

2644

2013-2014 Regular Sessions

I N S E N A T E

January 23, 2013

Introduced by Sen. LITTLE -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

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 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.
22 499-NNNN. EQUALIZATION RATE.
23 499-0000. TENTATIVE DETERMINATION OF ASSESSMENT CEILING; NOTICE,
24 COMPLAINTS AND HEARING.

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

LBD04953-01-3

499-PPPP. FINAL DETERMINATION OF ASSESSMENT CEILING; CERTIFICATE.

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

499-RRRR. REPORTS TO COMMISSIONER.

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

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

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

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

3. "PUBLIC UTILITY MASS REAL PROPERTY" MEANS REAL PROPERTY, INCLUDING CONDUITS, CABLES, LINES, WIRES, POLES, SUPPORTS AND ENCLOSURES FOR ELECTRICAL CONDUCTORS LOCATED ON, ABOVE AND BELOW REAL PROPERTY, WHICH IS USED IN THE TRANSMISSION AND DISTRIBUTION OF TELEPHONE OR TELEGRAPH SERVICE, AND ELECTROMAGNETIC VOICE, VIDEO AND DATA SIGNALS. SUCH TERM SHALL INCLUDE ALL PROPERTY DESCRIBED IN PARAGRAPHS (D) AND (I) OF SUBDIVISION TWELVE OF SECTION ONE HUNDRED TWO OF THIS CHAPTER. SPECIAL FRANCHISE PROPERTY AS DESCRIBED IN SUBDIVISION SEVENTEEN OF SECTION ONE HUNDRED TWO OF THIS CHAPTER, AND ALL PROPERTY DESCRIBED IN PARAGRAPHS (A) AND (B) AND SUBPARAGRAPHS (A), (B), (C) AND (D) OF PARAGRAPH (I) OF SUBDIVISION TWELVE OF SECTION ONE HUNDRED TWO OF THIS CHAPTER SHALL NOT BE CONSIDERED PUBLIC UTILITY MASS REAL PROPERTY FOR PURPOSES OF THIS TITLE.

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

S 499-IIII. ANNUAL FEE. ANY COSTS AND EXPENSES INCURRED BY THE COMMISSIONER IN THE ESTABLISHMENT OF ASSESSMENT CEILINGS FOR LOCAL PUBLIC UTILITY MASS REAL PROPERTY SHALL BE PAID FROM THE COLLECTION OF AN ANNUAL CHARGE UPON THE OWNERS OF LOCAL PUBLIC UTILITY MASS REAL PROPERTY. THE COMMISSIONER SHALL PROVIDE BY RULE FOR COMPUTATION OF SUCH CHARGE THROUGH THE APPORTIONMENT OF THESE COSTS AND EXPENSES TO OWNERS OF LOCAL PUBLIC UTILITY MASS REAL PROPERTY IN RELATION TO THE TOTAL FULL VALUE OF THE LOCAL PUBLIC UTILITY MASS REAL PROPERTY ELIGIBLE FOR AN ASSESSMENT CEILING PURSUANT TO THIS TITLE. PRIOR TO COLLECTING PAYMENT OF SUCH CHARGES, THE COMMISSIONER SHALL ANNUALLY PROVIDE A DETAILED REPORT TO EACH OWNER OF LOCAL PUBLIC UTILITY MASS REAL PROPERTY IDENTIFYING COSTS RELATED TO ESTABLISHMENT OF ASSESSMENT CEILINGS, INCLUDING, BUT NOT LIMITED TO, EXPENDITURES, REVENUE SOURCES AND ANY ALLOCATIONS. THE CHARGES ESTABLISHED PURSUANT TO THIS SECTION SHALL BE SUBJECT TO THE APPROVAL OF THE DIRECTOR OF THE BUDGET. EACH OWNER OF LOCAL PUBLIC UTILITY MASS REAL PROPERTY SHALL BE AUTHORIZED TO CHALLENGE ANY SUCH CHARGES PURSUANT TO ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES.

