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I N   S E N A T E

March 27, 2012

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Introduced by Sen. LITTLE -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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 real property tax law, in relation to assessment ceilings for local public utility mass real property; and providing for the repeal of such provisions upon the expiration thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Paragraph (a) of subdivision 2 of section 200-a of the real  
2     property tax law, as added by section 7 of part W of chapter 56 of the  
3     laws of 2010, is amended to read as follows:  
4     (a) The power to determine the final special franchise value, special  
5     franchise assessment, railroad ceiling, state equalization rate or any  
6     other equalization product established pursuant to this chapter for  
7     which a complaint has been filed, as provided by sections four hundred  
8     eighty-nine-o, four hundred eighty-nine-ll, FOUR HUNDRED  
9     NINETY-NINE-PPPP, six hundred fourteen, twelve hundred ten, twelve  
10    hundred fifty-three, and twelve hundred sixty-three of this chapter;  
11    S 2. Article 4 of the real property tax law is amended by adding a new  
12    title 5 to read as follows:

13   TITLE 5

14                               ASSESSMENT CEILINGS FOR LOCAL PUBLIC

15                                       UTILITY MASS REAL PROPERTY

16    SECTION 499-HHHH. DEFINITIONS.  
17        499-IIII. ANNUAL FEE.  
18        499-JJJJ. ASSESSMENT OF LOCAL PUBLIC UTILITY MASS REAL PROPERTY.  
19        499-KKKK. ASSESSMENT CEILING.  
20        499-LLLL. LOCAL PUBLIC UTILITY MASS REAL PROPERTY VALUE.  
21        499-MMMM. EQUITABLE RATIO OF ASSESSMENT.

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

LBD15141-04-2

1 499-NNNN. EQUALIZATION RATE.

2 499-OOOO. TENTATIVE DETERMINATION OF ASSESSMENT CEILING; NOTICE,  
3 COMPLAINTS AND HEARING.

4 499-PPPP. FINAL DETERMINATION OF ASSESSMENT CEILING; CERTIF-  
5 ICATE.

6 499-QQQQ. APPLICATION OF ASSESSMENT CEILING; COMPUTATION OF  
7 EXEMPTION.

8 499-RRRR. REPORTS TO COMMISSIONER.

9 499-SSSS. INSPECTION OF ACCOUNTS AND PROPERTY OF PUBLIC UTILI-  
10 TIES.

11 S 499-HHHH. DEFINITIONS. WHEN USED IN THIS TITLE:

12 1. "LOCAL PUBLIC UTILITY MASS REAL PROPERTY" MEANS PUBLIC UTILITY MASS  
13 REAL PROPERTY THAT IS LOCATED IN A PARTICULAR TOWN, VILLAGE, CITY OR  
14 COUNTY ASSESSING UNIT AND UNDER THE SAME OWNERSHIP.

15 2. "LOCAL ASSESSING JURISDICTION" MEANS THE TOWN, CITY, VILLAGE OR  
16 COUNTY ASSESSING UNIT THAT ESTABLISHES THE ASSESSMENT ROLLS FOR SUCH  
17 TOWN, CITY, VILLAGE OR COUNTY.

18 3. "PUBLIC UTILITY MASS REAL PROPERTY" MEANS REAL PROPERTY, INCLUDING  
19 CONDUITS, CABLES, LINES, WIRES, POLES, SUPPORTS AND ENCLOSURES FOR ELEC-  
20 TRICAL CONDUCTORS LOCATED ON, ABOVE AND BELOW REAL PROPERTY, WHICH IS  
21 USED IN THE TRANSMISSION AND DISTRIBUTION OF TELEPHONE OR TELEGRAPH  
22 SERVICE, AND ELECTROMAGNETIC VOICE, VIDEO AND DATA SIGNALS. SUCH TERM  
23 SHALL INCLUDE ALL PROPERTY DESCRIBED IN PARAGRAPHS (D) AND (I) OF SUBDI-  
24 VISION TWELVE OF SECTION ONE HUNDRED TWO OF THIS CHAPTER. SPECIAL FRAN-  
25 CHISE PROPERTY AS DESCRIBED IN SUBDIVISION SEVENTEEN OF SECTION ONE  
26 HUNDRED TWO OF THIS CHAPTER, AND ALL PROPERTY DESCRIBED IN PARAGRAPHS  
27 (A) AND (B) AND SUBPARAGRAPHS (A), (B), (C) AND (D) OF PARAGRAPH (I) OF  
28 SUBDIVISION TWELVE OF SECTION ONE HUNDRED TWO OF THIS CHAPTER SHALL NOT  
29 BE CONSIDERED PUBLIC UTILITY MASS REAL PROPERTY FOR PURPOSES OF THIS  
30 TITLE.

