§ 543. Assessment of conservation easements. 1. Upon acquisition of a conservation easement subject to taxation pursuant to this title and for common law easements acquired by the state in the Adirondack or Catskill parks and subject to taxation, the commissioner of environmental conservation shall determine an allocation factor applicable to each parcel subject to such conservation easement. The allocation factor shall be the portion of the value of each parcel which the easement represents, expressed as a percentage. The commissioner shall forthwith certify any such allocation factor to the commissioner and to the fee owner. The commissioner shall supply to the commissioner copies of any appraisals made in conjunction with the acquisition of the easement for use by the board pursuant to section five hundred forty-two of this title.

2. Such allocation factor shall remain in effect for a period of ten years from the date of acquisition of such easement by the state or, for previously acquired common law easements, from the date such allocation factor was first determined. After such ten year period has elapsed, such allocation factor shall be subject to review and revision by the commissioner as appropriate, based on significant change in the relative values of the fee and easement interests.

3. After such ten year period has elapsed and in the first year in which the commissioner independently computes the portion of the value of the parcel attributable to a conservation easement or common law easement, if such portion is different from the allocation factor previously determined by the commissioner of environmental conservation, the commissioner shall recompute the allocation factor by averaging the previous allocation factor and the portion computed by the commissioner. In any subsequent year, the allocation factor based upon the portion computed by the commissioner shall supersede any previous allocation factor.

4. Whenever a conservation easement is acquired and for common law easements acquired by the state on land within the Adirondack or Catskill parks subject to taxation, the commissioner shall be a person aggrieved by the assessment of the parcel or parcels burdened by such

easement for purposes of seeking administrative and/or judicial review of such assessments. Notwithstanding the provisions of section seven hundred four of this chapter, the commissioner may seek judicial review within two years of the acquisition of a conservation easement or, for such state owned common law easements, within two years of the date when the easement became subject to taxation and need not seek administrative review prior to seeking such judicial review. Whenever the commissioner seeks administrative or judicial review of the assessment of such burdened parcel or parcels, it shall send a copy of the complaint or petition to the owner of a burdened parcel within ten days of the filing of a complaint or the service of a petition.

5. Determination and payment of the state's share of municipal real property taxes which become a lien after vesting but prior to the next taxable status date shall be made as follows:

(a) The state is responsible for direct payment to the municipality of its proportionate share, determined by multiplying the amount of the tax bill by the allocation factor which shall be certified by the commissioner to the assessor and chief fiscal officers of the municipalities within which the property is situated and to the state comptroller.

(b) Upon presentation of a certificate issued pursuant to this section, a collecting officer is hereby authorized to accept from the underlying fee owner the taxes due and owing from the fee owner after deducting those taxes for which the state is liable because of its acquisition of a conservation easement or common law easement subject to taxation pursuant to this title. Any official having custody of a final assessment roll or tax roll is hereby authorized to make such changes on that roll as may be required by the commissioner to incorporate the taxable assessed value attributable to such easement using the allocation factor as certified pursuant to this section.

(c) The county treasurer shall submit a copy of the certificate issued pursuant to this section, together with a statement of taxes due, to the state comptroller for payment pursuant to section five hundred forty-four of this title.

6. Payment of taxes by the owner of a parcel burdened by a

conservation easement or common law easement made taxable pursuant to this title based upon the assessment of the parcel without consideration of that easement shall entitle that owner to a refund pursuant to section five hundred fifty-six of this article, equal to any taxes paid by the state upon such easement. Such owner shall present the certificate issued pursuant to this section and proof of payment to the tax levying body.

7. (a) Whenever the state acquires a conservation easement or a common law easement made taxable pursuant to this title which burdens a parcel containing an improvement, the commissioner shall specify whether the easement applies to the land, the improvements or both.

(b) Where a conservation easement created pursuant to title three of article forty-nine of the environmental conservation law or a common law easement for conservation purposes has been or is hereinafter acquired by the state:

(i) on a parcel of property which is otherwise fully exempt from taxation, the assessor shall determine the taxable assessment of the conservation easement by multiplying the allocation factor by the total assessed value of the land, the improvement, or the entire parcel, as appropriate;

(ii) on a parcel of property which is partially exempt from taxation, the assessor shall determine the taxable assessment of the conservation easement by multiplying the allocation factor by the total assessed value of the land, the improvement, or the entire parcel, as appropriate;

(iii) on a parcel which is partially exempt from taxation, the taxable assessed value of the burdened parcel shall be calculated through pro ration of the partial exemption in the same proportions as the allocation factor. The owner of the burdened parcel shall be entitled to the pro rated portion of the exemption which is applicable to the remainder fee interest.

(c) No exemption shall be applied to the total assessed value of the conservation easement.