

STATE OF NEW YORK

4230--B

2019-2020 Regular Sessions

IN SENATE

March 5, 2019

Introduced by Sens. KAMINSKY, BROOKS, GAUGHRAN, HARCKHAM, MAYER, THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT relating to assessment of property owned by water-works corporations; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "New York state water tax equality act".

3 § 2. The taxable assessed valuation of any water system special fran-
4 chise property, as defined in subdivision 17 of section 102 of the real
5 property tax law, that is used for conducting water, including, but not
6 limited to, such replacement property in form, function and utility of
7 the property being replaced on assessment rolls required by law to be
8 completed, and filed on or after January 1, 2020 shall not exceed eighty
9 percent of the taxable assessed valuation of such real property on final
10 assessment rolls completed and filed on or after January 1, 2019; the
11 taxable assessed valuation of such property on assessment rolls required
12 by law to be completed and filed on or after January 1, 2021 shall not
13 exceed sixty percent of the taxable assessed valuation of such real
14 property on final assessment rolls completed and filed on or after Janu-
15 ary 1, 2019; the taxable assessed valuation of such property on assess-
16 ment rolls required by law to be completed and filed on or after January
17 1, 2022 shall not exceed forty percent of the taxable assessed valuation
18 of such real property on final assessment rolls completed and filed on
19 or after January 1, 2019; the taxable assessed valuation of such proper-
20 ty on assessment rolls required by law to be completed and filed on or

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

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1 after January 1, 2023 shall not exceed twenty percent of the taxable
2 assessed valuation of such real property on final assessment rolls
3 completed and filed on or after January 1, 2019; and the taxable
4 assessed valuation of such property on assessment rolls required by law
5 to be completed and filed on or after January 1, 2024, and thereafter
6 shall be exempt from taxation as water system special franchise property
7 as defined in subdivision 17 of section 102 of the real property tax
8 law.

9 § 3. The provisions of this act shall only apply to the New York
10 public service commission designated Service Territory of water-works
11 corporations located in counties of one million or more that are special
12 assessing units as defined in said water-works corporation's tariff as
13 of May 1, 2019.

14 § 4. Any reduction in the taxable assessed value or removal of proper-
15 ty in any taxing jurisdiction resulting from this act shall not be
16 reflected in any adjusted proportions or adjusted base proportions
17 established pursuant to article 18 of the real property tax law or
18 adjusted homestead and non-homestead base proportions established pursu-
19 ant to article 19 of the real property tax law.

20 § 5. Any tax relief realized by this act shall be used to reduce
21 current water rates and offset future water rate increases.

22 § 6. Notwithstanding any other provision of law to the contrary, no
23 municipality shall sell, transfer, or reassign ownership of a water
24 system owned or operated by such municipality to a water works corpo-
25 ration, unless such sale, transfer, or reassignment is deemed to be in
26 the public interest and approved by the public service commission pursu-
27 ant to the public service law. For the purposes of this act, "munici-
28 pality" shall mean any county with a population of one million or more
29 that is a special assessing unit or any city, town, village, or public
30 district within such a county; and a "public district," as herein used,
31 is a district or other territorial division, whether incorporated or
32 not, whose affairs are managed by any officer or officers, person or
33 persons, elected by voters or taxpayers or appointed by a public officer
34 or officers, and included, without excluding others, a water district,
35 water supply district and a fire district.

36 § 7. This act shall take effect immediately and shall expire and be
37 deemed repealed on and after January 1, 2029.