

STATE OF NEW YORK

8879

IN SENATE

May 31, 2018

Introduced by Sen. BROOKS -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to establish the residential real property tax relief for public education task force

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

1 Section 1. Legislative findings. The legislature finds that the
2 current primary and secondary education funding system, which is based
3 largely upon real property taxation, is antiquated and creates serious
4 disparities in educational opportunity and inequities with regard to
5 distribution of the system's financial burden. The quality of education
6 that children receive varies widely by geographic region, as does the
7 opportunity for children to participate in extracurricular activities.
8 In addition, taxpayers throughout the state receive real property tax
9 bills from their local school districts based on the value of their
10 homes, which is subject to multiple factors beyond their control, rather
11 than their financial ability to pay, creating serious regional
12 distortions in the relative cost of living. The legislature finds that
13 these distortions are greatly exacerbated by the recent enactment of the
14 federal tax cuts and jobs act of 2017, which will limit the deductibili-
15 ty of state and local taxes to 10,000 dollars beginning in the next
16 fiscal year, effectively eliminating one of the few mitigating factors
17 against high property taxes for homeowners in certain regions of the
18 state, and creating undue hardship for families throughout the state.
19 The legislature further finds that our children should not be penalized
20 based upon the geographic location of their home, nor should financial
21 support for the educational system fall more heavily on those who are
22 less able to bear the burden. The legislature therefore orders that a
23 task force be created to conduct a comprehensive examination of the
24 current funding system, and to make recommendations for a long-term,
25 statewide solution that will shift the base resource of primary and
26 secondary education funding from real property taxes to the state
27 personal income tax. Such new funding methodology must be flexible
28 enough to ensure efficient responsiveness to certain dynamic factors

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

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1 with regard to school aid from the state of New York, including but not
2 limited to the changing demographic profile of the student body of indi-
3 vidual schools; technology advancements and requirements; school safety
4 and security; mandated educational programs; staff development; programs
5 regarding drugs, bullying, social media, gang violence and other similar
6 programs that emerge in response to salient issues; and changing federal
7 policies that directly impact all New Yorkers.

8 § 2. Residential real property tax relief for public education task
9 force. There is hereby created the residential real property tax relief
10 for public education task force that shall consist of 43 members.
11 Members serving in ex-officio capacity shall include: the commissioner
12 of the education department or his or her designee; the chair of the
13 state board of regents, or his or her designee; the commissioner of the
14 department of taxation and finance or his or her designee; the commis-
15 sioner of the department of homeland security and emergency services or
16 his or her designee; and the director of budget or his or her designee.
17 Appointed members shall be appointed as follows: ten members appointed
18 by the governor; six members shall be appointed by the temporary presi-
19 dent of the senate; six members shall be appointed by the speaker of the
20 assembly; four members shall be appointed by the minority leader of the
21 senate; four members shall be appointed by the minority leader of the
22 assembly; two members shall be appointed by New York state united teach-
23 ers; two members shall be appointed by the New York state school boards
24 association; two members shall be appointed by the association of school
25 superintendents; and two members shall be appointed by the business
26 council of New York state.

27 § 3. Qualifications of appointed members. (1) Of the ten members
28 appointed by the governor, four shall have been certified by the depart-
29 ment of education and have at least ten years of classroom teaching
30 experience at the primary or secondary levels, one of whom shall have
31 such experience in a small city school system; one of whom shall have
32 such experience in a school system located within a county having a
33 population between 1,300,000 and 1,650,000 as determined by the latest
34 available census estimate by the United States bureau of the census that
35 is not wholly within a city; one of whom shall have such experience in a
36 school district that is not a small city school district, located in a
37 county not wholly contained within a city with a population between
38 300,000 and 1,000,000 as determined by the latest available census esti-
39 mate by the United States bureau of the census; and one of whom shall
40 have such experience in a school district located in a county with a
41 population of less than two hundred thousand, as determined by the
42 latest available census estimate by the United States bureau of the
43 census; four shall have at least ten years experience in a school fiscal
44 or budgetary capacity, one of whom shall have such experience in a small
45 city school system, one of whom shall have such experience in a school
46 system located within a county having a population between 1,300,000 and
47 1,650,000 as determined by the latest available census estimate by the
48 United States bureau of the census that is not wholly within a city; one
49 of whom shall have such experience in a school district that is not a
50 small city school district, located in a county not wholly contained
51 within a city with a population between 300,000 and 1,000,000, as deter-
52 mined by the latest available census estimate by the United States
53 bureau of the census, and one of whom shall have such experience in a
54 school district located in a county with a population of less than
55 200,000, as determined by the latest available census estimate by the
56 United States bureau of the census; and two shall be parents of students

1 in the state's public education system, one of whom shall be the parent
2 of a student at the primary school level at the time of appointment, and
3 one of whom shall be the parent of a student at the secondary school
4 level at the time of appointment;

