STATE OF NEW YORK

5142--A

2023-2024 Regular Sessions

IN ASSEMBLY

March 2, 2023

Introduced by M. of A. E. BROWN, DeSTEFANO, K. BROWN -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT relating to establishing the Island Park LIPA power plant tax assessment reserve fund

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 tax certiorari settlement between Nassau County and the Long Island Power Authority regarding the Island Park Power Plant may result in instability in the real property tax base and the budget of the Island Park union free school district due to a decrease in revenue or taxes and/or a significant shift in tax liability to the taxpayers.

§ 2. Definitions. As used in this act:

(a) "Board of education" or "board" shall mean the board of education of the Island Park union free school district.

(b) "Power plant tax assessment reserve fund" or "fund" shall mean the power plant tax assessment reserve fund established pursuant to this act.

(c) "School district" or "district" shall mean the Island Park union free school district.

§ 3. Power plant tax assessment reserve fund. The board of education is hereby authorized to establish a power plant tax assessment reserve fund to lessen or prevent increases in the school district's real property tax levy and/or tax rate resulting from decreases in revenue or taxes or a significant shift in tax liability due to a tax certiorari settlement or judgment 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

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

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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 deposited and held in the power plant tax assessment reserve fund. Moneys shall be paid into and withdrawn from the fund and shall be administered as follows:

(a) For any school district fiscal year commencing after the effective date of this act and after the establishment of the power plant tax assessment reserve fund, the board of education may receive payments into its power plant tax assessment reserve fund from any sources of revenue resulting from a settlement with the Long Island Power Authority; provided that no payment into the fund shall cause the balance of the fund to exceed the amount approved in the ballot proposition pursuant to this subdivision.

(b) Moneys may be withdrawn from the power plant tax assessment reserve fund by resolution of the board for any fiscal year, to be expended for any lawful purpose, to lessen or prevent increases in the district's tax levy and/or tax rate. 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 power plant tax assessment 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.