31 4. "TAXATION" MEANS AN AD VALOREM LEVY OR SPECIAL ASSESSMENT FOR  
32 WHICH PUBLIC UTILITY MASS REAL PROPERTY IS OTHERWISE LIABLE PURSUANT TO  
33 THIS CHAPTER.

34 S 499-IIII. ANNUAL FEE. ANY COSTS AND EXPENSES INCURRED BY THE  
35 COMMISSIONER IN THE ESTABLISHMENT OF ASSESSMENT CEILINGS FOR LOCAL  
36 PUBLIC UTILITY MASS REAL PROPERTY SHALL BE PAID FROM THE COLLECTION OF  
37 AN ANNUAL CHARGE UPON THE OWNERS OF LOCAL PUBLIC UTILITY MASS REAL PROP-  
38 erty. THE COMMISSIONER SHALL PROVIDE BY RULE FOR COMPUTATION OF SUCH  
39 CHARGE THROUGH THE APPORTIONMENT OF THESE COSTS AND EXPENSES TO OWNERS  
40 OF LOCAL PUBLIC UTILITY MASS REAL PROPERTY IN RELATION TO THE TOTAL FULL  
41 VALUE OF THE LOCAL PUBLIC UTILITY MASS REAL PROPERTY ELIGIBLE FOR AN  
42 ASSESSMENT CEILING PURSUANT TO THIS TITLE. PRIOR TO COLLECTING PAYMENT  
43 OF SUCH CHARGES, THE COMMISSIONER SHALL ANNUALLY PROVIDE A DETAILED  
44 REPORT TO EACH OWNER OF LOCAL PUBLIC UTILITY MASS REAL PROPERTY IDENTI-  
45 FYING COSTS RELATED TO ESTABLISHMENT OF ASSESSMENT CEILINGS, INCLUDING,  
46 BUT NOT LIMITED TO, EXPENDITURES, REVENUE SOURCES AND ANY ALLOCATIONS.  
47 THE CHARGES ESTABLISHED PURSUANT TO THIS SECTION SHALL BE SUBJECT TO THE  
48 APPROVAL OF THE DIRECTOR OF THE BUDGET. EACH OWNER OF LOCAL PUBLIC UTIL-  
49 ITY MASS REAL PROPERTY SHALL BE AUTHORIZED TO CHALLENGE ANY SUCH CHARGES  
50 PURSUANT TO ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES.

51 S 499-JJJJ. ASSESSMENT OF LOCAL PUBLIC UTILITY MASS REAL PROPERTY.  
52 SUBJECT TO THE PROVISIONS OF SECTION FOUR HUNDRED NINETY-NINE-QQQQ OF  
53 THIS TITLE, THE ASSESSOR IN EACH CITY, TOWN AND VILLAGE, AND IN EACH  
54 COUNTY HAVING A COUNTY DEPARTMENT OF ASSESSMENT, SHALL ANNUALLY ASSESS  
55 ALL LOCAL PUBLIC UTILITY MASS REAL PROPERTY SITUATED IN SUCH CITY, TOWN,  
56 VILLAGE OR COUNTY, AS THE CASE MAY BE. WHERE A VILLAGE HAS ENACTED A

1 LOCAL LAW AS PROVIDED IN SUBDIVISION THREE OF SECTION FOURTEEN HUNDRED  
2 TWO OF THIS CHAPTER, THE TOWN OR COUNTY ASSESSOR SHALL APPORTION THAT  
3 PART OF THE ASSESSMENT OF LOCAL PUBLIC UTILITY MASS REAL PROPERTY IN THE  
4 TOWN OR COUNTY TO THE VILLAGE FOR VILLAGE TAX PURPOSES.

5 S 499-KKKK. ASSESSMENT CEILING. 1. TO DETERMINE THE EXTENT TO WHICH  
6 LOCAL PUBLIC UTILITY MASS REAL PROPERTY SHALL BE EXEMPT UNDER THIS  
7 TITLE, AN ASSESSMENT CEILING FOR THE LOCAL PUBLIC UTILITY MASS REAL  
8 PROPERTY SHALL BE ESTABLISHED ANNUALLY BY THE COMMISSIONER AS FOLLOWS:

9 (A) DETERMINE: (I) THE LOCAL PUBLIC UTILITY MASS REAL PROPERTY VALUE  
10 IN ACCORDANCE WITH THE PROVISIONS OF SECTION FOUR HUNDRED  
11 NINETY-NINE-MMMM OF THIS TITLE; AND (II) THE EQUALIZATION RATE FACTOR  
12 FOR THE LOCAL PUBLIC UTILITY MASS REAL PROPERTY IN ACCORDANCE WITH THE  
13 PROVISIONS OF SECTION FOUR HUNDRED NINETY-NINE-NNNN OF THIS TITLE.

