

NYSAC 2011 Fall Taxation Policy Resolution
Fall Seminar Resolutions
NYSAC Board of Directors
Resolution #05

RESOLUTION CALLING ON NEW YORK STATE TO IMPLEMENT TAXATION POLICIES RELATED TO NATURAL GAS EXTRACTION THAT MAINTAIN AND IMPROVE REVENUES TO COUNTIES AND LOCAL MUNICIPALITIES

WHEREAS, the New York State Department of Environmental Conservation is preparing environmental regulations related to exploration for and extraction of current and potential new natural gas resources, and the Executive and Legislative branches of New York State are also considering policies, procedures, and administration of natural gas resources, and

WHEREAS, oil and gas producing properties (inclusive of wells, pipes, and oil and gas under the land which has not yet been extracted) have long been treated as real property for taxation purposes in New York State (General Construction Law, Section 39; Real Property Tax Law, Section 102(12)(a),(e)), and

WHEREAS, Title 5 of Article 5 of the Real Property Tax Law (RPTL) provides for a uniform, statewide method of valuing oil and gas producing properties for real property tax purposes, and

WHEREAS, RPTL (Section 594(1)) mandates further that oil and gas producing properties in production be assessed separately from all other interests in the property, and

WHEREAS, local governments, including but not limited to counties, will be impacted by the development of oil and gas resources within their jurisdiction.

THEREFORE BE IT RESOLVED, that in any consideration of the taxation of natural gas development or extraction by any method, NYSAC strongly urges New York State to maintain and improve the ability of local governments to tax the production of natural gas at least at the current level, and

BE IT FURTHER RESOLVED, New York State must ensure that any incremental cost burden to local taxpayers resulting from natural gas production in every municipal taxing jurisdiction be, at a minimum, fully covered through new revenues associated with said production, and

BE IT FURTHER RESOLVED, that the New York State Association of Counties shall forward copies of this resolution to Governor Andrew Cuomo, the New York State Legislature and all others deemed necessary and proper.

http://nysac.org/legislative-action/2011_Fall_Seminar_Board_Reso5.php