

9816--A

I N   A S S E M B L Y

April 12, 2016

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Introduced by M. of A. LAVINE -- read once and referred to the Committee on Corporations, Authorities and Commissions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public authorities law, in relation to payments in lieu of taxes

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

1     Section 1. Subdivision 1 of section 1020-q of the public authorities  
2 law, as amended by section 8 of part A of chapter 173 of the laws of  
3 2013, is amended to read as follows:  
4     1. (A) Each year after property theretofore owned by LILCO is acquired  
5 by the authority by any means authorized by this title and, as a conse-  
6 quence, is removed from the tax rolls, the authority shall make payments  
7 in lieu of taxes to municipalities and school districts equal to the  
8 taxes and assessments which would have been received from year to year  
9 by each such jurisdiction if such acquisition had not occurred,  
10 provided, however, that for the calendar year starting on January first,  
11 two thousand fifteen, and for each calendar year thereafter, such  
12 payments in lieu of taxes shall not exceed the in lieu of tax payments  
13 made to such municipalities and school districts in the immediately  
14 preceding year by more than two percent.  
15     (B) THE AUTHORITY SHALL ENTER INTO WRITTEN AGREEMENTS TO MAKE PAYMENTS  
16 IN LIEU OF TAXES PURSUANT TO SECTION ONE THOUSAND TWENTY-P OF THIS TITLE  
17 FOR ALL PARCELS OF PROPERTY SUBJECT TO THIS SECTION. SUCH AGREEMENTS  
18 SHALL, WITHOUT LIMITATION, INCLUDE AN ANNUAL SCHEDULE OF FIXED PAYMENTS  
19 IN LIEU OF TAXES ON OR BEFORE FEBRUARY FIRST TO BE PAID TO MUNICI-  
20 PALITIES AND SCHOOL DISTRICTS FOR THE FOLLOWING FISCAL YEAR OF SUCH  
21 MUNICIPALITIES AND SCHOOL DISTRICTS BASED UPON THE TWO PRIOR YEAR'S TAX  
22 ROLLS CONSISTENT WITH THE TWO PERCENT CALENDAR YEAR LIMITATION IN PARA-  
23 GRAPH (A) OF THIS SUBDIVISION, WHICH SHALL BE PAID BY THE AUTHORITY TO  
24 THE ASSESSING JURISDICTION FOR THE BENEFIT OF THE MUNICIPALITIES AND  
25 SCHOOL DISTRICTS AND DISTRIBUTED TO THE MUNICIPALITIES AND SCHOOL  
26 DISTRICTS AS INTENDED THIRD PARTY BENEFICIARIES IN ACCORDANCE WITH THE

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

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1 SCHEDULE FOR PAYMENT OF TAXES FOR EACH MUNICIPALITY AND SCHOOL DISTRICT.  
2 IF ANY ANNUAL PAYMENT IN LIEU OF TAXES IS MODIFIED DURING THE COURSE OF  
3 THE WRITTEN AGREEMENT, SUCH MODIFICATION MUST BE MADE ON OR BEFORE  
4 FEBRUARY FIRST OF EACH YEAR WITH WRITTEN NOTICE TO THE MUNICIPALITIES  
5 AND SCHOOL DISTRICTS. ANY MODIFICATION MADE AFTER FEBRUARY FIRST SHALL  
6 NOT BE DEEMED EFFECTIVE UNTIL THE YEAR SUBSEQUENT TO THE ENSUING FISCAL  
7 YEAR.

8 S 2. Subdivision 2 of section 1020-p of the public authorities law, as  
9 added by chapter 517 of the laws of 1986, is amended to read as follows:

10 2. The authority shall be required to pay no taxes nor assessments  
11 upon any of the property acquired or controlled by it or upon its activ-  
12 ities in the operation and maintenance thereof or upon income derived  
13 therefrom, provided that [nothing herein shall prevent] the authority  
14 [from entering] SHALL ENTER into agreements to make payments in lieu of  
15 taxes with the governing bodies of municipalities, as provided for in  
16 section one thousand twenty-q of this title.

17 S 3. This act shall take effect immediately.