14 (B) MULTIPLY THE LOCAL PUBLIC UTILITY MASS REAL PROPERTY VALUE BY THE  
15 EQUALIZATION RATE FACTOR.

16 THE RESULT SHALL BE THE ASSESSMENT CEILING.

17 2. THE VALUATION DATE FOR ALL LOCAL PUBLIC UTILITY MASS REAL PROPERTY  
18 SHALL BE JANUARY FIRST OF THE YEAR PRECEDING THE YEAR IN WHICH THE  
19 ASSESSMENT ROLL ON WHICH SUCH PROPERTY IS TO BE ASSESSED, COMPLETED AND  
20 FILED IN THE OFFICE OF THE CITY OR TOWN CLERK. THE TAXABLE STATUS FOR  
21 ALL LOCAL PUBLIC UTILITY MASS REAL PROPERTY SHALL BE BASED UPON ITS  
22 CONDITION AND OWNERSHIP AS OF THE TAXABLE STATUS DATE APPLICABLE TO THE  
23 ASSESSMENT ROLL ON WHICH IT IS TO APPEAR.

24 3. FOR ASSESSMENT ROLLS WITH TAXABLE STATUS DATES IN EACH OF THE THREE  
25 CALENDAR YEARS INCLUDING AND FOLLOWING THE YEAR IN WHICH THIS SECTION  
26 SHALL TAKE EFFECT, THE COMMISSIONER SHALL ESTABLISH NO ASSESSMENT CEIL-  
27 ING THAT IS LESS THAN NINETY PERCENT OR MORE THAN ONE HUNDRED TEN  
28 PERCENT OF THE ASSESSMENT OF SUCH LOCAL PUBLIC UTILITY MASS REAL PROP-  
29 TY APPEARING ON THE MUNICIPAL ASSESSMENT ROLL WITH A TAXABLE STATUS DATE  
30 OCCURRING IN THE SECOND PRECEDING CALENDAR YEAR FROM WHEN THIS SECTION  
31 SHALL TAKE EFFECT, EXCEPT THAT THE COMMISSIONER MAY ESTABLISH ASSESSMENT  
32 CEILINGS BELOW THE NINETY PERCENT LEVEL OR ABOVE THE ONE HUNDRED TEN  
33 PERCENT LEVEL TO TAKE INTO ACCOUNT ANY CHANGE IN LEVEL OF ASSESSMENT  
34 AND/OR TO TAKE INTO ACCOUNT ANY ADDITIONS OR RETIREMENTS TO PUBLIC UTIL-  
35 ITY MASS REAL PROPERTY OR LITIGATION AFFECTING THE VALUE OR TAXABLE  
36 STATUS OF THE LOCAL PUBLIC UTILITY MASS REAL PROPERTY INITIATED PRIOR TO  
37 THE EFFECTIVE DATE OF THIS SECTION.

38 S 499-LLLL. LOCAL PUBLIC UTILITY MASS REAL PROPERTY VALUE. THE COMMIS-  
39 SIONER SHALL COMPUTE THE LOCAL PUBLIC UTILITY MASS REAL PROPERTY VALUE  
40 AS FOLLOWS:

41 1. THE LOCAL REPRODUCTION COST OF THE PUBLIC UTILITY MASS REAL PROP-  
42 erty OF EACH PUBLIC UTILITY MASS REAL PROPERTY OWNER IN EVERY ASSESSING  
43 UNIT IS THE COST OF REPRODUCTION, LESS DEPRECIATION OF THAT PUBLIC UTIL-  
44 ITY MASS REAL PROPERTY.

45 2. IN ASCERTAINING DEPRECIATION OF PROPERTY UNDER THIS SECTION,  
46 CONSIDERATION MAY BE GIVEN TO THE AGE, PHYSICAL CONDITION, AVERAGE  
47 SERVICE LIVES OF ASSETS AND OTHER RELEVANT FACTORS.

48 3. ADJUSTMENTS FOR ECONOMIC OR FUNCTIONAL OBSOLESCENCE SHALL ONLY BE  
49 MADE UPON APPLICATION BY A PUBLIC UTILITY MASS REAL PROPERTY OWNER.  
50 EVERY SUCH APPLICATION SHALL BE SUBMITTED WITH THE ANNUAL REPORT  
51 REQUIRED BY SECTION FOUR HUNDRED NINETY-NINE-RRRR OF THIS TITLE.

