

REGULATORY FLEXIBILITY ANALYSIS
FOR SMALL BUSINESSES AND LOCAL GOVERNMENTS
DEPARTMENT OF TAXATION AND FINANCE

(a) Small businesses:

1. EFFECT OF RULE:

The proposed amendments are necessary to allow school districts to include in their capital local expenditures their allowable share of additional budgeted capital expenditures made by a board of cooperative educational services (BOCES). The proposed amendments do not affect small business taxpayers any differently than other taxpayers.

2. COMPLIANCE REQUIREMENTS:

The proposed amendments are necessary to allow school districts to include in their capital local expenditures their allowable share of additional budgeted capital expenditures made by a BOCES and do not impose any additional compliance requirements.

3. PROFESSIONAL SERVICES:

The proposed amendments do not impose any additional professional services requirements on small businesses.

4. COMPLIANCE COSTS:

The proposed amendments do not impose any additional program, service, duty, responsibility or cost on small businesses, beyond those inherent in the implementation of Education Law section 2023-a. .

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

The proposed rule does not impose any additional costs or technological requirements on small businesses.

6. MINIMIZING ADVERSE IMPACT:

The proposed amendments provide school districts with flexibility to include in their capital local expenditures their allowable share of additional budgeted capital expenditures made by a BOCES. The proposed amendments minimize adverse impact on local governments and do not impose any additional costs to the State, regulated parties, or the Department of Taxation and Finance beyond those inherent in the implementation of Education Law section 2023-a. Accordingly, no alternatives were considered.

7. SMALL BUSINESS PARTICIPATION:

Comments on the proposed rule will be solicited from the United States Chamber of Commerce Small Business Council.

(b) Local Government:

1. EFFECT OF RULE:

The proposed amendments apply to each of the 695 public school districts in the State.

2. COMPLIANCE REQUIREMENTS:

The proposed amendments are necessary to allow school districts to include in their capital local expenditures their allowable share of additional budgeted capital expenditures made by a BOCES and do not impose any additional compliance requirements.

3. NEEDS AND BENEFITS:

Education Law section 2023-a provides that, unless otherwise provided by law, the amount of taxes that may be levied by or on behalf of any school district, other than a school district of a city with 125,000 inhabitants or more, shall not exceed the tax levy limit established pursuant to that section. Section 2023-a provides for separate approval of certain capital local expenditures and also provides that the Commissioner of Taxation and Finance shall, as appropriate, promulgate rules and regulations that may provide for adjustment of

capital local expenditures to reflect a school district's share of additional budgeted capital expenditures made by a BOCES.

Under this authority the proposed amendments provide that, beginning in the 2020-2021 school year and each school year thereafter, school districts may include in their capital local expenditures their allowable share of additional budgeted capital expenditures made by a BOCES.

4. PROFESSIONAL SERVICES:

The proposed amendments impose no additional professional services requirements on school districts.

5. COMPLIANCE COSTS:

The proposed amendments do not impose any additional program, service, duty, responsibility or cost on the State, regulated parties, or the Department of Taxation and Finance, beyond those inherent in the implementation of Education Law section 2023-a.

6. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

The proposed rule does not impose any additional costs or technological requirements on local governments.

7. MINIMIZING ADVERSE IMPACT:

The proposed amendments provide school districts with flexibility to include in their capital local expenditures their allowable share of additional budgeted capital expenditures made by a BOCES. The proposed amendments minimize adverse impact on local governments and do not impose any additional costs to the State, regulated parties, or the Department of Taxation and Finance beyond those inherent in the implementation of Education Law section 2023-a. Accordingly, no alternatives were considered.

8. LOCAL GOVERNMENT PARTICIPATION:

Comments on the proposed rule will be solicited from New York State School Boards Association and the New York State Council of School Superintendents.