STATE OF NEW YORK

2504

2019-2020 Regular Sessions

IN SENATE

January 25, 2019

Introduced by Sen. HELMING -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend subpart H of part C of chapter 20 of the laws of 2015, appropriating money for certain municipal corporations and school districts, in relation to funding to local government entities from the urban development corporation

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

Section 1. Section 1 of subpart H of part C of chapter 20 of the laws of 2015, appropriating money for certain municipal corporations and school districts, as amended by section 1 of part AAA of chapter 59 of the laws of 2018, is amended to read as follows:

Section 1. Contingent upon available funding, and not to exceed $69,000,000 moneys from the urban development corporation shall be available for a local government entity, which for the purposes of this section shall mean a county, city, town, village, school district or special district, where**: (a)** (i) on or after June 25, 2015, an electric generating facility located within such local government entity has ceased operations, [~~and~~] **or** (ii) **that an operational facility demonstrates that its actual electricity production in the prior year was less than 15% of its total generating capacity; and (b)** the closing **or diminished electricity production** of such facility **pursuant to subdivision (a) of this section** has caused a reduction in the real property tax collections or payments in lieu of taxes of at least twenty percent owed by such electric generating facility. Such moneys attributable to the cessation of operations **or diminished electricity production**, shall be paid annually on a first come, first served basis by the urban development corporation to such local government entity within a reasonable time upon confirmation from the state office of real property tax services or the local industrial development authority established pursuant to titles eleven and fifteen of article eight of the public

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

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authorities law, or the local industrial development agency established pursuant to article eighteen-A of the general municipal law that such cessation **or diminished electricity production** has resulted in a reduction in the real property tax collections or payments in lieu of taxes, provided, however, that the urban development corporation shall not provide assistance to such local government entity for more than seven years, and shall award payments reflecting the loss of revenues due to the cessation of operations **or diminished electricity production** as follows:

Award Year	Maximum Potential Award
1	no more than eighty percent of loss of revenues
2	no more than seventy percent of loss of revenues
3	no more than sixty percent of loss of revenues
4	no more than fifty percent of loss of revenues
5	no more than forty percent of loss of revenues
6	no more than thirty percent of loss of revenues
7	no more than twenty percent of loss of revenues

A local government entity shall be eligible for only one payment of funds hereunder per year. A local government entity may seek assistance under the electric generation facility cessation **or diminished electricity production** mitigation fund once a generator has submitted its notice to the federally designated electric bulk system operator (BSO) serving the state of New York of its intent to retire the facility or of its intent to voluntarily remove the facility from service subject to any return-to-service provisions of any tariff, and that the facility also is ineligible to participate in the markets operated by the BSO **or that an operational facility demonstrates that its actual electricity production in the prior year was less than 15% of its total generating capacity**. The date of submission of a local government entity's application for assistance shall establish the order in which assistance is paid to program applicants, except that in no event shall assistance be paid to a local government entity until such time that an electric generating facility has retired or become ineligible to participate in the markets operated by the BSO. For purposes of this section, any local government entity seeking assistance under the electric generation facility cessation **or diminished electricity production** mitigation fund must submit an attestation to the department of public service that a facility is no longer producing electricity and is no longer participating in markets operated by the BSO **or that an operational facility demonstrates that its actual electricity production in the prior year was less than 15% of its total generating capacity**. After receipt of such attestation, the department of public service shall confirm such information with the BSO. In the case that the BSO confirms to the department of public service that the facility is no longer producing electricity and participating in markets operated by such BSO, it shall be deemed that the electric generating facility located within the local government entity has ceased operation. The department of public service shall provide such confirmation to the urban development corporation upon receipt. The determination of the amount of such annual payment shall be determined by the president of the urban development corporation based on the amount of the differential between the annual real property taxes and payments in lieu of taxes imposed upon the facility, exclusive of interest and penalties, during the [~~last~~] **most recent** year of operations and the current real property taxes and payments in lieu

of taxes imposed upon the facility, exclusive of interest and penalties. The total amount awarded from this program shall not exceed $69,000,000.

§ 2. This act shall take effect immediately; provided, however, that the amendments to section 1 of subpart H of part C of chapter 20 of the laws of 2015 made by section one of this act shall not affect the repeal of such subpart and shall be deemed repealed therewith.