STATE OF NEW YORK

5122--A

2019-2020 Regular Sessions

IN SENATE

April 10, 2019

Introduced by Sens. GAUGHRAN, FLANAGAN -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public authorities law, in relation to the liability of a municipality or governmental subdivision for the refund of property taxes to the Long Island power authority

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

Section 1. 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 by adding a new subdivision 4 to read as follows:

4. On and after the effective date of this subdivision, no municipality or governmental subdivision, including a school district or special district, shall be or become liable to the authority, or any reimbursed third party power producer, for a refund of property taxes originally assessed against any power plant, transmission line or substation owned by the authority, its predecessor in interest or a third party power producer when the third party power producer is reimbursed by the authority for any portion of the property taxes assessed against a power plant, transmission line or substation owned by the third party power producer, hereinafter referred to as a "reimbursed third party power producer". Any judicial determination that any such power plant, transmission line or substation assessment was excessive, unequal or unlawful on or after the effective date of this subdivision shall not result in a refund by any taxing jurisdiction for any portion of taxes previously paid by the authority, its predecessor in interest, or any reimbursed third party power producer as defined in this subdivision, pursuant to such power plant, transmission line or substation assessment. The authority, and any reimbursed third party power producer shall discontinue or abandon all proceedings, brought by its predecessor

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

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in interest or any reimbursed third party power producer, which seek the repayment of all or part of the taxes assessed against any such power plant, transmission line or substation formerly owned by LILCO or currently owned by the authority or any reimbursed third party power producer.

§ 2. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 3. This act shall take effect on the thirtieth day after it shall have become a law.