

STATE OF NEW YORK

8332

2017-2018 Regular Sessions

IN ASSEMBLY

June 8, 2017

Introduced by M. of A. McDONALD -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to the approval or authorization of school bonds, school taxes, and school budgets for city school districts in cities having a population of less than one hundred twenty-five thousand inhabitants

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

1 Section 1. Subdivision 7 of section 416 of the education law is renumbered subdivision 8 and a new subdivision 7 is added to read as follows:

2
3 7. (a) The provisions of this section shall not apply to the approval
4 or authorization of school bonds, school taxes and school budgets for
5 city school districts in cities having a population of less than one
6 hundred twenty-five thousand inhabitants. The approval or authorization
7 of school bonds, school taxes, and school budgets in city school
8 districts having a population of less than one hundred twenty-five thou-
9 sand inhabitants shall be conducted at a general or special election by
10 the board of elections of the county in which the school district is
11 located. The school district in the county in which the school district
12 is located, in consultation with the board of elections, shall determine
13 the date of any such election; provided, however, that the date of such
14 election shall not be set for any day after the general election until
15 March first of the following year. The school district, in consultation
16 with the board of elections, may set the date for any such election
17 outside of such period. If a city school district is located within
18 more than one county, the election shall be conducted by the respective
19 boards of elections. Polling sites for such elections shall be deter-
20 mined by the school district.

21 (b) Such elections shall be conducted in accordance with the
22 provisions of the election law, at the expense of the school district,
23 and under the administration of the board of elections in the county in

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

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1 which the school district is located in the same manner as other
2 elections conducted by such board of elections. The results of such
3 elections, after canvassing, shall be certified and reported by the
4 board of elections to the board of education of such city.

5 § 2. Section 2529 of the education law, as added by chapter 762 of the
6 laws of 1950, is amended to read as follows:

7 § 2529. Tax election. 1. The board of education may call a special
8 election in the manner provided in article fifty-three of this chapter
9 and submit to the qualified voters of the school district a proposition
10 to expend a sum of money in excess of twenty-five thousand dollars for
11 an addition to, or change of site, or purchase of a new site or struc-
12 ture, or for grading or improving a school site, or for the purchase of
13 lands and buildings for agricultural, athletic, playground or social
14 center purposes, or for building any new school, or for the erection of
15 an addition to any school, or for the reconstruction or repair of any
16 school. Such expenditures, when made pursuant to this section, shall be
17 made only during the fiscal year for which a tax is to be levied. The
18 provisions of article fifty-three shall apply to such elections.

19 2. (a) The provisions of this section shall not apply to the approval
20 or authorization of school bonds, school taxes and school budgets for
21 city school districts in cities having a population of less than one
22 hundred twenty-five thousand inhabitants. The approval or authorization
23 of school bonds, school taxes, and school budgets in city school
24 districts having a population of less than one hundred twenty-five thou-
25 sand inhabitants shall be conducted at a general or special election by
26 the board of elections of the county in which the school district is
27 located. The school district in the county in which the school district
28 is located, in consultation with the board of elections, shall determine
29 the date of any such election; provided, however, that the date of such
30 election shall not be set for any day after the general election until
31 March first of the following year. The school district, in consultation
32 with the board of elections, may set the date for any such election
33 outside of such period. If a city school district is located within
34 more than one county, the election shall be conducted by the respective
35 boards of elections. Polling sites for such elections shall be deter-
36 mined by the school district.

37 (b) Such elections shall be conducted in accordance with the
38 provisions of the election law, at the expense of the school district,
39 and under the administration of the board of elections in the county in
40 which the school district is located in the same manner as other
41 elections conducted by such board of elections. The results of such
42 elections, after canvassing, shall be certified and reported by the
43 board of elections to the board of education of such city.

44 § 3. Section 2530 of the education law, as amended by chapter 171 of
45 the laws of 1996, is amended to read as follows:

46 § 2530. Power to contract indebtedness. 1. Each city school district
47 shall be authorized to expend money for any of the objects or purposes
48 which it is authorized to accomplish by law and may contract indebt-
49 edness in its name pursuant to the local finance law. The provisions of
50 section four hundred sixteen of this chapter shall be applicable to such
51 districts.

