

# STATE OF NEW YORK

9358

## IN SENATE

May 19, 2022

Introduced by Sen. GAUGHRAN -- 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 Northport-East Northport LIPA power plant tax assessment challenge 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. Northport-East Northport LIPA power plant tax assessment chal-  
4 lenge reserve fund. 1. Definitions. As used in this section:

5 (a) "Board of education" or "board" shall mean the board of education  
6 of the Northport-East Northport union free school district.

7 (b) "Northport-East Northport LIPA power plant tax assessment chal-  
8 lenge reserve fund" or "fund" shall mean the Northport-East Northport  
9 LIPA power plant tax assessment challenge reserve fund established  
10 pursuant to this section.

11 (c) "School district" or "district" shall mean the Northport-East  
12 Northport union free school district.

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

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

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1 shall be paid into and withdrawn from the fund and the fund shall be  
2 administered as follows:

3 (a) The board of education is hereby authorized to receive payments  
4 into its Northport-East Northport LIPA power plant tax assessment chal-  
5 lenge reserve fund from any available funds or sources of revenue,  
6 including any surplus from an existing reserve fund.

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

16 § 2. This act shall take effect immediately.