S T A T E O F N E W Y O R K

3035--A

2009-2010 Regular Sessions

I N S E N A T E

March 10, 2009

Introduced by Sens. SALAND, LEIBELL -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to votes on land acquisition and building construction propositions by BOCES districts

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Paragraphs a and q of subdivision 2 of section 1951 of the education law, paragraph a as amended by chapter 722 of the laws of 2005, paragraph q as added by chapter 795 of the laws of 1967 and such section as renumbered by chapter 378 of the laws of 1972, are amended to read as follows:

a. If the board of cooperative educational services determines to submit a proposition to authorize the purchase or acquisition of sites or additions thereto and real property and to construct buildings thereon and to purchase buildings and construct additions thereto, or to authorize the sale of any real property the title to which is vested in the board of cooperative educational services and buildings thereon and appurtenances or any part thereof, or to authorize the exchange of real property held by the board of cooperative educational services for the purpose of improving or changing school sites, to the qualified voters of the board of cooperative educational services, then the board shall call a meeting and submit to the qualified voters of the board of cooperative educational services such a proposition. VOTES SHALL OCCUR IN POLLING PLACES, EQUITABLY DISTRIBUTED, WITHIN THE AFFECTED BOARD OF COOPERATIVE EDUCATIONAL SERVICES DISTRICT, WHERE THE TRAVEL DISTANCE FOR ANY RESIDENT WITHIN THE AFFECTED BOARD OF COOPERATIVE EDUCATIONAL SERVICES DISTRICT SHALL BE SIMILAR OR APPROXIMATELY THE SAME, WITH A MINIMUM OF AT LEAST THREE POLLING PLACES FOR BOARD OF COOPERATIVE EDUCATIONAL SERVICES DISTRICTS IN A COUNTY WITH A POPULATION OF MORE THAN TWO

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

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HUNDRED FIFTY THOUSAND ACCORDING TO THE LATEST FEDERAL CENSUS. The board shall cause a notice of such meeting to be given by public notice of the time and place of such meeting once in each week within the four weeks next preceding such meeting, the first publication to be at least twenty-five days before said meeting, in two newspapers if there shall be two, or in one newspaper if there shall be but one, having general circulation within the board of cooperative educational services, but if no newspaper shall then have general circulation therein, the said notice shall be posted in at least twenty of the most public places in said board of cooperative educational services twenty-five days before the time of such meeting. Such notice shall contain a statement of the proposition or propositions to be submitted at such meeting AND THE LOCATION OF EACH POLLING PLACE WITHIN THE AFFECTED BOARD OF COOPERATIVE EDUCATIONAL SERVICES DISTRICTS.

q. If the board shall so determine it may cause the board of cooperative educational services to be divided into election districts provided that in each such election district the number of qualified voters shall at least equal seven hundred. If such resolution be adopted it shall divide the board of cooperative educational services into such number of election districts as the board may determine, provided that if circumstances will permit there shall be a schoolhouse in each election district or in as many such election districts as possible. The election districts so formed shall continue in existence until modified by resolution of the board. Such resolution shall accurately describe the boundaries of each such district by street, alley and highway or otherwise. Meetings of the voters of the board of cooperative educational services shall be held thereafter in such election districts. VOTES SHALL OCCUR IN POLLING PLACES, EQUITABLY DISTRIBUTED, WITHIN THE AFFECTED BOARD OF COOPERATIVE EDUCATIONAL SERVICES DISTRICT, WHERE THE TRAVEL DISTANCE FOR ANY RESIDENT WITHIN THE AFFECTED BOARD OF COOPERATIVE EDUCATIONAL SERVICES DISTRICT SHALL BE SIMILAR OR APPROXIMATELY THE SAME, WITH A MINIMUM OF AT LEAST THREE POLLING PLACES FOR BOARD OF COOPERATIVE EDUCATIONAL SERVICES DISTRICTS IN A COUNTY WITH A POPULATION OF MORE THAN TWO HUNDRED FIFTY THOUSAND ACCORDING TO THE LATEST FEDERAL CENSUS. The board shall designate the place within each election district where the meetings shall be held. When the board of cooperative educational services is divided into election districts, the board shall cause the meeting to be held in each election district pursuant to the provisions of this subdivision and shall appoint a chairman of the meeting, clerks and assistant clerks of the meeting and inspectors of election for each election district. The board shall designate the election district in which the clerk of the board of cooperative educational services shall be present. Where the board of cooperative educational services has been divided into election districts, the inspectors of election shall make a written report of the results of the ballot, signed by all such inspectors, to the chief inspector of election of each election district. The chief inspector of election of each election district shall within twenty-four hours file such written report with the clerk of the board of cooperative educational services. The board shall thereupon within twenty-four hours tabulate and declare the results of the ballot.

S 2. This act shall take effect on the ninetieth day after it shall have become law.