52 2. (a) The provisions of this section shall not apply to the approval
53 or authorization of school bonds, school taxes and school budgets for
54 city school districts in cities having a population of less than one
55 hundred twenty-five thousand inhabitants. The approval or authorization
56 of school bonds, school taxes, and school budgets in city school

districts having a population of less than one hundred twenty-five thousand inhabitants shall be conducted at a general or special election by the board of elections of the county in which the school district is located. The school district in the county in which the school district is located, in consultation with the board of elections, shall determine the date of any such election; provided, however, that the date of such election shall not be set for any day after the general election until March first of the following year. The school district, in consultation with the board of elections, may set the date for any such election outside of such period. If a city school district is located within more than one county, the election shall be conducted by the respective boards of elections. Polling sites for such elections shall be determined by the school district.

(b) Such elections shall be conducted in accordance with the provisions of the election law, at the expense of the school district, and under the administration of the board of elections in the county in which the school district is located in the same manner as other elections conducted by such board of elections. The results of such elections, after canvassing, shall be certified and reported by the board of elections to the board of education of such city.

§ 4. Subdivisions 2 and 4 of section 2601-a of the education law, as amended by section 9 of part A of chapter 97 of the laws of 2011, are amended to read as follows:

2. ~~[The board of education shall conduct all]~~ (a) All annual and special school district meetings for the purpose of adopting a school district budget shall be conducted in the same manner as a union free school district in accordance with the provisions of article forty-one of this title, except as otherwise provided by this section. The annual meeting and election of each such city school district shall be held on the third Tuesday of May in each year, provided, however that such annual meeting and election shall be held on the second Tuesday in May if the commissioner at the request of a local school board certifies no later than March first that such election would conflict with religious observances, and any school budget revote shall be held on the date and in the same manner specified in subdivision three of section two thousand seven of this title. The provisions of this article, and where applicable subdivisions nine and nine-a of section twenty-five hundred two of this title, governing the qualification and registration of voters, and procedures for the nomination and election of members of the board of education shall continue to apply, and shall govern the qualification and registration of voters and voting procedures with respect to the adoption of a school district budget. All such elections shall be conducted at a general or special election by the board of elections of the county in which the school district is located. If a city school district is located within more than one county, the election shall be conducted by the respective boards of elections. Polling sites for such elections shall be determined by the school district.

(b) Such elections shall be conducted in accordance with the provisions of election law, at the expense of the school district, and under the administration of the board of elections in the county in which the school district is located in the same manner as other elections conducted by such board of elections. The results of such elections, after canvassing, shall be certified and reported by the board of elections to the board of education of such city.

4. The budget adoption process shall conform to the requirements set forth in section two thousand twenty-three-a of this title. In the event

1 the qualified voters of the district reject the budget proposed pursuant
2 to subdivision three of this section, the board may propose to the
3 voters a revised budget pursuant to subdivision three of section two
4 thousand seven of this title [~~or may adopt a contingency budget pursuant~~
5 ~~to subdivision five of this section and subdivision five of section two~~
6 ~~thousand twenty-two of this title~~]. Any such elections shall be held on
7 the date of the fall primary pursuant to section 8-100 of the election
8 law and shall be conducted by the board of elections of the county in
9 which the school district is located in accordance with the provisions
10 of subdivision two of this section. In the event the qualified voters
11 reject the resubmitted budget, the board of elections of the county in
12 which the school district is located shall conduct a third election to
13 be held on the date of the general primary pursuant to section 8-100 of
14 the election law, notwithstanding any law, rule or regulation to the
15 contrary. Such elections shall be conducted in accordance with the
16 provisions of subdivision two of this section. The school district budg-
17 et for any school year, or any part of such budget or any propositions
18 involving the expenditure of money for such school year shall not be
19 submitted for a vote of the qualified voters more than [~~twice~~] three
20 times. In the event the qualified voters reject the resubmitted budget,
21 the board shall adopt a contingency budget in accordance with subdivi-
22 sion five of this section and subdivision five of such section two thou-
23 sand twenty-two of this title.