S 499-JJJJ. ASSESSMENT OF LOCAL PUBLIC UTILITY MASS REAL PROPERTY. SUBJECT TO THE PROVISIONS OF SECTION FOUR HUNDRED NINETY-NINE-QQQQ OF THIS TITLE, THE ASSESSOR IN EACH CITY, TOWN AND VILLAGE, AND IN EACH COUNTY HAVING A COUNTY DEPARTMENT OF ASSESSMENT, SHALL ANNUALLY ASSESS ALL LOCAL PUBLIC UTILITY MASS REAL PROPERTY SITUATED IN SUCH CITY, TOWN, VILLAGE OR COUNTY, AS THE CASE MAY BE. WHERE A VILLAGE HAS ENACTED A LOCAL LAW AS PROVIDED IN SUBDIVISION THREE OF SECTION FOURTEEN HUNDRED TWO OF THIS CHAPTER, THE TOWN OR COUNTY ASSESSOR SHALL APPORTION THAT

PART OF THE ASSESSMENT OF LOCAL PUBLIC UTILITY MASS REAL PROPERTY IN THE TOWN OR COUNTY TO THE VILLAGE FOR VILLAGE TAX PURPOSES.

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

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

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

THE RESULT SHALL BE THE ASSESSMENT CEILING.

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

3. FOR ASSESSMENT ROLLS WITH TAXABLE STATUS DATES IN EACH OF THE THREE CALENDAR YEARS INCLUDING AND FOLLOWING THE YEAR IN WHICH THIS SECTION SHALL TAKE EFFECT, THE COMMISSIONER SHALL ESTABLISH NO ASSESSMENT CEILING THAT IS LESS THAN NINETY PERCENT OR MORE THAN ONE HUNDRED TEN PERCENT OF THE ASSESSMENT OF SUCH LOCAL PUBLIC UTILITY MASS REAL PROPERTY APPEARING ON THE MUNICIPAL ASSESSMENT ROLL WITH A TAXABLE STATUS DATE OCCURRING IN THE SECOND PRECEDING CALENDAR YEAR FROM WHEN THIS SECTION SHALL TAKE EFFECT, EXCEPT THAT THE COMMISSIONER MAY ESTABLISH ASSESSMENT CEILINGS BELOW THE NINETY PERCENT LEVEL OR ABOVE THE ONE HUNDRED TEN PERCENT LEVEL TO TAKE INTO ACCOUNT ANY CHANGE IN LEVEL OF ASSESSMENT AND/OR TO TAKE INTO ACCOUNT ANY ADDITIONS OR RETIREMENTS TO PUBLIC UTILITY MASS REAL PROPERTY OR LITIGATION AFFECTING THE VALUE OR TAXABLE STATUS OF THE LOCAL PUBLIC UTILITY MASS REAL PROPERTY INITIATED PRIOR TO THE EFFECTIVE DATE OF THIS SECTION.

S 499-LLLL. LOCAL PUBLIC UTILITY MASS REAL PROPERTY VALUE. THE COMMISSIONER SHALL COMPUTE THE LOCAL PUBLIC UTILITY MASS REAL PROPERTY VALUE AS FOLLOWS:

1. THE LOCAL REPRODUCTION COST OF THE PUBLIC UTILITY MASS REAL PROPERTY OF EACH PUBLIC UTILITY MASS REAL PROPERTY OWNER IN EVERY ASSESSING UNIT IS THE COST OF REPRODUCTION, LESS DEPRECIATION OF THAT PUBLIC UTILITY MASS REAL PROPERTY.

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

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

S 499-MMMM. EQUITABLE RATIO OF ASSESSMENT. THE COMMISSIONER AND ANY ASSESSING AUTHORITY SHALL BE PROHIBITED FROM ASSESSING LOCAL PUBLIC UTILITY MASS REAL PROPERTY AT A VALUE THAT HAS A HIGHER RATIO TO THE FULL VALUE OF THE LOCAL PUBLIC UTILITY MASS REAL PROPERTY THAN THE RATIO OF ASSESSED VALUE OF OTHER REAL PROPERTY IN THE SAME ASSESSMENT CLASS AND JURISDICTION TO ITS FULL VALUE, AS PROVIDED IN SECTION THREE HUNDRED FIVE OF THIS CHAPTER.

