STATE OF NEW YORK

3038--A

2017-2018 Regular Sessions

IN SENATE

January 19, 2017

Introduced by Sens. CARLUCCI, LATIMER -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the tax law, in relation to requiring STAR program payments to be issued timely

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

Section 1. Subparagraph (B) of paragraph 10 of subsection (eee) of section 606 of the tax law, as amended by section 8 of part A of chapter 73 of the laws of 2016, is amended and a new subparagraph (F) is added to read as follows:

(B) On or before September [~~fifteenth~~] first of each year, or as soon thereafter as practicable, the commissioner shall determine the eligibility of taxpayers for this credit utilizing the information available to him or her as obtained from the applications submitted [~~on or before July first of that year, or such later date as may have been prescribed by the commissioner for that purpose,~~] and from such other sources as the commissioner deems reliable and appropriate. For those taxpayers whom the commissioner has determined eligible for this credit, the commissioner shall advance a payment in the amount specified in paragraph three, four or six of this subsection, whichever is applicable. Such payment shall be [~~issued by September thirtieth~~] postmarked no later than fifteen days prior to the expiration of the interest free period to pay school taxes of the year the credit is allowed, or [~~as soon thereafter as is practicable~~] no later than ninety days after the receipt of an application for the credit, whichever is later. [~~Nothing contained herein shall be deemed to preclude the commissioner from issuing payments after September thirtieth to qualified taxpayers whose~~

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

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~~applications were made after July first of that year, or such later date as may have been prescribed by the commissioner for such purpose.~~]

(F) In the event that an advanced payment is postmarked after the dates prescribed under subparagraph (B) of this paragraph the commissioner shall apply to such credit a late fee of five percent, with an additional one percent per month thereafter until such credit is postmarked. In the event that an advanced payment is issued in an incorrect amount and a taxpayer must return the advanced payment, the commissioner shall apply to such credit a late fee of five percent, with an additional one percent per month thereafter until such credit is reissued in the correct amount.

§ 2. This act shall take effect immediately, and shall apply to taxable years beginning on and after 2017.