

6833--A

I N S E N A T E

March 17, 2014

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Introduced by Sen. FARLEY -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- committee discharged and said bill committed to the Committee on Education -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to establish a semiconductor manufacturing tax stabilization reserve fund in the Ballston Spa 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 a semiconductor manufacturing  
3 project or projects located within the Ballston Spa Central School  
4 District may result in the instability in the real property tax base and  
5 the budgets of the district due to the uncertainty with the assessments  
6 of such semiconductor manufacturing project or projects and the vari-  
7 ability of the payments in lieu of taxes prior to and at termination of  
8 such payments.

9 S 2. Definitions. As used in this act:

10 (a) "Board of education" or "board" means the board of education of  
11 the Ballston Spa Central School District.

12 (b) "Semiconductor manufacturing tax stabilization reserve fund" or  
13 "fund" means the semiconductor manufacturing tax stabilization reserve  
14 fund established pursuant to this act.

15 (c) "Payments in lieu of taxes" or "payments" means payments in lieu  
16 of taxes receivable by the school district pursuant to contracts entered  
17 into in accordance with section 412-a of the real property tax law or  
18 section 858 of the general municipal law on any semiconductor manufac-  
19 turing project or projects located wholly or partially within the Ball-  
20 ston Spa Central School District.

21 (d) "School district" or "district" means the Ballston Spa Central  
22 School District.

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

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1 (e) "Semiconductor manufacturing project or projects" shall be defined  
2 as in section 412-a of the real property tax law and shall include the  
3 land upon which the project is located, buildings for use in the manu-  
4 facturing of semiconductors and the acquisition and installation therein  
5 of certain machinery and equipment.

6 S 3. The board of education is hereby authorized to establish a tax  
7 stabilization reserve fund to lessen or prevent increases in the school  
8 district's real property tax levy resulting from decreases in revenue  
9 due to changes in the amount of or termination of payments in lieu of  
10 taxes receivable by the school district provided, however, that no such  
11 fund shall be established unless approved by a majority vote of the  
12 qualified voters of the district present and voting on a separate ballot  
13 proposition therefor at either a special district meeting which the  
14 board of education may call for such purposes, or at the annual district  
15 meeting and election, to be noticed and conducted in either case in  
16 accordance with the provisions of article 41 of the education law.  
17 Moneys shall be paid into and withdrawn from the fund, and the fund  
18 shall be administered, as follows:

19 (a) For any school district fiscal year commencing after the effective  
20 date of this act and after the establishment of the semiconductor manu-  
21 facturing tax stabilization reserve fund, the board of education may  
22 determine that there shall be paid into the fund all or any portion of  
23 the amount by which the payments in lieu of taxes receivable by the  
24 school district for such fiscal year is greater than the amount of such  
25 payments received by the school district for the preceding fiscal year,  
26 provided that no payment into the reserve fund shall cause the balance  
27 of the fund to exceed the amount approved in a ballot proposition  
28 described above.

29 (b) The board of education is hereby authorized to make a one-time  
30 deposit into the semiconductor manufacturing tax stabilization reserve  
31 fund in an amount not to exceed the amount of funds remaining in  
32 reserves previously set aside in relation to article VII proceedings  
33 related to the semiconductor manufacturing facility.

34 (c) Moneys may be withdrawn from the semiconductor manufacturing tax  
35 stabilization reserve fund subject to the following limitations:

36 (1) For any fiscal year for which payments in lieu of taxes receivable  
37 by the school district are less than the amount of such payments  
38 received for the immediately preceding fiscal year, or the school  
39 district does not anticipate receiving any payment, the board of educa-  
40 tion may authorize a withdrawal from the fund in an amount not to exceed  
41 the amount of the payments received for the immediately preceding year  
42 less the amount of the payments receivable for the fiscal year for which  
43 the budget and tax levy is being determined.

44 (2) Notwithstanding paragraph 1 of this subdivision, and in addition  
45 to any withdrawal from the fund authorized pursuant to this subdivision,  
46 moneys may be withdrawn from the fund for any fiscal year to be expended  
47 for any other lawful purpose, provided, however, that no such withdrawal  
48 and expenditure shall be made unless approved by a majority vote of the  
49 qualified voters of the district present and voting on a separate ballot  
50 proposition therefor at either a special district meeting which the  
51 board of education may call for such purpose, or at the annual district  
52 meeting and election, to be noticed and conducted in either case in  
53 accordance with the provisions of article 41 of the education law.

54 (d) The moneys in the semiconductor manufacturing tax stabilization  
55 reserve fund shall be deposited, invested and accounted for in the

1 manner provided for in subdivisions 2 and 6 of section 3651, and section  
2 3652 of the education law.

3 S 4. When computing the school district's tax levy limit for a school  
4 year pursuant to subdivision 3 of section 2023-a of the education law:

5 (a) The payments in lieu of taxes receivable for the prior school year  
6 shall be decreased by any amount paid into the semiconductor manufactur-  
7 ing tax stabilization reserve fund for such prior school year and  
8 increased by any amount withdrawn from the fund for such prior school  
9 year.

10 (b) The payments in lieu of taxes receivable in the coming fiscal year  
11 shall be decreased by the amount to be paid into the semiconductor manu-  
12 facturing tax stabilization reserve fund for such coming fiscal year and  
13 increased by any amount to be withdrawn from the semiconductor manufac-  
14 turing tax stabilization reserve fund for such coming fiscal year.

15 S 5. This act shall take effect immediately, and shall be deemed to  
16 have been in full force and effect on and after May 19, 2014.