

7660

2013-2014 Regular Sessions

I N A S S E M B L Y

May 29, 2013

Introduced by M. of A. BRINDISI, BLANKENBUSH -- read once and referred to the Committee on Education

AN ACT to establish an energy system tax stabilization reserve fund in the Lowville Central School District to lessen or prevent increases in the school district's real property tax levy

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 private development and ownership of wind energy systems located within
3 the Lowville Central School District may result in instability in the
4 real property tax base and the budgets of the district due to the uncer-
5 tainty with the assessments of such wind energy systems at the time the
6 payments in lieu of taxes terminate.
- 7 S 2. Definitions. As used in this act:
- 8 (a) "Board of education" or "board" means the board of education of
9 the Lowville Central School District.
- 10 (b) "Energy system tax stabilization reserve fund" or "fund" means the
11 energy system tax stabilization reserve fund established pursuant to
12 this act.
- 13 (c) "Payments in lieu of taxes" or "payments" means payments in lieu
14 of taxes receivable by the school district pursuant to contracts entered
15 into in accordance with section 487 of the real property tax law or
16 subdivision 15 of section 858 of the general municipal law on any wind
17 energy system located wholly or partially within the Lowville Central
18 School District.
- 19 (d) "School district" or "district" means the Lowville Central School
20 District.
- 21 (e) "Wind energy systems" shall be defined as in section 487 of the
22 real property tax law and shall include the land upon which the system
23 is located, any equipment used in such generation, and equipment leading
24 from the system to the interconnection with the transmission system.

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

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1 S 3. The board of education, without voter approval, is hereby author-
2 ized to establish an energy system tax stabilization reserve fund to
3 lessen or prevent increases in the school district's real property tax
4 levy resulting from decreases in revenue due to changes in the amount of
5 or termination of payments in lieu of taxes receivable by the school
6 district. Moneys shall be paid into and withdrawn from the fund, and the
7 fund shall be administered, as follows:

8 (a) For any school district fiscal year commencing after the effective
9 date of this act and after the establishment of the energy system tax
10 stabilization reserve fund, the board of education, without voter
11 approval, may determine that there shall be paid into the fund all or
12 any portion of the amount by which the payments in lieu of taxes receiv-
13 able by the school district for such fiscal year is not required to
14 prevent an increase in the school tax levy from the immediately preced-
15 ing fiscal year, provided that no payment into the reserve fund shall
16 cause the balance of the fund to exceed 100 percent of the budget for
17 such immediately preceding fiscal year. Such determination may be
18 amended to reduce the amount paid into the fund in the event that the
19 district's original proposed budget is not approved by the voters.

20 (b) The board of education, without voter approval, is hereby author-
21 ized to make a one-time deposit into the energy system tax stabilization
22 reserve fund in an amount not to exceed the balance over any maximum
23 allowable balance as required by any other law that accrued prior to the
24 establishment of the energy system tax stabilization reserve fund as a
25 result of the receipt of any payment in lieu of taxes.

26 (c) Moneys may be withdrawn from the energy system tax stabilization
27 reserve fund subject to the following limitations:

28 (1) For any fiscal year for which payments in lieu of taxes receivable
29 by the school district equal or exceed the amount of such payments
30 received for the immediately preceding fiscal year, no amount shall be
31 withdrawn from the fund.

32 (2) For any fiscal year for which payments in lieu of taxes receivable
33 by the school district are less than the amount of such payments
34 received for the immediately preceding fiscal year, the board of educa-
35 tion, without voter approval, may authorize a withdrawal from the fund
36 in an amount not to exceed the amount of the payments received for the
37 immediately preceding year less the amount of the payments receivable
38 for the fiscal year for which the budget and tax levy is being deter-
39 mined.

40 (3) For any fiscal year for which the school district does not antic-
41 ipate receiving any payments in lieu of taxes, the board of education,
42 without voter approval, may authorize a withdrawal from the fund in an
43 amount not to exceed the amount of such payments received for the last
44 preceding fiscal year for which such payments were received plus the
45 amount, if any, which the board of education authorized to be withdrawn
46 from the fund for such last preceding fiscal year.

47 (4) Notwithstanding paragraph 1 of this subdivision, and in addition
48 to any withdrawal from the fund authorized pursuant to paragraph 2 or 3
49 of this subdivision, moneys may be withdrawn from the fund for any
50 fiscal year in such amount and for such purposes as may be set forth in
51 a separate proposition submitted by the board of education and approved
52 by the qualified voters of the school district.

53 (c) Determinations by the board of education to pay money into the
54 energy system tax stabilization reserve fund, authorizations by the
55 board to withdraw money from the fund, and decisions by the board to
56 submit a proposition to the voters authorizing a withdrawal from the

1 fund shall be made on or before the last date provided by law for the
2 submission to the state education department of the school district's
3 property tax report card pursuant to subdivision 7 of section 1716 of
4 the education law.

5 (d) The moneys in the energy system tax stabilization reserve fund
6 shall be deposited, invested and accounted for in the manner provided
7 for in subdivisions 2 and 6 of section 3651 and section 3652 of the
8 education law.

9 S 4. The property tax report card prepared by the school district
10 pursuant to subdivision 7 of section 1716 of the education law shall
11 contain the following information relating to the energy system tax
12 stabilization reserve fund: (a) the balance of the fund as of the start
13 of the current fiscal year, (b) all deposits or withdrawals from the
14 fund for the current fiscal year, (c) an analysis of the impact of such
15 withdrawals on the school district's tax levy for the current fiscal
16 year, (d) proposed deposits and withdrawals for the ensuing fiscal year,
17 and (e) an analysis of the impact of such proposed deposits and with-
18 drawals on the projected tax levy for the ensuing fiscal year if the
19 proposed budget is adopted.

20 S 5. When computing the school district's tax levy limit for a school
21 year pursuant to subdivision 3 of section 2023-a of the education law:

22 (a) The payments in lieu of taxes receivable for the prior school year
23 shall be decreased by any amount paid into the energy system tax
24 stabilization reserve fund for such prior school year and increased by
25 any amount withdrawn from the fund for such prior school year.

26 (b) The payments in lieu of taxes receivable in the coming fiscal year
27 shall be decreased by the amount to be paid into the energy system tax
28 stabilization reserve fund for such coming fiscal year and increased by
29 any amount to be withdrawn from the energy system tax stabilization
30 reserve fund for such coming fiscal year.

31 S 6. Notwithstanding the provisions of subdivision (c) of section
32 three of this act and section four of this act, if this act shall take
33 effect later than fourteen days prior to the last date provided by law
34 for the submission to the state education department of the school
35 district's property tax report card for the school district's ensuing
36 fiscal year, then a determination by the board of education to pay money
37 into the fund for the ensuing fiscal year may be made on or before the
38 last date provided by law for the levy of taxes for such ensuing fiscal
39 year. Upon making such determination to pay money into the fund, the
40 board shall cause to be posted on the school district's website a state-
41 ment containing the amount of the payment into the fund and the effect
42 of the payment on the projected tax levy for the ensuing fiscal year.

43 S 7. This act shall take effect immediately.