

STATE OF NEW YORK

3774

2021-2022 Regular Sessions

IN ASSEMBLY

January 28, 2021

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

AN ACT to amend the education law, in relation to voting to approve school budgets that exceed the tax levy limits for the corresponding school year

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

1 Section 1. Subdivisions 6 and 9 of section 2023-a of the education
2 law, as added by section 2 of part A of chapter 97 of the laws of 2011,
3 are amended to read as follows:

4 6. (a) Notwithstanding any other provision of law to the contrary, in
5 the event the trustee, trustees or board of education of a school
6 district that is subject to the provisions of this section proposes a
7 budget that will require a tax levy that exceeds the tax levy limit for
8 the corresponding school year, not including any levy necessary to
9 support the expenditures pursuant to subparagraphs (i) through (iv) of
10 paragraph i of subdivision two of this section, then such budget shall
11 be approved if sixty percent of the votes cast thereon by the trustee,
12 trustees or board of education of a school district are in the affirma-
13 tive.

14 (b) Where the trustee, trustees or board of education proposes a budg-
15 et subject to the requirements of paragraph (a) of this subdivision, the
16 ballot for such budget shall include the following statement in substan-
17 tially the same form: "Adoption of this budget requires a tax levy
18 increase of which exceeds the statutory tax levy increase limit
19 of for this school fiscal year and therefore exceeds the state tax
20 cap and must be approved by sixty percent of the trustee, trustees or
21 board of education members and fifty percent of the qualified voters
22 present and voting."

23 9. Nothing in this section shall preclude the trustee, trustees, or
24 board of education of a school district, in their discretion, from

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

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1 submitting additional items of expenditures to the voters for approval
2 as separate propositions or the voters from submitting propositions
3 pursuant to sections two thousand eight and two thousand thirty-five of
4 this part; provided however, except in the case of a proposition submit-
5 ted for any expenditure contained within subparagraphs (i) through (iv)
6 of paragraph i of subdivision two of this section, if any proposition,
7 or propositions collectively that are subject to a vote on the same
8 date, would require an expenditure of money that would require a tax
9 levy and would result in the tax levy limit being exceeded for the
10 corresponding school year then such proposition shall be approved if
11 sixty percent of the votes cast thereon of the trustee, trustees or
12 board of education members are in the affirmative.
13 § 2. This act shall take effect immediately.