

6840

2009-2010 Regular Sessions

I N   A S S E M B L Y

March 13, 2009

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Introduced by M. of A. SCOZZAFAVA -- read once and referred to the  
Committee on Energy

AN ACT authorizing the establishment of solar or wind or farm waste  
energy system tax stabilization funds

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Legislative findings and declaration. The legislature here-  
2     by finds private development and ownership of solar or wind or farm  
3     waste energy systems will generate significant, new tax revenue for the  
4     municipalities where a solar or wind or farm waste energy system is  
5     located. Therefore, in order to provide tax stability to the involved  
6     municipalities, the purpose of this legislation is to empower such muni-  
7     cipalities to create solar or wind or farm waste energy system tax  
8     stabilization reserve funds.  
9     S 2. (1) Any municipal corporation in which a solar or wind or farm  
10    waste energy system is located may create a solar or wind or farm waste  
11    energy system tax stabilization reserve fund.  
12    (2) Definitions. As used in this section:  
13    (a) "Eligible portion of the annual budget" shall mean:  
14    (i) in the case of a county, city, village, school or fire district,  
15    the general fund portion of the annual budget;  
16    (ii) in the case of a town, the town-wide general fund, and highway  
17    fund portions of the annual budget; and  
18    (iii) in the case of the part of a town outside any villages, the  
19    general fund and highway fund portions of the annual budget for such  
20    part of the town.  
21    (b) "Municipal corporation" shall mean a county, city, town or  
22    village, school district, fire district, or district corporation.  
23    (c) "Solar or wind or farm waste energy system" shall be defined as in  
24    section 487 of the real property tax law and shall include the land upon  
25    which the system is located, any equipment used in such generation, and

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

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1 equipment leading from the system to the interconnection with the trans-  
2 mission system, but shall not include any equipment in the transmission  
3 system.

4 (d) "Chief fiscal officer" shall mean a chief fiscal officer as  
5 defined in paragraph 5 of section 2.00 of the local finance law.

6 (3) The finance board, as defined in paragraph 4 of section 2.00 of  
7 the local finance law, of any municipal corporation, in municipal corpo-  
8 rations in which at least one solar or wind or farm waste energy system  
9 is located, may establish a reserve fund to be known as the solar or  
10 wind or farm waste energy system tax stabilization reserve fund.

11 (4) There may be paid into such fund such amounts as may be provided  
12 by budgetary appropriation.

13 (5) The moneys in such fund shall be deposited and secured in the  
14 manner provided by section 10 of the general municipal law. The finance  
15 board, or the chief fiscal officer of such municipal corporation, if the  
16 finance board shall delegate such duty thereto, may invest the moneys in  
17 such fund in the manner provided by section 11 of the general municipal  
18 law. Any interest earned or capital gain realized on the money so depos-  
19 ited or invested shall accrue to and become part of such fund.

20 (6) The chief fiscal officer shall account for this fund separate and  
21 apart from all other funds of the municipal corporation. Such accounting  
22 shall show: the source, date and amount of each sum paid into the fund;  
23 the interest earned by such fund; capital gains or losses resulting from  
24 the sale of investments of this fund; the order, purpose thereof, date  
25 and amount of each payment from this fund; the assets of the fund, indi-  
26 cating cash balance and a schedule of investments. The chief fiscal  
27 officer, within 60 days of the end of each fiscal year, shall furnish to  
28 the finance board and the state comptroller a detailed report of the  
29 operation and condition of the fund during the preceding fiscal year  
30 which shall include a statement of receipts and disbursements, and a  
31 statement of the balance of the fund as of the last day of such preced-  
32 ing fiscal year and such other dates as may be specified by the finance  
33 board.

34 (7) An expenditure may be made from this fund:

35 (a) to lessen or prevent any projected increase in the amount of the  
36 real property tax levy needed to finance the eligible portion of the  
37 annual budget for the next succeeding fiscal year as disclosed in the  
38 annual school budget that is presented to the voters for approval; and

39 (b) to lessen or prevent any projected increase in the amount of the  
40 real property tax levy needed to finance the eligible portion of the  
41 annual budget for municipal corporations other than school districts for  
42 the next succeeding fiscal year.

43 (8) The members of the finance board are hereby declared trustees of  
44 the moneys in the solar or wind or farm waste energy system tax stabili-  
45 zation reserve fund and shall be subject to all duties and responsibil-  
46 ities imposed by law on trustees, and such duties and responsibilities  
47 may be enforced by the municipal corporation or by any board, commis-  
48 sion, agency, officer or taxpayer thereof. No member of the finance  
49 board shall:

50 (a) authorize a withdrawal from this fund for any purpose except as  
51 provided in this act; or

52 (b) expend any moneys withdrawn from this fund for a purpose other  
53 than as provided in this act.

54 Any member of the finance board who willfully and knowingly violates  
55 the provision of this subdivision shall be guilty of a misdemeanor.

1       (9) If, after the establishment of such fund, the municipal corpo-  
2 ration determines that such fund is no longer needed, the moneys remain-  
3 ing in such fund may be transferred to any other reserve fund authorized  
4 by section 3651 of the education law or the general fund of the municipi-  
5 pal corporation that is comprised of moneys which were raised on the  
6 same tax base as the moneys in the reserve fund established under this  
7 section. Prior to discontinuance of such fund, the chief fiscal officer  
8 of such municipal corporation shall certify to the finance board thereof  
9 that such funds are no longer needed.  
10       S 3. This act shall take effect immediately.