STATE OF NEW YORK

5470

2017-2018 Regular Sessions

IN ASSEMBLY

February 9, 2017

Introduced by M. of A. FAHY -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, in relation to exempting the costs associated with certain infrastructure investments from the real property tax levy limit

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

Section 1. Paragraph (g) of subdivision 2 of section 3-c of the general municipal law, as added by section 1 of part A of chapter 97 of the laws of 2011, is amended to read as follows:

(g) "Tax levy limit" means the amount of taxes authorized to be levied by or on behalf of a local government pursuant to this section, provided, however, that the tax levy limit shall not include the following:

(i) a tax levy necessary for expenditures resulting from court orders or judgments against the local government arising out of tort actions for any amount that exceeds five percent of the total tax levied in the prior fiscal year;

(ii) in years in which the system average actuarial contribution rate of the New York state and local employees' retirement system, as defined by paragraph ten of subdivision a of section nineteen-a of the retirement and social security law, increases by more than two percentage points from the previous year, a tax levy necessary for expenditures for the coming fiscal year for local government employer contributions to the New York state and local employees' retirement system caused by growth in the system average actuarial contribution rate minus two percentage points;

(iii) in years in which the system average actuarial contribution rate of the New York state and local police and fire retirement system, as defined by paragraph eleven of subdivision a of section three hundred nineteen-a of the retirement and social security law, increases by more

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

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than two percentage points from the previous year, a tax levy necessary for expenditures for the coming fiscal year for local government employer contributions to the New York state and local police and fire retirement system caused by growth in the system average actuarial contribution rate minus two percentage points;

(iv) in years in which the normal contribution rate of the New York state teachers' retirement system, as defined by paragraph a of subdivision two of section five hundred seventeen of the education law, increases by more than two percentage points from the previous year, a tax levy necessary for expenditures for the coming fiscal year for local government employer contributions to the New York state teachers' retirement system caused by growth in the normal contribution rate minus two percentage points**;**

(v) a tax levy necessary for expenditures resulting from a public water system as such term is defined for the purposes of the sanitary code of the state of New York as authorized by section two hundred twenty-five of the public health law; expenditures resulting from a sewage treatment works as such term is defined under section 17-1903 of the environmental conservation law; and expenditures to address health and safety issues related to infrastructure problems as prescribed by the department of health.

§ 2. Paragraph (a) of subdivision 3 of section 3-c of the general municipal law, as added by section 1 of part A of chapter 97 of the laws of 2011, is amended to read as follows:

(a) Subject to the provisions of subdivision five of this section, beginning with the fiscal year that begins in two thousand twelve, no local government shall adopt a budget that requires a tax levy that is greater than the tax levy limit for the coming fiscal year. Provided however the tax levy limit shall not prohibit a levy necessary to support the expenditures pursuant to subparagraphs (i) through [~~(iv)~~] **(v)** of paragraph (g) of subdivision two of this section.

§ 3. Subparagraph (iv) of paragraph (c) of subdivision 3 of section 3-c of the general municipal law, as added by section 1 of part A of chapter 97 of the laws of 2011, is amended to read as follows:

(iv) Subtract the tax levy necessary to support expenditures pursuant to [~~subparagraph~~] **subparagraphs** (i) **and (v)** of paragraph (g) of subdivision two of this section for the prior fiscal year, if any.

§ 4. This act shall take effect immediately; provided, however that the amendments to section 3-c of the general municipal law made by sections one, two and three of this act shall not affect the repeal of such section and shall be deemed repealed therewith.