52 S 499-MMMM. EQUITABLE RATIO OF ASSESSMENT. THE COMMISSIONER AND ANY  
53 ASSESSING AUTHORITY SHALL BE PROHIBITED FROM ASSESSING LOCAL PUBLIC  
54 UTILITY MASS REAL PROPERTY AT A VALUE THAT HAS A HIGHER RATIO TO THE  
55 FULL VALUE OF THE LOCAL PUBLIC UTILITY MASS REAL PROPERTY THAN THE RATIO  
56 OF ASSESSED VALUE OF OTHER REAL PROPERTY IN THE SAME ASSESSMENT CLASS

1 AND JURISDICTION TO ITS FULL VALUE, AS PROVIDED IN SECTION THREE HUNDRED  
2 FIVE OF THIS CHAPTER.

3 S 499-NNNN. EQUALIZATION RATE. IN DETERMINING ASSESSMENT CEILINGS, THE  
4 COMMISSIONER SHALL APPLY THE FINAL STATE EQUALIZATION RATE FOR THE  
5 ASSESSMENT ROLL OF THE LOCAL ASSESSING JURISDICTION FOR WHICH THE CEIL-  
6 ING IS ESTABLISHED. IF THAT FINAL RATE IS NOT AVAILABLE, THE COMMISSION-  
7 ER SHALL APPLY THE MOST RECENT FINAL STATE EQUALIZATION RATE FOR THE  
8 LOCAL ASSESSING JURISDICTION, EXCEPT THAT IF A SPECIAL EQUALIZATION RATE  
9 HAS BEEN ESTABLISHED AS PROVIDED IN TITLE TWO OF ARTICLE TWELVE OF THIS  
10 CHAPTER, SUCH RATE SHALL BE APPLIED. IN THE CASE OF A SPECIAL ASSESSING  
11 UNIT AS DEFINED IN SECTION EIGHTEEN HUNDRED ONE OF THIS CHAPTER, THE  
12 EQUALIZATION RATE TO BE APPLIED SHALL BE THE APPLICABLE CLASS EQUALIZA-  
13 TION RATE.

14 S 499-OOOO. TENTATIVE DETERMINATION OF ASSESSMENT CEILING; NOTICE,  
15 COMPLAINTS AND HEARING. 1. EACH YEAR THE COMMISSIONER SHALL MAKE A  
16 TENTATIVE DETERMINATION OF AN ASSESSMENT CEILING FOR ALL LOCAL PUBLIC  
17 UTILITY MASS REAL PROPERTY. THEREAFTER, THE COMMISSIONER SHALL GIVE  
18 NOTICE, IN WRITING OR ELECTRONICALLY, TO EACH ASSESSING UNIT AND EACH  
19 OWNER OF LOCAL PUBLIC UTILITY MASS REAL PROPERTY FOR WHICH SUCH TENTA-  
20 TIVE DETERMINATION OF AN ASSESSMENT CEILING SHALL HAVE BEEN MADE, SPECI-  
21 FYING THE AMOUNT OF SUCH CEILING, AND MAKING AVAILABLE FOR INSPECTION  
22 AND COPYING THE COMPUTATIONS USED TO ESTABLISH THE TENTATIVE ASSESSMENT  
23 CEILING AMOUNT PURSUANT TO THE PUBLIC OFFICERS LAW, AND SETTING FORTH  
24 THE TIME AND PLACE WHERE THE COMMISSIONER OR HIS OR HER DESIGNEE WILL  
25 MEET TO HEAR ANY COMPLAINT CONCERNING SUCH TENTATIVE DETERMINATION. SUCH  
26 NOTICE SHALL BE SENT ELECTRONICALLY AND SERVED IN WRITING AT LEAST  
27 FORTY-FIVE DAYS PRIOR TO THE DATE SPECIFIED FOR SUCH HEARING.

28 2. A TENTATIVE ASSESSMENT CEILING MAY BE CHALLENGED BEFORE THE COMMIS-  
29 SIONER AS FOLLOWS:

30 (A) AN OWNER OF LOCAL PUBLIC UTILITY MASS REAL PROPERTY OR THE LOCAL  
31 ASSESSING JURISDICTION OBJECTING TO A TENTATIVE CEILING MUST SERVE A  
32 COMPLAINT UPON THE COMMISSIONER, IN WRITING, AND A COPY THEREOF UPON THE  
33 ASSESSING UNIT OR OWNER OF LOCAL PUBLIC UTILITY MASS REAL PROPERTY, AS  
34 THE CASE MAY BE, AT LEAST TEN DAYS BEFORE THE DATE SPECIFIED FOR THE  
35 HEARING. THE COMPLAINT SHALL SPECIFY THE OBJECTIONS TO SUCH TENTATIVE  
36 DETERMINATION. SERVICE MAY BE MADE EITHER IN PERSON OR BY MAIL.

