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I N S E N A T E

May 24, 2016

Introduced by Sen. MARCELLINO -- read twice and ordered printed, and
when printed to be committed to the Committee on Energy and Telecommu-
nications

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 ASSEM-
BLY, 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
27 SCHEDULE FOR PAYMENT OF TAXES FOR EACH MUNICIPALITY AND SCHOOL DISTRICT.

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

LBD14861-04-6

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

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

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

16 S 3. This act shall take effect immediately.