5 (2) Of the six members appointed by the temporary president of the
6 senate, three shall have been certified by the department of education
7 and have at least ten years of classroom teaching experience in the
8 state's public school system, at least one of whom shall have such expe-
9 rience at the primary level, one of whom shall have such experience at
10 the secondary level, and one of whom shall have gained such experience,
11 or be currently teaching in a small city public school system, one shall
12 have at least ten years experience in a school fiscal or budgetary
13 capacity, one shall have at least ten years experience in a school
14 administrative capacity, and one shall be the parent of a student in the
15 public primary or secondary school system;

16 (3) Of the six members appointed by the speaker of the assembly, three
17 shall have been certified by the department of education and have at
18 least ten years of classroom teaching experience in the state's public
19 school system, at least one of whom shall have such experience at the
20 primary level, one of whom shall have such experience at the secondary
21 level, and one of whom shall have gained such experience, or be current-
22 ly teaching in a small city public school system, one shall have experi-
23 ence in a school fiscal or budgetary capacity, one shall have at least
24 ten years experience in a school administrative capacity, and one shall
25 be the parent of a student in the primary or secondary public school
26 system at the time of appointment;

27 (4) Of the four members appointed by the minority leader of the
28 senate, two shall have been certified by the department of education and
29 have at least ten years of classroom teaching experience at the primary
30 or secondary level, one shall be the parent of a student in the public
31 school system, and one shall have at least ten years experience in a
32 school fiscal or budgetary capacity; and

33 (5) Of the four members appointed by the minority leader of the
34 senate, two shall have been certified by the department of education and
35 have at least ten years of classroom teaching experience at the primary
36 or secondary level, one shall be the parent of a student in the public
37 school system, and one shall have at least ten years experience in a
38 school fiscal or budgetary capacity.

39 § 4. Powers and duties. (1) The residential real property tax relief
40 for public education task force shall, over the course of the three
41 years subsequent to this section having become law, conduct an in-depth
42 analysis of the funding system for primary and secondary education that
43 will make recommendations on the implementation of a new methodology
44 that will change the current system paradigm from one highly dependent
45 on local property taxes to one that is largely state-funded through
46 personal income taxes. Such analysis shall include, but not be limited
47 to (i) a historical examination of the current system, demonstrating the
48 etymology of the current funding system; (ii) an examination of regional
49 cost factors and their relation to regional student opportunity dispari-
50 ties; (iii) the establishment of educational economic development zones,
51 as defined in section five of this act; (iv) the development of a
52 revised school funding program for all special needs and special educa-
53 tion students based on the regional cost factors within respective
54 educational economic development zones; (v) the establishment of best
55 practices programs purchasing, budget and fiscal plan development, bene-
56 fits management and the management of reserves for each educational

1 economic zone; (vi) the development of a new methodology that will shift
2 the fundamental funding source for primary and secondary education from
3 real property taxation to the state personal income tax, such methodol-
4 ogy shall take the conditional variables of each educational economic
5 zone into account in its determination of the distribution of state
6 funds; (vii) the development of best practice objectives in aid distrib-
7 ution to ensure that funding in all districts is put to the best and
8 most efficient use; and (viii) the provision of an implementation strat-
9 egy for the new methodology that will limit as much as feasibly possible
10 any disruption during the transition.

11 (2) The commissioner of education shall serve as the chair of the task
12 force. The task force is authorized to consult with education and taxa-
13 tion and academic professionals in addition to its members, and to
14 compensate such expert participation for actual incurred expenses. The
15 task force may utilize agency staff, space and equipment as necessary.
16 Task force members shall receive no compensation for their partic-
17 ipation, other than for actual incurred expenses.

18 (3) The task force shall meet in its entirety in July and December
19 each year at a single physical location, and the chair shall have the
20 power to call additional meetings as he or she deems necessary and
21 appropriate. Electronic participation shall be permitted for those
22 members who are unable to attend in person. An agenda for each meeting
23 shall be made public at least two days prior to the meeting date; meet-
24 ings shall be visually recorded; and meeting minutes shall be kept.

25 (4) The task force shall publish a report containing all research
26 findings and recommendations, three years after the date on which this
27 act shall have become law. Such report shall outline and provide crit-
28 ical detail of each task force recommendation, and a comprehensive tran-
29 sition and implementation strategy. The task force shall transmit the
30 report to the governor, the temporary president of the senate, the
31 speaker of the assembly, the minority leader of the senate and the
32 minority leader of the assembly no later than three years after the date
33 that this act shall have become a law.

34 (5) The task force shall establish a website on the internet, on which
35 it shall save and make available all documentation, provide a venue for
36 public comment, provide visual access to its meetings, meeting agendas,
37 minutes, and provide a copy of its report.

38 § 5. Educational economic zones. Educational economic zones shall mean
39 geographical regions determined by unique variables including, but not
40 limited to (i) individual and cumulative personal income; (ii) the level
41 of employment as determined by the United States department of commerce,
42 bureau of labor statistics for the twelve-month period prior to January
43 first of the calendar year in which the school budget begins; (iii)
44 local industry, as identified by the United States bureau of the census
45 through the North American industry classification system; (iv) infras-
46 tructure construction and maintenance costs; (v) educational support
47 services; and (vi) student demographics, including special education
48 students and those with special needs.

49 § 6. This act shall take effect immediately.