37 (B) ON OR BEFORE THE DATE SPECIFIED FOR THE HEARING, AN AFFIDAVIT OF  
38 SERVICE SHALL BE FILED WITH THE COMMISSIONER STATING THAT SERVICE HAS  
39 BEEN MADE IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.

40 3. THE COMMISSIONER OR HIS OR HER DESIGNEE SHALL MEET AT THE TIME AND  
41 PLACE SPECIFIED IN SUCH NOTICE SET FORTH IN SUBDIVISION ONE OF THIS  
42 SECTION TO HEAR COMPLAINTS IN RELATION TO THE TENTATIVE DETERMINATION OF  
43 THE ASSESSMENT CEILING. THE PROVISIONS OF SECTION FIVE HUNDRED TWELVE OF  
44 THIS CHAPTER SHALL APPLY SO FAR AS MAY BE PRACTICABLE TO A HEARING UNDER  
45 THIS SECTION.

46 S 499-PPPP. FINAL DETERMINATION OF ASSESSMENT CEILING; CERTIFICATE. 1.  
47 AFTER THE HEARING PROVIDED IN SECTION FOUR HUNDRED NINETY-NINE-OOOO OF  
48 THIS TITLE, THE COMMISSIONER SHALL FINALLY DETERMINE THE ASSESSMENT  
49 CEILING FOR THE LOCAL PUBLIC UTILITY MASS REAL PROPERTY OF EACH LOCAL  
50 PUBLIC UTILITY MASS REAL PROPERTY OWNER SITUATED IN EACH ASSESSING UNIT.

51 2. NOTWITHSTANDING THAT A COMPLAINT MAY NOT HAVE BEEN FILED WITH  
52 RESPECT TO A TENTATIVE DETERMINATION OF AN ASSESSMENT CEILING, THE  
53 COMMISSIONER SHALL GIVE EFFECT TO ANY SPECIAL EQUALIZATION RATE ESTAB-  
54 LISHED PURSUANT TO SECTION TWELVE HUNDRED TWENTY-FOUR OF THIS CHAPTER OR  
55 THE FINAL STATE EQUALIZATION RATE FOR THE ASSESSMENT ROLL FOR WHICH THE  
56 CEILING IS ESTABLISHED AS PROVIDED IN SECTION FOUR HUNDRED NINETY-NINE-

NNNN OF THIS TITLE PRIOR TO THE DATE FOR THE FINAL DETERMINATION OF THE ASSESSMENT CEILING.

3. NO LATER THAN TEN DAYS BEFORE THE LAST DATE PRESCRIBED BY LAW FOR THE LEVY OF TAXES, THE COMMISSIONER SHALL FILE A CERTIFICATE SETTING FORTH EACH ASSESSMENT CEILING AS FINALLY DETERMINED WITH THE ASSESSOR OF THE APPROPRIATE ASSESSING UNIT OR THE TOWN OR COUNTY ASSESSOR WHO PREPARES A COPY OF THE APPLICABLE PART OF THE TOWN OR COUNTY ASSESSMENT ROLL FOR VILLAGE TAX PURPOSES AS PROVIDED IN SUBDIVISION THREE OF SECTION FOURTEEN HUNDRED TWO OF THIS CHAPTER. THE COMMISSIONER SHALL, AT THE SAME TIME, TRANSMIT TO EACH OWNER OF LOCAL PUBLIC UTILITY MASS REAL PROPERTY FOR WHICH SUCH CEILING HAS BEEN DETERMINED A DUPLICATE COPY OF SUCH CERTIFICATE.

4. ANY FINAL DETERMINATION OF AN ASSESSMENT CEILING BY THE COMMISSIONER PURSUANT TO SUBDIVISION ONE OF THIS SECTION SHALL BE SUBJECT TO JUDICIAL CHALLENGE BY AN OWNER OF LOCAL PUBLIC UTILITY MASS REAL PROPERTY OR A LOCAL ASSESSING JURISDICTION IN A PROCEEDING UNDER ARTICLE SEVEN OF THIS CHAPTER; PROVIDED HOWEVER, THE TIME TO COMMENCE SUCH PROCEEDING SHALL BE WITHIN SIXTY DAYS OF THE ISSUANCE OF THE FINAL ASSESSMENT CEILING CERTIFICATE AND ALL QUESTIONS OF FACT AND LAW SHALL BE DETERMINED DE NOVO. ANY JUDICIAL PROCEEDING SHALL BE COMMENCED IN THE SUPREME COURT IN THE COUNTY OF ALBANY OR THE COUNTY AGREED UPON BY THE PARTIES IN WHICH THE LOCAL PUBLIC UTILITY MASS REAL PROPERTY IS LOCATED. NOTHING IN THIS SECTION SHALL PRECLUDE A CHALLENGE OF THE ASSESSED VALUE ESTABLISHED BY A LOCAL ASSESSING JURISDICTION WITH RESPECT TO LOCAL PUBLIC UTILITY MASS REAL PROPERTY AS OTHERWISE PROVIDED IN ARTICLE SEVEN OF THIS CHAPTER. IN ANY PROCEEDING CHALLENGING AN ASSESSED VALUE ESTABLISHED BY A LOCAL ASSESSING JURISDICTION FOR LOCAL PUBLIC UTILITY MASS REAL PROPERTY, THE FINAL CERTIFIED ASSESSMENT CEILING ESTABLISHED PURSUANT TO SUBDIVISION ONE OF THIS SECTION SHALL NOT BE CONSIDERED BY THE COURT.

