

# STATE OF NEW YORK

10549

## IN ASSEMBLY

May 29, 2020

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Paulin, Galef, Abinanti, Buchwald, Jaffee, Otis, Pretlow, Zebrowski) -- read once and referred to the Committee on Real Property Taxation

AN ACT to amend the real property tax law, in relation to surplus funds

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

1 Section 1. Subdivision 1 of section 1318 of the real property tax law,  
2 as amended by chapter 238 of the laws of 2007, is amended to read as  
3 follows:

4 1. The warrant of the collecting officer shall be signed by the trustee,  
5 or the trustees, or a majority of them, or the board of education  
6 or a majority thereof. Such warrant shall state the amount of unexpended  
7 surplus funds in the custody of the board and shall further state that  
8 except as authorized or required by law, such unexpended surplus funds  
9 have been applied in determining the amount of the school tax levy. For  
10 the two thousand seven--two thousand eight school year, surplus funds as  
11 used in this subdivision shall mean any operating funds in excess of  
12 three percent of the current school year budget, and shall not include  
13 funds properly retained under other sections of law; provided however,  
14 that for the two thousand twenty--two thousand twenty-one school year,  
15 two thousand twenty-one--two thousand twenty-two school year, and two  
16 thousand twenty-two--two thousand twenty-three school year, surplus  
17 funds as used in this subdivision shall mean any operating funds in  
18 excess of five percent of the current school year budget, and shall  
19 not include funds properly retained under other sections of law. For  
20 the two thousand eight--two thousand nine school year, and thereafter,  
21 surplus funds as used in this subdivision shall mean any operating funds  
22 in excess of four percent of the current school year budget, and shall  
23 not include funds properly retained under other sections of law. Such  
24 warrant shall have the same force and effect as a warrant issued by a  
25 board of supervisors to a collecting officer in a town. The collecting  
26 officer to whom it may be delivered for collection shall be thereby  
27 authorized and required to collect from every person named on such  
28 school tax roll the sum set opposite his name, or the amount due from

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

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1 any person specified therein, in the same manner and with the same  
2 powers that collecting officers in towns are authorized to collect taxes  
3 levied by the board of supervisors.  
4 § 2. This act shall take effect immediately.