

# STATE OF NEW YORK

2276

2021-2022 Regular Sessions

## IN SENATE

January 20, 2021

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:

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

5 Section 1. Contingent upon available funding, and not to exceed  
6 \$69,000,000 moneys from the urban development corporation shall be  
7 available for a local government entity, which for the purposes of this  
8 section shall mean a county, city, town, village, school district or  
9 special district, where: (a) (i) on or after June 25, 2015, an electric  
10 generating facility located within such local government entity has  
11 ceased operations, [~~and~~] or (ii) that an operational facility demon-  
12 strates that its actual electricity production in the prior year was  
13 less than 15% of its total generating capacity; and (b) the closing or  
14 diminished electricity production of such facility pursuant to subdivi-  
15 sion (a) of this section has caused a reduction in the real property tax  
16 collections or payments in lieu of taxes of at least twenty percent owed  
17 by such electric generating facility. Such moneys attributable to the  
18 cessation of operations or diminished electricity production, shall be  
19 paid annually on a first come, first served basis by the urban develop-  
20 ment corporation to such local government entity within a reasonable  
21 time upon confirmation from the state office of real property tax  
22 services or the local industrial development authority established  
23 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.

LBD04599-01-1

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

10	Award Year	Maximum Potential Award
11	1	no more than eighty percent of loss of revenues
12	2	no more than seventy percent of loss of revenues
13	3	no more than sixty percent of loss of revenues
14	4	no more than fifty percent of loss of revenues
15	5	no more than forty percent of loss of revenues
16	6	no more than thirty percent of loss of revenues
17	7	no more than twenty percent of loss of revenues

18 A local government entity shall be eligible for only one payment of  
 19 funds hereunder per year. A local government entity may seek assistance  
 20 under the electric generation facility cessation or diminished electric-  
 21 ity production mitigation fund once a generator has submitted its notice  
 22 to the federally designated electric bulk system operator (BSO) serving  
 23 the state of New York of its intent to retire the facility or of its  
 24 intent to voluntarily remove the facility from service subject to any  
 25 return-to-service provisions of any tariff, and that the facility also  
 26 is ineligible to participate in the markets operated by the BSO or that  
 27 an operational facility demonstrates that its actual electricity  
 28 production in the prior year was less than 15% of its total generating  
 29 capacity. The date of submission of a local government entity's appli-  
 30 cation for assistance shall establish the order in which assistance is  
 31 paid to program applicants, except that in no event shall assistance be  
 32 paid to a local government entity until such time that an electric  
 33 generating facility has retired or become ineligible to participate in  
 34 the markets operated by the BSO. For purposes of this section, any local  
 35 government entity seeking assistance under the electric generation  
 36 facility cessation or diminished electricity production mitigation fund  
 37 must submit an attestation to the department of public service that a  
 38 facility is no longer producing electricity and is no longer participat-  
 39 ing in markets operated by the BSO or that an operational facility  
 40 demonstrates that its actual electricity production in the prior year  
 41 was less than 15% of its total generating capacity. After receipt of  
 42 such attestation, the department of public service shall confirm such  
 43 information with the BSO. In the case that the BSO confirms to the  
 44 department of public service that the facility is no longer producing  
 45 electricity and participating in markets operated by such BSO, it shall  
 46 be deemed that the electric generating facility located within the local  
 47 government entity has ceased operation. The department of public service  
 48 shall provide such confirmation to the urban development corporation  
 49 upon receipt. The determination of the amount of such annual payment  
 50 shall be determined by the president of the urban development corpo-  
 51 ration based on the amount of the differential between the annual real  
 52 property taxes and payments in lieu of taxes imposed upon the facility,  
 53 exclusive of interest and penalties, during the [~~last~~] most recent year  
 54 of operations and the current real property taxes and payments in lieu

1 of taxes imposed upon the facility, exclusive of interest and penalties.  
2 The total amount awarded from this program shall not exceed \$69,000,000.  
3 § 2. This act shall take effect immediately; provided, however, that  
4 the amendments to section 1 of subpart H of part C of chapter 20 of the  
5 laws of 2015 made by section one of this act shall not affect the repeal  
6 of such subpart and shall be deemed repealed therewith.