S 499-QQQQ. APPLICATION OF ASSESSMENT CEILING; COMPUTATION OF EXEMPTION. 1. UPON RECEIPT OF A CERTIFICATE SETTING FORTH THE FINAL CERTIFIED ASSESSMENT CEILING FOR LOCAL PUBLIC UTILITY MASS REAL PROPERTY, THE ASSESSOR SHALL COMPARE THE ASSESSED VALUATIONS ATTRIBUTABLE TO THE LOCAL PUBLIC UTILITY MASS REAL PROPERTY FOR EACH OWNER OF LOCAL PUBLIC UTILITY MASS REAL PROPERTY INCLUDED IN THE ASSESSMENT CEILING. WHERE THE OWNER OF THE LOCAL PUBLIC UTILITY MASS REAL PROPERTY REPORTS INFORMATION BY SPECIFIC PROPERTY IDENTIFICATION TO THE COMMISSIONER OR THE LOCAL ASSESSING JURISDICTION HAS IMPLEMENTED A SYSTEM BY THE COMMISSIONER STANDARDIZING THE IDENTITY OF PUBLIC UTILITY MASS REAL PROPERTY ON ASSESSMENT ROLLS, SUCH CERTIFIED ASSESSMENT CEILINGS SHALL BE PROVIDED BY THE COMMISSIONER, AS SET FORTH ON THE LOCAL ASSESSING JURISDICTION'S ASSESSMENT ROLLS. WHERE THE ASSESSED VALUATION DOES NOT EXCEED THE FINAL CERTIFIED ASSESSMENT CEILING, AS SET FORTH IN THE CERTIFICATE FOR THE LOCAL PUBLIC UTILITY MASS REAL PROPERTY, THE ASSESSOR NEED NOT MAKE ANY ADJUSTMENT IN SUCH ASSESSED VALUATION. PROVIDED, HOWEVER, THE ASSESSED VALUATION EXCEEDS THE FINAL CERTIFIED ASSESSMENT CEILING, AS SET FORTH IN THE CERTIFICATE, SUCH LOCAL PUBLIC UTILITY MASS REAL PROPERTY SHALL BE EXEMPT FROM TAXATION TO THE EXTENT OF SUCH EXCESS AND THE ASSESSOR SHALL FORTHWITH REDUCE THE ASSESSMENTS OF SUCH LOCAL PUBLIC UTILITY MASS REAL PROPERTY, SO THAT THE TAXABLE ASSESSED VALUATION OF SUCH PROPERTY SHALL NOT EXCEED THE CERTIFIED ASSESSMENT CEILING. ALL CERTIFICATES OF ASSESSMENT CEILINGS SHALL BE ATTACHED TO THE ASSESSMENT ROLL OR FILED THEREWITH AS PROVIDED IN ARTICLE FIFTEEN-C OF THIS CHAPTER.

1 2. THE ASSESSOR IS HEREBY AUTHORIZED AND DIRECTED TO MAKE THE  
2 REDUCTIONS, IF ANY, PROVIDED FOR IN THIS SECTION ON THE ASSESSMENT ROLL  
3 OF THE LOCAL ASSESSING JURISDICTION IN WHICH THE LOCAL PUBLIC UTILITY  
4 MASS REAL PROPERTY IS LOCATED, NOTWITHSTANDING THE FACT THAT HE OR SHE  
5 MAY RECEIVE THE CERTIFICATE OF THE ASSESSMENT CEILING AFTER THE FINAL  
6 COMPLETION, VERIFICATION AND FILING OF SUCH ASSESSMENT ROLL. OTHER LOCAL  
7 OFFICERS, INCLUDING SCHOOL AUTHORITIES, APPLYING SUCH FINAL ASSESSMENT  
8 ROLL, ARE HEREBY AUTHORIZED AND DIRECTED, ON THE BASIS OF INFORMATION  
9 WHICH SHALL BE PROVIDED BY THE ASSESSOR, TO MAKE THE REDUCTIONS PROVIDED  
10 FOR IN THIS SECTION ON THEIR RESPECTIVE TAX ROLLS PRIOR TO LEVY OF TAX  
11 OR, IF RECEIVED AFTER THE TAX ROLLS HAVE BEEN ESTABLISHED, TO CORRECT  
12 ANY TAX LEVY OF LOCAL PUBLIC UTILITY MASS REAL PROPERTY TO REFLECT SUCH  
13 REDUCTION. IF THE REDUCTION IS MADE AFTER THE TAX LEVY AND PAYMENT OF  
14 SAME BY THE OWNER OF LOCAL PUBLIC UTILITY MASS REAL PROPERTY, THEN SUCH  
15 OWNER OF LOCAL PUBLIC UTILITY MASS REAL PROPERTY SHALL BE ENTITLED TO A  
16 REFUND IN ACCORDANCE WITH SECTION SEVEN HUNDRED TWENTY-SIX OF THIS CHAP-  
17 TER.

