STATE OF NEW YORK

2617

2025-2026 Regular Sessions

IN ASSEMBLY

January 21, 2025

Introduced by M. of A. SOLAGES -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the public authorities law, the public health law, the New York State water infrastructure improvement act of 2017, and the real property tax law, in relation to providing access to water quality infrastructure improvement funding to water utilities

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

Section 1. Subdivision 34 of section 1281 of the public authorities law, as added by chapter 413 of the laws of 1996, is amended to read as follows:

34. "Recipient" shall mean any municipality, public utility, or person, including any individual, firm, partnership, association, not-for-profit corporation or other corporation organized and existing under the laws of the state or any other state which is empowered to construct and operate an eligible project, or any two or more of the foregoing which are acting jointly in connection with an eligible project**; provided any project by a water utility shall have a clear and definite public purpose and shall benefit the customers of the water system**.

§ 2. Subdivision 10 of section 1160 of the public health law, as added by chapter 413 of the laws of 1996, is amended to read as follows:

10. "Recipient" means any municipality, public utility, or person, including any individual, firm, partnership, association, not-for-profit corporation or other corporation organized and existing under the laws of the state or any other state which is empowered to construct and operate an eligible project, or any two or more of the foregoing which are acting jointly in connection with an eligible project**; provided any project by a water utility shall have a clear and definite public purpose and shall benefit the customers of the water system**.

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

LBD06222-01-5

§ 3. Paragraph a of subdivision 3 of section 6 of part T of chapter 57 of the laws of 2017, constituting the New York State water infrastructure improvement act of 2017, is amended to read as follows:

a. The environmental facilities corporation shall undertake and provide state financial assistance payments, from funds appropriated for such purpose, to municipalities **and water utilities regulated by the public service commission** in support of water quality infrastructure projects provided, however, in any such year that funds are appropriated for such purpose, no municipality **or water utility** shall receive more than five million dollars of appropriated funds**, and any project by a water utility shall have a clear and definite public purpose and shall benefit the customers of the water system**. Such state financial assistance payments shall be awarded only to water quality infrastructure projects for:

(i) replacement or repair of infrastructure; or

(ii) compliance with environmental and public health laws and regulations related to water quality.

§ 4. Subdivision 17 of section 102 of the real property tax law, as amended by chapter 569 of the laws of 1996, is amended to read as follows:

17. "Special franchise" means the franchise, right, authority or permission to construct, maintain or operate in, under, above, upon or through any public street, highway, water or other public place mains, pipes, tanks, conduits, wires or transformers, with their appurtenances, for conducting water, steam, light, power, electricity, gas or other substance. For purposes of assessment and taxation a special franchise shall include the value of the tangible property situated in, under, above, upon or through any public street, highway, water or other public place in connection therewith. The term special franchise shall not include central office equipment or station equipment (except public telephone terminal equipment) which first appears on assessment rolls prepared on the basis of taxable status dates occurring on or after October first, nineteen hundred ninety-five and which is owned by a telephone company as defined in paragraph (d) of subdivision twelve of this section, or owned by a telephone corporation as defined in subdivision seventeen of section two of the public service law and certified by the public service commission under section ninety-nine of such law, nor shall it include property of a municipal corporation, public benefit corporation or special district, nor shall it include a crossing less than two hundred fifty feet in length of a public street, highway, water or other public place outside a city or village, unless such crossing be the continuation of an occupancy of another public street, highway, water or other public place. **For a water utility, the term special franchise shall not include the value of water infrastructure improvements funded or financed through the New York State water infrastructure improvement act of 2017, or the drinking water revolving fund pursuant to section 1285-m of the public authorities law, provided that any tax relief realized through such exemption shall be used to reduce current water rates and offset future water rate increases.**

§ 5. This act shall take effect immediately.