

# STATE OF NEW YORK

9846

## IN SENATE

June 4, 2024

Introduced by Sen. CANZONERI-FITZPATRICK -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the real property tax law, in relation to the definition of special franchise property

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

1 Section 1. Subdivision 17 of section 102 of the real property tax law,  
2 as amended by chapter 569 of the laws of 1996, is amended to read as  
3 follows:  
4 17. "Special franchise" means the franchise, right, authority or  
5 permission to construct, maintain or operate in, under, above, upon or  
6 through any public street, highway, water or other public place mains,  
7 pipes, tanks, conduits, wires or transformers, with their appurtenances,  
8 for conducting water, steam, light, power, electricity, gas or other  
9 substance. For purposes of assessment and taxation a special franchise  
10 shall include the value of the tangible property situated in, under,  
11 above, upon or through any public street, highway, water or other public  
12 place in connection therewith. The term special franchise shall not  
13 include central office equipment or station equipment (except public  
14 telephone terminal equipment) which first appears on assessment rolls  
15 prepared on the basis of taxable status dates occurring on or after  
16 October first, nineteen hundred ninety-five and which is owned by a  
17 telephone company as defined in paragraph (d) of subdivision twelve of  
18 this section, or owned by a telephone corporation as defined in subdivi-  
19 sion seventeen of section two of the public service law and certified by  
20 the public service commission under section ninety-nine of such law, nor  
21 shall it include property of a municipal corporation, public benefit  
22 corporation or special district, nor shall it include a crossing less  
23 than two hundred fifty feet in length of a public street, highway, water  
24 or other public place outside a city or village, unless such crossing be  
25 the continuation of an occupancy of another public street, highway,  
26 water or other public place. The term "special franchise" shall also  
27 not include any water system property owned by a private water-works  
28 corporation, as such terms are defined in section two of the public

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

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1 service law, located in counties with a population of one million or  
2 more that are special assessing units.

3 § 2. For purposes of this act, any tax relief realized by a private  
4 water-works corporation shall be used to reduce current water rates and  
5 offset future water rate increases.

6 § 3. This act shall take effect immediately.