24 § 5. Subdivisions 2 and 4 of section 2601-a of the education law,
25 subdivision 2 as amended by section 6 and subdivision 4 as amended by
26 section 8 of part M of chapter 57 of the laws of 2005, are amended to
27 read as follows:

28 2. [~~The board of education shall conduct all~~] (a) All annual and
29 special school district meetings for the purpose of adopting a school
30 district budget shall be conducted in the same manner as a union free
31 school district in accordance with the provisions of article forty-one
32 of this title, except as otherwise provided by this section. The annual
33 meeting and election of each such city school district shall be held on
34 the third Tuesday of May in each year, provided, however that such annu-
35 al meeting and election shall be held on the second Tuesday in May if
36 the commissioner at the request of a local school board certifies no
37 later than March first that such election would conflict with religious
38 observances, and any school budget revote shall be held on the date and
39 in the same manner specified in subdivision three of section two thou-
40 sand seven of this title. The provisions of this article, and where
41 applicable subdivisions nine and nine-a of section twenty-five hundred
42 two of this title, governing the qualification and registration of
43 voters, and procedures for the nomination and election of members of the
44 board of education shall continue to apply, and shall govern the quali-
45 fication and registration of voters and voting procedures with respect
46 to the adoption of a school district budget. All such elections shall
47 be conducted at a general or special election by the board of elections
48 of the county in which the school district is located. If a city school
49 district is located within more than one county, the election shall be
50 conducted by the respective boards of elections. Polling sites for such
51 elections shall be determined by the school district.

52 (b) Such elections shall be conducted in accordance with the
53 provisions of the election law, at the expense of the school district,
54 and under the administration of the board of elections in the county in
55 which the school district is located in the same manner as other
56 elections conducted by such board of elections. The results of such

1 elections, after canvassing, shall be certified and reported by the
2 board of elections to the board of education of such city.

3 4. In the event the qualified voters of the district reject the budget
4 proposed pursuant to subdivision three of this section, the board may
5 propose to the voters a revised budget pursuant to subdivision three of
6 section two thousand seven of this title [~~or may adopt a contingency~~

7 ~~budget pursuant to subdivision five of this section and subdivision five~~
8 ~~of section two thousand twenty-two of this title~~]. Any such elections

9 shall be held on the date of the fall primary pursuant to section 8-100
10 of the election law and shall be conducted by the board of elections of

11 the county in which the school district is located in accordance with
12 the provisions of subdivision two of this section. In the event the

13 qualified voters reject the resubmitted budget, the board of elections
14 of the county in which the school district is located shall conduct a

15 third election to be held on the date of the general primary pursuant to
16 section 8-100 of the election law, notwithstanding any law, rule or

17 regulation to the contrary. Such elections shall be conducted in accord-
18 ance with the provisions of subdivision two of this section. The school

19 district budget for any school year, or any part of such budget or any
20 propositions involving the expenditure of money for such school year

21 shall not be submitted for a vote of the qualified voters more than
22 [~~twice~~] three times. In the event the qualified voters reject the

23 resubmitted budget, the board shall adopt a contingency budget in
24 accordance with subdivision five of this section and subdivision five of

25 such section two thousand twenty-two of this title.

26 § 6. This act shall take effect January 31, 2018 and shall apply to
27 all elections relating to the approval or authorization of school bonds,

28 school taxes, and school budgets for city school districts in cities
29 having a population of less than one hundred twenty-five thousand inhab-

30 itants held on and after such effective date; provided, however that the
31 amendments to subdivisions 2 and 4 of section 2601-a of the education

32 law made by section four of this act shall be subject to the expiration
33 and reversion of such section pursuant to section 13 of part A of chap-

34 ter 11 of the laws of 1997, as amended, when upon such date, the
35 provisions of section five of this act shall take effect.