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

12 S 499-0000. TENTATIVE DETERMINATION OF ASSESSMENT CEILING; NOTICE,
13 COMPLAINTS AND HEARING. 1. EACH YEAR THE COMMISSIONER SHALL MAKE A
14 TENTATIVE DETERMINATION OF AN ASSESSMENT CEILING FOR ALL LOCAL PUBLIC
15 UTILITY MASS REAL PROPERTY. THEREAFTER, THE COMMISSIONER SHALL GIVE
16 NOTICE, IN WRITING OR ELECTRONICALLY, TO EACH ASSESSING UNIT AND EACH
17 OWNER OF LOCAL PUBLIC UTILITY MASS REAL PROPERTY FOR WHICH SUCH TENTA-
18 TIVE DETERMINATION OF AN ASSESSMENT CEILING SHALL HAVE BEEN MADE, SPECI-
19 FYING THE AMOUNT OF SUCH CEILING, AND MAKING AVAILABLE FOR INSPECTION
20 AND COPYING THE COMPUTATIONS USED TO ESTABLISH THE TENTATIVE ASSESSMENT
21 CEILING AMOUNT PURSUANT TO THE PUBLIC OFFICERS LAW, AND SETTING FORTH
22 THE TIME AND PLACE WHERE THE COMMISSIONER OR HIS OR HER DESIGNEE WILL
23 MEET TO HEAR ANY COMPLAINT CONCERNING SUCH TENTATIVE DETERMINATION. SUCH
24 NOTICE SHALL BE SENT ELECTRONICALLY AND SERVED IN WRITING AT LEAST
25 FORTY-FIVE DAYS PRIOR TO THE DATE SPECIFIED FOR SUCH HEARING.

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

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

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

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

44 S 499-PPPP. FINAL DETERMINATION OF ASSESSMENT CEILING; CERTIFICATE. 1.
45 AFTER THE HEARING PROVIDED IN SECTION FOUR HUNDRED NINETY-NINE-0000 OF
46 THIS TITLE, THE COMMISSIONER SHALL FINALLY DETERMINE THE ASSESSMENT
47 CEILING FOR THE LOCAL PUBLIC UTILITY MASS REAL PROPERTY OF EACH LOCAL
48 PUBLIC UTILITY MASS REAL PROPERTY OWNER SITUATED IN EACH ASSESSING UNIT.

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

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

11 4. ANY FINAL DETERMINATION OF AN ASSESSMENT CEILING BY THE COMMISSION-
12 ER PURSUANT TO SUBDIVISION ONE OF THIS SECTION SHALL BE SUBJECT TO JUDI-
13 CIAL CHALLENGE BY AN OWNER OF LOCAL PUBLIC UTILITY MASS REAL PROPERTY OR
14 A LOCAL ASSESSING JURISDICTION IN A PROCEEDING UNDER ARTICLE SEVEN OF
15 THIS CHAPTER; PROVIDED HOWEVER, THE TIME TO COMMENCE SUCH PROCEEDING
16 SHALL BE WITHIN SIXTY DAYS OF THE ISSUANCE OF THE FINAL ASSESSMENT CEIL-
17 ING CERTIFICATE AND ALL QUESTIONS OF FACT AND LAW SHALL BE DETERMINED DE
18 NOVO. ANY JUDICIAL PROCEEDING SHALL BE COMMENCED IN THE SUPREME COURT
19 IN THE COUNTY OF ALBANY OR THE COUNTY AGREED UPON BY THE PARTIES IN
20 WHICH THE LOCAL PUBLIC UTILITY MASS REAL PROPERTY IS LOCATED. NOTHING IN
21 THIS SECTION SHALL PRECLUDE A CHALLENGE OF THE ASSESSED VALUE ESTAB-
22 LISHED BY A LOCAL ASSESSING JURISDICTION WITH RESPECT TO LOCAL PUBLIC
23 UTILITY MASS REAL PROPERTY AS OTHERWISE PROVIDED IN ARTICLE SEVEN OF
24 THIS CHAPTER. IN ANY PROCEEDING CHALLENGING AN ASSESSED VALUE ESTAB-
25 LISHED BY A LOCAL ASSESSING JURISDICTION FOR LOCAL PUBLIC UTILITY MASS
26 REAL PROPERTY, THE FINAL CERTIFIED ASSESSMENT CEILING ESTABLISHED PURSU-
27 ANT TO SUBDIVISION ONE OF THIS SECTION SHALL NOT BE CONSIDERED BY THE
28 COURT.

