

# STATE OF NEW YORK

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4723--A

Cal. No. 461

2017-2018 Regular Sessions

## IN SENATE

February 24, 2017

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Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the town law, in relation to the powers and duties of the receiver of taxes and assessments

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

1 Section 1. Subdivision 1 of section 37 of the town law, as amended by  
2 chapter 708 of the laws of 1992, is amended to read as follows:

3 1. The receiver of taxes and assessments, if the office be elective,  
4 shall hold no other elective public office. Except as otherwise provided  
5 in section twenty-five hundred six of the education law, he or she shall  
6 have and possess and exercise in the manner and within the time  
7 prescribed by law all the rights, powers, authority and jurisdiction  
8 possessed and exercised by the town tax collector and the school  
9 district collectors in the town of which he or she is receiver of taxes  
10 and assessments and he or she shall be subject to all of the duties of  
11 such officers. Except as otherwise provided in section twenty-five  
12 hundred six of the education law, and unless [~~there has been an agree-~~  
13 ~~ment between the town board and the school board to the contrary,~~] the  
14 school board advises the town's receiver of taxes in writing by certi-  
15 fied mail, return receipt requested, by no later than September first of  
16 each year prior to collecting its own taxes, it shall be the duty of  
17 such receiver of taxes and assessments to receive and collect all state,  
18 county, town and school taxes, and all assessments that may be levied or  
19 assessed in the town, and all fees thereon prescribed by law, including  
20 all other moneys provided by law to be paid to the town tax collector or

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

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1 school district collectors, except that the town board of a town may by  
2 resolution authorize the receiver of taxes and assessments to receive  
3 taxes for thirty days after the first day specified in the notice for  
4 the payment of such taxes, at a charge of not more than one per centum  
5 upon such taxes or without additional charge, and except that the town  
6 board of a town may by resolution authorize the receiver of taxes and  
7 assessments to receive taxes heretofore payable to school district  
8 collectors after the expiration of such thirty day period with such fee,  
9 not more than five per centum upon such taxes, as the town board shall  
10 determine and specify in such resolution. Upon the passage of such  
11 resolution, the town board shall determine and fix the fee to be  
12 collected upon such taxes. Except as otherwise provided by law, the  
13 receiver of taxes shall receive and collect all water rates, sewer  
14 rentals, permit fees and other fees and charges payable to said town.  
15 Except as otherwise provided by this section, all fees, interest or  
16 penalties collected by him or her upon any tax or assessment heretofore  
17 payable to the town tax collector, or school district collectors, shall  
18 belong to the town. Except as otherwise permitted by section fifteen  
19 hundred eighty-eight of the real property tax law, such receiver shall  
20 enter daily in a suitable book or books a record of all moneys received  
21 by him or her and such book or books shall be public records and shall  
22 be open during office hours to public inspection. Within twenty-four  
23 hours after receiving the same, he or she shall deposit and secure all  
24 sums of money received and collected by him or her to the credit of the  
25 supervisor in or with a bank or trust company designated by the town  
26 board and notify the supervisor thereof, except that all school district  
27 moneys collected shall be deposited to the credit of the school district  
28 in such bank or banks as may be designated from time to time by the  
29 boards of education or trustees of the school districts, and except that  
30 after payment to the supervisor in full of all moneys payable to him or  
31 her pursuant to any warrant for the collection of taxes, the residue, if  
32 any, shall be deposited to the credit of the receiver of taxes and  
33 assessments, in such banks or trust companies as have been designated by  
34 the town board in the type of account specified by such board and such  
35 moneys shall be paid to the county treasurer not later than the  
36 fifteenth day of each month following the receipt thereof, and upon  
37 expiration of such warrant the receiver shall comply with the provisions  
38 of section nine hundred forty of the real property tax law. In lieu of  
39 the aforesaid immediate deposit of school district moneys to the credit  
40 of the school districts, the receiver of taxes and assessments may  
41 deposit such school district moneys to his or her own credit as receiver  
42 of taxes and assessments in the same account or accounts which he or she  
43 uses for depositing and disbursing county tax moneys; provided that,  
44 within five days after so depositing such school district moneys, he or  
45 she shall make appropriate distribution thereof by depositing appropri-  
46 ate sums to the credit of the school district as hereinbefore provided.  
47 Notwithstanding the foregoing provisions of this section, the town  
48 board, by resolution, may direct the receiver of taxes and assessments  
49 to deposit and secure in the manner provided by section ten of the  
50 general municipal law, in his or her name as receiver of taxes and  
51 assessments, within twenty-four hours after receipt thereof, all moneys  
52 collected by him or her which are due to the supervisor. All such moneys  
53 so deposited shall be paid to the supervisor at such times as may be  
54 specified in such resolution, but in no event later than the fifteenth  
55 day of each month following the receipt thereof. The town board may  
56 require that any moneys deposited to the credit of the receiver pursuant

1 to this subdivision be deposited in an interest bearing account. The  
2 interest earned on tax moneys so deposited, collected on behalf of the  
3 state, county, any school district or special district, shall belong to  
4 the taxing entity for which such moneys were collected unless such enti-  
5 ty has, by statute in the case of the state or otherwise by resolution,  
6 authorized the town to credit all or a percentage of such interest to  
7 the general fund of the town. Upon the adoption of such statute or  
8 resolution, the taxing entity shall notify, in writing, all town super-  
9 visors of the percentage of interest the town is authorized to credit to  
10 its general fund. The provisions of this subdivision regarding the  
11 deposit of moneys and crediting of interest shall be controlling and  
12 shall apply to each town, notwithstanding any inconsistent provisions of  
13 any general, special or local law.

14 § 2. This act shall take effect immediately.