

STATE OF NEW YORK

7105

2023-2024 Regular Sessions

IN SENATE

May 18, 2023

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

AN ACT relating to establishing the 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. Legislative findings. The legislature hereby finds that the
2 tax certiorari settlement between Suffolk County and the Long Island
3 Power Authority regarding the Northport Power Plant may result in insta-
4 bility in the real property tax base and the budget of the Northport-
5 East Northport union free school district due to a decrease in revenue
6 or taxes and/or significant shift in tax liability to the taxpayers.

7 § 2. Definitions. As used in this act the following terms shall have
8 the following meanings:

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

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

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

16 § 3. Power plant tax assessment reserve fund. The board of education
17 is hereby authorized to establish a power plant tax assessment reserve
18 fund to lessen or prevent increases in the school district's real prop-
19 erty tax levy and/or tax rate resulting from decreases in revenue or
20 taxes or a significant shift in tax liability due to a tax certiorari
21 settlement or judgment provided, however, that no such fund shall be
22 established unless approved by a majority vote of the voters present and
23 voting on a separate ballot proposition therefor at either a special
24 district meeting which the board of education may call for such purpose
25 or at the annual district meeting and election, to be noticed and

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

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1 conducted in either case in accordance with article 41 of the education
2 law. Such separate proposition shall set forth the maximum allowable
3 balance to be deposited and held in the power plant tax assessment
4 reserve fund. Moneys shall be paid into and withdrawn from the fund and
5 the fund shall be administered as follows:

6 (a) For any school district fiscal year commencing after the effective
7 date of this act and after the establishment of the power plant tax
8 assessment reserve fund, the board of education may receive payments
9 into its power plant tax assessment reserve fund from any sources of
10 revenue resulting from a settlement with the Long Island Power Authori-
11 ty; provided that no payment into the fund shall cause the balance of
12 the fund to exceed the amount approved in the ballot proposition pursu-
13 ant to this subdivision.

14 (b) Moneys may be withdrawn from the power plant tax assessment
15 reserve fund by resolution of the board for any fiscal year, to be
16 expended for any lawful purpose, to lessen or prevent increases in the
17 district's tax levy and/or tax rate. Withdrawals from the fund shall be
18 disclosed in a manner consistent with the required disclosures of simi-
19 lar reserve funds held by the district, including disclosures required
20 by the property tax report card prepared by the district pursuant to the
21 provisions of subdivision 7 of section 1716 of the education law; and
22 deposits and withdrawals made in each fiscal year shall be subject to
23 the district's annual budget approval process.

24 (c) The moneys in the power plant tax assessment reserve fund shall be
25 deposited, invested and accounted for in the manner provided for in
26 subdivisions 2 and 6 of section 3651 and section 3652 of the education
27 law.

28 § 4. This act shall take effect immediately.