STATE OF NEW YORK

5476

2017-2018 Regular Sessions

IN SENATE

March 30, 2017

Introduced by Sen. MURPHY -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to authorize the Hendrick Hudson central school district to establish an energy system tax stabilization reserve fund as the result of the closure of the Indian Point nuclear power plant

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

Section 1. Legislative findings. The legislature hereby finds that the closure of the Indian Point nuclear power plant located within the Hendrick Hudson central school district may result in instability in the real property tax base and the budgets of the district due to the uncertainty of future payments and impact the closure will have on the taxpayers.

§ 2. Definitions. As used in this act:

(a) "Board of education" or "board" means the board of education of the Hendrick Hudson central school district.

(b) "Energy system tax stabilization reserve fund" means the energy system tax stabilization fund established pursuant to this act.

(c) "School district" or "district" means the Hendrick Hudson central school district.

§ 3. The board of education is hereby authorized to establish an energy system tax stabilization reserve fund to lessen or prevent increases in the school district's real property tax levy resulting from decreases in revenue due to the closure of the Indian Point nuclear power plant provided, however, that no such fund shall be established unless approved by a majority vote of the voters present and voting on a separate ballot proposition therefor at either a special district meeting which the board of education may call for such purpose or at the annual district meeting and election, to be noticed and conducted in either case in accordance with article 41 of the education law. Such separate proposition shall set forth the maximum allowable balance to be deposit-

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

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ed and held in the energy system stabilization reserve fund. Moneys shall be paid into and withdrawn from the fund and the fund shall be administered as follows:

(a) The board of education is hereby authorized to make payments into the energy system tax stabilization reserve fund in an amount not to exceed the balance over any maximum allowable balance in such unassigned fund balance and from any reserve funds authorized or required by law in amounts which the board of education shall determine are not reasonably necessary for the purpose of such fund or funds and which accrued prior to the establishment of the energy system tax stabilization reserve fund provided that no such payment from any unassigned fund balance or any reserve fund shall cause the balance of the fund to exceed the amount approved in the ballot proposal pursuant to this section.

(b) Moneys may be withdrawn from the energy system tax stabilization reserve fund for any fiscal year to be expended for any lawful purpose. Withdrawals from the fund shall be disclosed in a manner consistent with the required disclosures of similar reserve funds held by the district, including disclosures required by the property tax report card prepared by the district pursuant to the provisions of subdivision 7 of section 1716 of the education law; and deposits and withdrawals made in each fiscal year shall be subject to the district's annual budget approval process.

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

§ 4. This act shall take effect immediately.