

STATE OF NEW YORK

4243

2021-2022 Regular Sessions

IN SENATE

February 3, 2021

Introduced by Sens. GAUGHRAN, KAMINSKY -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to establishing the tax certiorari stabilization reserve fund

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

1 Section 1. The education law is amended by adding a new section 3654
2 to read as follows:

3 § 3654. Tax certiorari stabilization reserve fund. 1. Definitions. As
4 used in this section:

5 (a) "Board of education" or "board" shall mean the board of education
6 of any school district that reasonably anticipates an adverse impact or
7 is impacted by a tax certiorari action;

8 (b) "Tax certiorari stabilization reserve fund" or "fund" shall mean
9 the tax certiorari stabilization reserve fund established pursuant to
10 this section; and

11 (c) "School district" or "district" shall mean any school
12 district that reasonably anticipates an adverse impact or is impacted by
13 a tax certiorari action.

14 2. The board of education is hereby authorized to establish a tax
15 certiorari stabilization reserve fund to reserve against, or lessen or
16 prevent increases in the school district's real property tax levy
17 and/or tax rate resulting from decreases in revenue or taxes or a
18 significant shift in tax liability due to a tax certiorari settlement or
19 judgment provided, however, that no such fund shall be established
20 unless approved by a majority vote of the voters present and voting on a
21 separate ballot proposition therefor at either a special district
22 meeting which the board of education may call for such purpose or at the
23 annual district meeting and election, to be noticed and conducted in
24 either case in accordance with article forty-one of this chapter. Such
25 separate proposition shall set forth the maximum allowable balance to

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

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1 be deposited and held in the tax certiorari stabilization reserve fund.
2 Moneys shall be paid into and withdrawn from the fund and the fund
3 shall be administered as follows:

4 (a) The board of education is hereby authorized to receive payments
5 into its tax certiorari stabilization reserve fund from any available
6 funds or sources of revenue, including any surplus from an existing
7 reserve fund.

8 (b) Moneys may be withdrawn from the tax certiorari stabilization
9 reserve fund by resolution of the board for any fiscal year, to be
10 expended for any lawful purpose, to lessen or prevent increases in
11 the district's tax levy. Withdrawals from the fund shall be disclosed
12 in a manner consistent with the required disclosures of similar
13 reserve funds held by the district, including disclosures required by
14 the property tax report card prepared by the district pursuant to the
15 provisions of subdivision seven of section seventeen hundred
16 sixteen of this chapter.

17 § 2. This act shall take effect immediately.