

STATE OF NEW YORK

1708

2017-2018 Regular Sessions

IN SENATE

January 10, 2017

Introduced by Sen. MARCHIONE -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the general municipal law, in relation to excluding capital projects in a municipality from the tax cap if the projects were approved by the voters of the municipality

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subparagraph (iv) of paragraph (g) of subdivision 2 of
2 section 3-c of the general municipal law, as added by section 1 of part
3 A of chapter 97 of the laws of 2011, is amended and a new subparagraph
4 (v) is added to read as follows:

5 (iv) in years in which the normal contribution rate of the New York
6 state teachers' retirement system, as defined by paragraph a of subdivi-
7 sion two of section five hundred seventeen of the education law,
8 increases by more than two percentage points from the previous year, a
9 tax levy necessary for expenditures for the coming fiscal year for local
10 government employer contributions to the New York state teachers'
11 retirement system caused by growth in the normal contribution rate minus
12 two percentage points~~[-]~~; and

13 (v) a tax levy necessary for expenditures to fund capital projects in
14 a county, city, town or village, including the construction of roads,
15 sewers, waterline and bridges, provided the capital project was approved
16 by an affirmative vote of sixty percent of the electors of such county,
17 city, town or village. The department of taxation and finance shall
18 establish guidelines as to what, if any, additional capital projects may
19 be subject to the provisions of this subparagraph.

20 § 2. Section 3-c of the general municipal law is amended by adding a
21 new subdivision 8 to read as follows:

22 8. A county, city, town, or village may adopt a tax levy in support of
23 expenditures for capital projects as provided by subparagraph (v) of
24 paragraph (g) of subdivision two of this section only if the governing

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

LBD06964-01-7

1 body of such county, city, town, or village first enacts, by a majority
2 vote of the total voting power of such body, a local law subject to
3 mandatory referendum. Notwithstanding any provision to the contrary,
4 such local law shall become operative as prescribed therein only if
5 approved at a general or special election pursuant to section twenty-
6 three of the municipal home rule law by the affirmative vote of sixty
7 percent of the qualified electors of such county, city, town or village
8 voting upon the proposition.

9 § 3. This act shall take effect immediately; provided, however, that:

10 a. the amendments to section 3-c of the general municipal law made by
11 sections one and two of this act shall not affect the repeal of such
12 section and shall be deemed repealed therewith; and

13 b. the department of taxation and finance shall establish guidelines
14 concerning additional capital projects as provided in subparagraph (v)
15 of paragraph (g) of subdivision 2 of section 3-c of the general municipi-
16 pal law as added by section one of this act within sixty days of the
17 effective date of this act.