29 S 499-QQQQ. APPLICATION OF ASSESSMENT CEILING; COMPUTATION OF
30 EXEMPTION. 1. UPON RECEIPT OF A CERTIFICATE SETTING FORTH THE FINAL
31 CERTIFIED ASSESSMENT CEILING FOR LOCAL PUBLIC UTILITY MASS REAL PROPER-
32 TY, THE ASSESSOR SHALL COMPARE THE ASSESSED VALUATIONS ATTRIBUTABLE TO
33 THE LOCAL PUBLIC UTILITY MASS REAL PROPERTY FOR EACH OWNER OF LOCAL
34 PUBLIC UTILITY MASS REAL PROPERTY INCLUDED IN THE ASSESSMENT CEILING.
35 WHERE THE OWNER OF THE LOCAL PUBLIC UTILITY MASS REAL PROPERTY REPORTS
36 INFORMATION BY SPECIFIC PROPERTY IDENTIFICATION TO THE COMMISSIONER OR
37 THE LOCAL ASSESSING JURISDICTION HAS IMPLEMENTED A SYSTEM BY THE COMMIS-
38 SIONER STANDARDIZING THE IDENTITY OF PUBLIC UTILITY MASS REAL PROPERTY
39 ON ASSESSMENT ROLLS, SUCH CERTIFIED ASSESSMENT CEILINGS SHALL BE
40 PROVIDED BY THE COMMISSIONER, AS SET FORTH ON THE LOCAL ASSESSING JURIS-
41 DICTION'S ASSESSMENT ROLLS. WHERE THE ASSESSED VALUATION DOES NOT EXCEED
42 THE FINAL CERTIFIED ASSESSMENT CEILING, AS SET FORTH IN THE CERTIFICATE
43 FOR THE LOCAL PUBLIC UTILITY MASS REAL PROPERTY, THE ASSESSOR NEED NOT
44 MAKE ANY ADJUSTMENT IN SUCH ASSESSED VALUATION. PROVIDED, HOWEVER, THE
45 ASSESSED VALUATION EXCEEDS THE FINAL CERTIFIED ASSESSMENT CEILING, AS
46 SET FORTH IN THE CERTIFICATE, SUCH LOCAL PUBLIC UTILITY MASS REAL PROP-
47 ERTY SHALL BE EXEMPT FROM TAXATION TO THE EXTENT OF SUCH EXCESS AND THE
48 ASSESSOR SHALL FORTHWITH REDUCE THE ASSESSMENTS OF SUCH LOCAL PUBLIC
49 UTILITY MASS REAL PROPERTY, SO THAT THE TAXABLE ASSESSED VALUATION OF
50 SUCH PROPERTY SHALL NOT EXCEED THE CERTIFIED ASSESSMENT CEILING. ALL
51 CERTIFICATES OF ASSESSMENT CEILINGS SHALL BE ATTACHED TO THE ASSESSMENT
52 ROLL OR FILED THEREWITH AS PROVIDED IN ARTICLE FIFTEEN-C OF THIS CHAP-
53 TER.

54 2. THE ASSESSOR IS HEREBY AUTHORIZED AND DIRECTED TO MAKE THE
55 REDUCTIONS, IF ANY, PROVIDED FOR IN THIS SECTION ON THE ASSESSMENT ROLL
56 OF THE LOCAL ASSESSING JURISDICTION IN WHICH THE LOCAL PUBLIC UTILITY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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