18 3. IN ASSESSING UNITS FOR WHICH HE OR SHE IS REQUIRED BY LAW TO  
19 PREPARE AN ASSESSMENT ROLL, THE ASSESSOR OF A COUNTY HAVING A COUNTY  
20 DEPARTMENT OF ASSESSMENT SHALL PERFORM ALL THE ACTS PRESCRIBED FOR AN  
21 ASSESSOR BY THIS TITLE. WHERE A VILLAGE HAS ENACTED A LOCAL LAW AS  
22 PROVIDED IN SUBDIVISION THREE OF SECTION FOURTEEN HUNDRED TWO OF THIS  
23 CHAPTER, THE ASSESSOR OF THE TOWN OR COUNTY WHO PREPARES A COPY OF THIS  
24 APPLICABLE PART OF THE TOWN OR COUNTY ASSESSMENT ROLL FOR VILLAGE TAX  
25 PURPOSES SHALL ALSO PERFORM THE ACTS PRESCRIBED FOR ASSESSORS BY THIS  
26 TITLE ON BEHALF OF THE VILLAGE.

27 S 499-RRRR. REPORTS TO COMMISSIONER. 1. THE COMMISSIONER MAY REQUIRE  
28 FROM AN OWNER OF A LOCAL PUBLIC UTILITY MASS REAL PROPERTY AN ANNUAL  
29 REPORT THAT SHALL INCLUDE SUCH INFORMATION AND DATA THAT IS PRESCRIBED  
30 IN REGULATION BY THE COMMISSIONER AND IS REASONABLE AND NECESSARILY  
31 RELATED TO THE ESTABLISHMENT OF A CEILING ASSESSMENT BY THE COMMISSIONER  
32 FOR THE LOCAL PUBLIC UTILITY MASS REAL PROPERTY, AND WHICH SHALL BE IN  
33 THE SAME FORMAT AND SUBSTANCE AS REQUIRED FOR SPECIAL FRANCHISE PROPERTY  
34 PURSUANT TO ARTICLE SIX OF THIS CHAPTER. SUCH REPORTS SHALL BE THE SAME  
35 FOR SIMILARLY SITUATED LOCAL PUBLIC UTILITY MASS REAL PROPERTY OWNERS.

36 2. EVERY REPORT REQUIRED BY OR PURSUANT TO THIS SECTION SHALL BE MADE  
37 BY A PERSON AUTHORIZED TO PREPARE SUCH REPORTS AND HAVING KNOWLEDGE OF  
38 THE CONTENTS THEREOF, OR WHO IS AUTHORIZED TO OBTAIN SUCH INFORMATION.  
39 THE COMMISSIONER MAY PREPARE AND REQUIRE THE USE OF FORMS FOR MAKING  
40 SUCH REPORTS.

41 3. ANY OWNER OF LOCAL PUBLIC UTILITY MASS REAL PROPERTY FAILING TO  
42 FILE THE ANNUAL REPORT PURSUANT TO THIS SECTION WITHIN THE TIME SPECI-  
43 FIED BY THE COMMISSIONER SHALL NOT BE ENTITLED TO JUDICIAL REVIEW OF AN  
44 ASSESSMENT CEILING THAT WOULD HAVE BEEN THE SUBJECT OF SUCH REPORT AS  
45 PROVIDED IN THIS TITLE AND SHALL BE SUBJECT TO A FINE OF ONE HUNDRED  
46 DOLLARS FOR EACH DAY UNTIL SUCH REPORT IS FILED IN ACCORDANCE WITH THIS  
47 SECTION; PROVIDED, HOWEVER, SUCH FINE SHALL NOT BE APPLIED AS A TAX  
48 LIEN; AND PROVIDED, FURTHER, SUCH OWNER OF LOCAL PUBLIC UTILITY MASS  
49 REAL PROPERTY SHALL NOT BE SUBJECT TO ANY OTHER FINE OR PENALTY FOR A  
50 VIOLATION OF THIS SECTION.

