S T A T E O F N E W Y O R K

7909

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 Telecommunications

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:

Section 1. Subdivision 1 of section 1020-q of the public authorities law, as amended by section 8 of part A of chapter 173 of the laws of 2013, is amended to read as follows:

1. (A) Each year after property theretofore owned by LILCO is acquired by the authority by any means authorized by this title and, as a consequence, is removed from the tax rolls, the authority shall make payments in lieu of taxes to municipalities and school districts equal to the taxes and assessments which would have been received from year to year by each such jurisdiction if such acquisition had not occurred, provided, however, that for the calendar year starting on January first, two thousand fifteen, and for each calendar year thereafter, such payments in lieu of taxes shall not exceed the in lieu of tax payments made to such municipalities and school districts in the immediately preceding year by more than two percent.

(B) THE AUTHORITY SHALL ENTER INTO WRITTEN AGREEMENTS TO MAKE PAYMENTS IN LIEU OF TAXES PURSUANT TO SECTION ONE THOUSAND TWENTY-P OF THIS TITLE FOR ALL PARCELS OF PROPERTY SUBJECT TO THIS SECTION. SUCH AGREEMENTS SHALL, WITHOUT LIMITATION, INCLUDE AN ANNUAL SCHEDULE OF FIXED PAYMENTS IN LIEU OF TAXES ON OR BEFORE FEBRUARY FIRST TO BE PAID TO MUNICIPALITIES AND SCHOOL DISTRICTS FOR THE FOLLOWING FISCAL YEAR OF SUCH MUNICIPALITIES AND SCHOOL DISTRICTS BASED UPON THE TWO PRIOR YEAR'S TAX ROLLS CONSISTENT WITH THE TWO PERCENT CALENDAR YEAR LIMITATION IN PARAGRAPH (A) OF THIS SUBDIVISION, WHICH SHALL BE PAID BY THE AUTHORITY TO THE ASSESSING JURISDICTION FOR THE BENEFIT OF THE MUNICIPALITIES AND SCHOOL DISTRICTS AND DISTRIBUTED TO THE MUNICIPALITIES AND SCHOOL DISTRICTS AS INTENDED THIRD PARTY BENEFICIARIES IN ACCORDANCE WITH THE 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.

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

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

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

S 3. This act shall take effect immediately.