

STATE OF NEW YORK

5147

2021-2022 Regular Sessions

IN SENATE

February 25, 2021

Introduced by Sen. HINCHEY -- 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 the component school districts' share of the capital expenditures of a board of cooperative educational services

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

1 Section 1. Paragraph b of subdivision 13 of section 1950 of the educa-
2 tion law, as added by chapter 33 of the laws of 1976, is amended to read
3 as follows:

4 b. The acquisition of such facilities is hereby declared and deter-
5 mined to be a school district purpose and an object or purpose for which
6 each such component school district is hereby authorized to expend money
7 and contract indebtedness. The period of probable usefulness of such
8 object or purpose is hereby determined to be thirty years. Each such
9 component school district is hereby authorized to finance its share of
10 the cost of the acquisition of such facilities together with costs inci-
11 dental to such financing, including, but not limited to legal fees,
12 printing, engraving and publication of notices, either from any current
13 funds legally available therefor, or by the issuance of obligations
14 pursuant to the local finance law; provided, however, that subject to
15 the approval of the qualified voters, the school district's share of
16 capital local expenditures approved by the board of education of the
17 board of cooperative educational services, as defined in subparagraph
18 (ii) of paragraph c of subdivision two of section two thousand twenty-
19 three-a of this title, shall not be included in such component school
20 district's tax levy pursuant to such paragraph. Provided, further, that
21 (i) no approval of the voters of such component school district shall be
22 required, (ii) the voting of a special tax or a tax to be collected in
23 installments shall not be a condition precedent to the adoption of a
24 bond resolution for such object or purpose, (iii) a majority vote of the

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

LBD08352-01-1

1 entire voting strength of the board of education shall be sufficient for
2 adoption of such a bond resolution, which bond resolution may be adopted
3 at a regular meeting, or a special meeting of the board of education
4 called on not less than twelve hours oral or written notice, which may
5 be held either within or outside of such district, (iv) any such bond
6 resolution shall take effect immediately and shall not be subject either
7 to a mandatory or permissive referendum, and (v) no such bond resolution
8 shall be adopted prior to the execution by the board of cooperative
9 educational services and the component school districts of such board of
10 cooperative educational services of the agreement required by paragraph
11 a of this subdivision.

12 § 2. Paragraph c of subdivision 2 of section 2023-a of the education
13 law, as amended by section 1 of subpart C of part C of chapter 20 of the
14 laws of 2015, is amended to read as follows:

15 c. "Capital local expenditures" means (i) the taxes associated with
16 budgeted expenditures resulting from the financing, refinancing, acqui-
17 sition, design, construction, reconstruction, rehabilitation, improve-
18 ment, furnishing and equipping of, or otherwise providing for school
19 district capital facilities or school district capital equipment,
20 including debt service and lease expenditures, and transportation capi-
21 tal debt service, subject to the approval of the qualified voters where
22 required by law; and (ii) the school district's share of capital local
23 expenditures, as defined in subparagraph (i) of this paragraph, of the
24 board of cooperative educational services of which the school district
25 is a component, as authorized pursuant to paragraph b of subdivision
26 thirteen of section nineteen hundred fifty of this title. ~~[The commis-~~
27 ~~sioner of taxation and finance shall, as appropriate, promulgate rules~~
28 ~~and regulations which may provide for adjustment of capital local~~
29 ~~expenditures to reflect a school district's share of additional budgeted~~
30 ~~capital expenditures made by a board of cooperative educational~~
31 ~~services.]~~

32 § 3. This act shall take effect immediately.