51 4. IN ADDITION TO THE PROVISIONS OF SUBDIVISION THREE OF THIS SECTION,  
52 IF AN OWNER OF LOCAL PUBLIC UTILITY MASS REAL PROPERTY FAILS TO FURNISH  
53 A REPORT REQUIRED BY THIS SECTION WITHIN THE REQUIRED TIME FRAME, THE  
54 COMMISSIONER MAY COMMENCE A SPECIAL PROCEEDING IN THE SUPREME COURT TO  
55 COMPEL SUCH OWNER TO FURNISH THE REPORT.

1 5. IF AN OWNER OF LOCAL PUBLIC UTILITY MASS REAL PROPERTY FAILS TO  
2 SUBMIT AN ANNUAL REPORT AS REQUIRED BY THIS SECTION, THE ASSESSMENT  
3 CEILING ON THE NEXT ANNUAL ASSESSMENT ROLL SHALL BE CALCULATED USING THE  
4 BEST INFORMATION AVAILABLE TO THE COMMISSIONER.

5 6. IF AN OWNER OF LOCAL PUBLIC UTILITY MASS REAL PROPERTY MAKES  
6 REASONABLE EFFORTS TO FILE AN ANNUAL REPORT, SUCH OWNER SHALL NOT BE  
7 SUBJECT TO ANY CHARGE OR FINE PURSUANT TO THIS SECTION.

8 S 499-SSSS. INSPECTION OF ACCOUNTS AND PROPERTY OF PUBLIC UTILITIES.

9 1. THE COMMISSIONER SHALL, UPON REASONABLE PRIOR NOTICE, HAVE ACCESS AT  
10 REASONABLE TIMES TO REASONABLE DISCLOSURE OF ACCOUNTS AND RECORDS ESTAB-  
11 LISHED AND MAINTAINED BY A LOCAL PUBLIC UTILITY MASS REAL PROPERTY OWNER  
12 RELATING TO ITS LOCAL PUBLIC UTILITY MASS REAL PROPERTY.

13 2. THE COMMISSIONER SHALL, AT REASONABLE TIMES IN THE NORMAL BUSINESS  
14 OPERATIONS OF THE LOCAL PUBLIC UTILITY MASS REAL PROPERTY OWNER, AND  
15 WITH PRIOR NOTICE AND APPOINTMENT, AND NOT OTHERWISE LIMITED BY FEDERAL  
16 LAW OR REGULATIONS, HAVE ACCESS TO INSPECT LOCATIONS WHERE THE LOCAL  
17 PUBLIC UTILITY MASS REAL PROPERTY IS SITUATED.

18 S 3. (a) Within two years of the effective date of this act and bien-  
19 nially thereafter, the commissioner of taxation and finance, in consul-  
20 tation with owners of public utility mass real property, shall examine  
21 and evaluate whether public utility mass real property continues to  
22 constitute a "specialty" and, if not, such commissioner shall examine  
23 and evaluate alternative valuation methodologies to the reproduction  
24 cost less depreciation methodology to compute the value of local public  
25 utility mass real property, including, but not limited to, the three  
26 valuation methodologies (income, sales comparison and cost approaches),  
27 with reconciliation in accordance with nationally recognized profes-  
28 sional appraisal practice standards;

29 (b) The commissioner of taxation and finance shall report to the  
30 governor, the temporary president of the senate and the speaker of the  
31 assembly his or her findings and recommendations, including any amend-  
32 ment of statute or regulation, related to the examination and evaluation  
33 pursuant to subdivision (a) of this section, no later than December  
34 thirty-first of the second year of such biennial period.

35 (c) Three years after the effective date of this act, the commissioner  
36 of taxation and finance shall examine and evaluate whether to extend the  
37 provisions of this act to other owners of public utility mass real prop-  
38 erty and shall report to the governor, the temporary president of the  
39 senate and the speaker of the assembly his or her findings and recommen-  
40 dations, including any amendment of statute or regulation, related to  
41 this examination and evaluation.

42 S 4. This act shall take effect on the first of January of the second  
43 calendar year commencing after this act shall have become a law and  
44 shall apply to assessment rolls with taxable status dates on or after  
45 such date; provided, however, that this act shall expire and be deemed  
46 repealed four years after it takes effect; and provided, further, that  
47 no assessment of local public utility mass real property appearing on  
48 the municipal assessment roll with a taxable status date occurring in  
49 the first calendar year after this act shall have become a law shall be  
50 less than ninety percent or more than one hundred ten percent of the  
51 assessment of the same property on the date this act shall have become a  
52 law.