADDITIONAL SCHOOL TAX RELIEF (STAR) EXEMPTION. 1. GENERALLY.  
4     IN ADDITION TO THE EXEMPTIONS PROVIDED FOR IN SECTION FOUR HUNDRED TWEN-  
5     TY-FIVE OF THIS TITLE, REAL PROPERTY WHICH SATISFIES THE REQUIREMENTS OF  
6     THIS SECTION SHALL BE EXEMPT FROM TAXATION FOR SCHOOL PURPOSES AS  
7     PROVIDED HEREIN.  
8     2. EXEMPT AMOUNT. THE EXEMPT AMOUNT FOR EACH PROPERTY SHALL BE TWENTY  
9     THOUSAND DOLLARS OF ITS ASSESSED VALUE.  
10    3. ELIGIBILITY REQUIREMENT. TO QUALIFY FOR EXEMPTION PURSUANT TO THIS  
11    SECTION, THE PROPERTY MUST BE WITHIN A SCHOOL DISTRICT WHERE A POWER  
12    PLANT HAS BEEN PHYSICALLY REMOVED BETWEEN TWO THOUSAND EIGHT AND THE  
13    EFFECTIVE DATE OF THIS SECTION.  
14    4. PROCEDURE. ALL PROPERTY LOCATED WITHIN THE SCHOOL DISTRICT WHICH IS  
15    ELIGIBLE UNDER SUBDIVISION THREE OF THIS SECTION SHALL AUTOMATICALLY  
16    RECEIVE SUCH EXEMPTION.  
17    5. EFFECT OF EXEMPTION. THE EXEMPTION AUTHORIZED BY THIS SECTION SHALL  
18    HAVE THE EFFECT SPECIFIED IN SECTION ONE THOUSAND THREE HUNDRED SIX-B OF  
19    THIS CHAPTER. THE EXEMPTION SHALL NOT BE CONSIDERED WHEN DETERMINING  
20    STATE AID TO EDUCATION PURSUANT TO SECTION THIRTY-SIX HUNDRED TWO OF THE  
21    EDUCATION LAW, WHEN DETERMINING SCHOOL DISTRICT DEBT LIMITS PURSUANT TO  
22    LAW, WHEN DETERMINING THE AMOUNT OF TAXES TO BE LEVIED BY OR ON BEHALF  
23    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.

LBD09784-03-5

1 WHEN APPORTIONING TAXES BETWEEN OR AMONG SCHOOL DISTRICTS, WHEN APPOR-  
2 TIONING TAXES AMONG CLASSES IN A SPECIAL ASSESSING UNIT UNDER ARTICLE  
3 EIGHTEEN OF THIS CHAPTER, OR WHEN APPORTIONING TAXES BETWEEN CLASSES IN  
4 AN APPROVED ASSESSING UNIT UNDER ARTICLE NINETEEN OF THIS CHAPTER.

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

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

13 S 2. The real property tax law is amended by adding a new section  
14 1306-b to read as follows:

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

26 2. TAX SAVINGS. (A)(I) THE TAX SAVINGS FOR EACH PARCEL RECEIVING THE  
27 EXEMPTION AUTHORIZED BY SECTION FOUR HUNDRED TWENTY-FIVE-B OF THIS CHAP-  
28 TER SHALL BE COMPUTED BY SUBTRACTING THE AMOUNT ACTUALLY LEVIED AGAINST  
29 THE PARCEL FROM THE AMOUNT THAT WOULD HAVE BEEN LEVIED IF NOT FOR THE  
30 EXEMPTION. IT SHALL BE THE RESPONSIBILITY OF THE COMMISSIONER TO CALCU-  
31 LATE TAX SAVINGS LIMITATIONS FOR PURPOSES OF THIS SUBDIVISION.

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

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

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

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

48 (C) UPON APPROVING AN APPLICATION FOR STATE AID PURSUANT TO THIS  
49 SECTION, THE COMMISSIONER SHALL COMPUTE AND CERTIFY TO THE COMMISSIONER  
50 OF EDUCATION THE AMOUNTS PAYABLE TO THE SCHOOL DISTRICT. SUCH STATE AID  
51 SHALL BE PAYABLE UPON THE AUDIT AND WARRANT OF THE STATE COMPTROLLER  
52 FROM VOUCHERS CERTIFIED AND APPROVED BY THE COMMISSIONER OF EDUCATION,  
53 AS PROVIDED BY SECTION THIRTY-SIX HUNDRED NINE-E OF THE EDUCATION LAW,  
54 AS APPLICABLE.

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

1 THE COMMISSIONER SHOULD DISCOVER THAT A SCHOOL DISTRICT HAS RECEIVED A  
2 GREATER OR LESSER AMOUNT OF SUCH AID THAN IT SHOULD HAVE RECEIVED, THE  
3 COMMISSIONER SHALL SO NOTIFY THE SCHOOL DISTRICT, AND SHALL CAUSE THE  
4 NEXT PAYMENT OF SUCH AID TO THE SCHOOL DISTRICT TO BE ADJUSTED ACCORD-  
5 INGLY.

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

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

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

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

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

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