STATE OF NEW YORK

5481--A

2017-2018 Regular Sessions

IN SENATE

March 31, 2017

Introduced by Sens. MURPHY, SERINO -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- recommitted to the Committee on Investigations and Government Operations in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to direct the department of taxation and finance to conduct a study of state-owned lands within the counties of Westchester, Putnam and Dutchess, and the real property tax impact of such lands upon such counties and the localities therein

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

Section 1. Legislative intent. The legislature hereby finds that on January 9, 2017, the state of New York announced an agreement with Entergy to close the Indian Point nuclear plant. The planned closure of this facility is set for 2020 and 2021. It is estimated that the loss to the tax base of the county of Westchester and surrounding counties in the catchment area of such plant will be severe. The legislature further finds that the state has utilized a piecemeal approach to the taxation of state-owned land. Home owners across the state are burdened with subsidizing, through real property taxes, the revenue lost from the untaxed state-owned land in their communities. The impact of this fiscal burden, coupled with the closure of the Indian Point nuclear plant, creates a unique situation throughout communities in the counties of Westchester, Putnam and Dutchess. Therefore, it is in the best interest of the taxpayers of these counties to study this disparate treatment of taxation on state-owned land in light of the closure of the Indian Point nuclear plant, which will have a substantial impact on local taxpayers. This study seeks to determine the fiscal impact of expanding state law that currently requires the state to pay real property taxes to certain

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

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local governments in order to pay taxes on state lands located throughout the Indian Point catchment region.

§ 2. The department of taxation and finance shall, in consultation with any other department, division, board, bureau, commission, agency or public authority of the state or any political subdivision thereof deemed necessary by the commissioner of taxation and finance, conduct a study of state-owned lands within the counties of Westchester, Putnam and Dutchess. The study shall include lands owned by the state, exclusive of the improvements erected thereon by the state including, but not limited to, parklands, forestation lands, forest preserves, correctional facilities, facilities governed by article 9 of the executive law, facilities governed by article 26-A of the public health law, and any other lands located within such counties owned by the state not described in this section. Such study shall examine the methods of compensating counties, cities, towns, villages and school districts whose tax bases include state-owned land, the payments currently made by the state through sections 532, 533, 534 and 536 of the real property tax law and section 15-2115 of the environmental conservation law, and provide the fiscal impact to the state and counties, cities, towns, villages and school districts of the aforementioned state-owned lands that are currently tax-exempt should the state be required to provide compensation to such counties, cities, towns, villages and school districts. The commissioner of taxation and finance shall, on or before, December 1, 2018, submit a report of findings, conclusions and recommendations of such study to the governor, the temporary president of the senate, the speaker of the assembly, the chair of the senate finance committee, the chair of the senate investigations and government operations committee, the chair of the assembly ways and means committee and the chair of the assembly real property taxation committee.

§ 3. This act shall take effect immediately.