

# STATE OF NEW YORK

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6210--B

2021-2022 Regular Sessions

## IN ASSEMBLY

March 10, 2021

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Introduced by M. of A. LAVINE, GRIFFIN -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT authorizing the North Shore central school district to establish a power plant tax assessment reserve fund

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

1 Section 1. Legislative findings. The legislature hereby finds that the  
2 tax certiorari settlement between Nassau County and the Long Island  
3 Power Authority regarding the Glenwood Landing Power Plant may result in  
4 instability in the real property tax base and the budget of the North  
5 Shore central school district due to a decrease in revenue or taxes  
6 and/or significant shift in tax liability to the taxpayers.

7 § 2. Definitions. As used in this act:

8 (a) "Board of education" or "board" shall mean the board of education  
9 of the North Shore central school district.

10 (b) "Power plant tax assessment reserve fund" or "fund" shall mean the  
11 power plant tax assessment reserve fund established pursuant to this  
12 act.

13 (c) "School district" or "district" shall mean the North Shore central  
14 school district.

15 § 3. Power plant tax assessment reserve fund. The board of education  
16 is hereby authorized to establish a power plant tax assessment reserve  
17 fund to lessen or prevent increases in the school district's real prop-  
18 erty tax levy and/or tax rate resulting from decreases in revenue or  
19 taxes or a significant shift in tax liability due to a tax certiorari  
20 settlement or judgment provided, however, that no such fund shall be  
21 established unless approved by a majority vote of the voters present and

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

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1 voting on a separate ballot proposition therefor at either a special  
2 district meeting which the board of education may call for such purpose  
3 or at the annual district meeting and election, to be noticed and  
4 conducted in either case in accordance with article 41 of the education  
5 law. Such separate proposition shall set forth the maximum allowable  
6 balance to be deposited and held in the power plant tax assessment  
7 reserve fund. Moneys shall be paid into and withdrawn from the fund and  
8 the fund shall be administered as follows:

9 (a) For any school district fiscal year commencing after the effective  
10 date of this act and after the establishment of the power plant tax  
11 assessment reserve fund, the board of education may receive payments  
12 into its power plant tax assessment reserve fund from any sources of  
13 revenue resulting from a settlement with the Long Island Power Authori-  
14 ty; provided that no payment into the fund shall cause the balance of  
15 the fund to exceed the amount approved in the ballot proposition pursu-  
16 ant to this subdivision.

17 (b) Moneys may be withdrawn from the power plant tax assessment  
18 reserve fund by resolution of the board for any fiscal year, to be  
19 expended for any lawful purpose, to lessen or prevent increases in the  
20 district's tax levy and/or tax rate. Withdrawals from the fund shall be  
21 disclosed in a manner consistent with the required disclosures of simi-  
22 lar reserve funds held by the district, including disclosures required  
23 by the property tax report card prepared by the district pursuant to the  
24 provisions of subdivision 7 of section 1716 of the education law; and  
25 deposits and withdrawals made in each fiscal year shall be subject to  
26 the district's annual budget approval process.

27 (c) The moneys in the power plant tax assessment reserve fund shall be  
28 deposited, invested and accounted for in the manner provided for in  
29 subdivisions 2 and 6 of section 3651 and section 3652 of the education  
30 law.

31 § 4. This act shall take effect immediately.