

5221--B

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sens. KRUEGER, SERRANO -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- recommitted to the Committee on Finance in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the state finance law, in relation to changing the state fiscal year from the first of April to the first of June and requiring revisions of the consensus forecast of the economy, estimates of receipts for the current and the ensuing state fiscal year and the joint report of the director of the budget and the secretary of the senate finance committee and the secretary of the assembly ways and means committee, and directing the state comptroller to provide estimates for receipts for the current and ensuing state fiscal year; and to amend the education law, in relation to the timing and notice of annual elections in school districts and the submission of a property tax report card

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

1 Section 1. Section 3 of the state finance law, as added by chapter 1
2 of the laws of 1943 and as separately renumbered by chapters 405 and 957
3 of the laws of 1981, is amended to read as follows:
4 S 3. Fiscal year. 1. The current fiscal year of the state which
5 commenced with the first day of [July, nineteen hundred forty-two]
6 APRIL, TWO THOUSAND TEN, is hereby [abridged] EXTENDED and shall end
7 with the thirty-first day of [March, nineteen hundred forty-three] MAY,
8 TWO THOUSAND ELEVEN. For all purposes of determining annual increments
9 of state employees pursuant to the education law, the civil service law
10 or other state law, and for all purposes whenever by law some act is to
11 be performed or time is to be measured by the fiscal year of the state,

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

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1 the current fiscal year, as so [abridged] EXTENDED, shall be deemed to
2 be a full year unless the context clearly requires a contrary
3 construction.

4 On and after the first day of [April, nineteen hundred forty-three]
5 JUNE, TWO THOUSAND ELEVEN, the fiscal year of the state, for the purpose
6 of budget, appropriations, receipts and disbursements of state moneys
7 and all other state affairs which are regulated in accordance with or
8 based on fiscal years, including the fiscal affairs of all state depart-
9 ments, commissions, boards, agencies, offices and institutions, shall
10 begin with the first day of [April] JUNE and end with the next following
11 thirty-first day of [March] MAY.

12 2. All books and accounts in the offices of the comptroller and the
13 department of taxation and finance shall be kept by fiscal years. All
14 annual accounts required to be rendered to the comptroller or to such
15 department by any person shall be closed on the thirty-first day of
16 [March] MAY in each year, and be rendered as soon thereafter as practi-
17 cable, if no time is specially prescribed by law.

18 3. Where any statute provides, in terms or effect, that any inventory
19 or account, or a report relating in whole or in part to receipts and
20 disbursements of money, be made to the legislature or any state officer
21 annually, or for a year, by a department, commission, board, or officer
22 under the state government, such inventory or account, and such report
23 so far as it relates to such receipts and disbursements, shall be for
24 the preceding fiscal year, unless the calendar year be expressly
25 mentioned.

26 4. Existing provisions of other laws describing or referring to a
27 fiscal year of the state as beginning [July] APRIL first and ending
28 [June thirtieth] MARCH THIRTY-FIRST, or making any requirement with
29 respect to such fiscal year, or referring to any year so beginning and
30 ending which applies to inventories or accounts in state matters, or to
31 reports relating to state money or property, shall be deemed modified by
32 and be construed in connection with this section, and be deemed to refer
33 to a fiscal or to another year or period beginning and ending as [here-
34 in] prescribed IN THIS SECTION for a fiscal year.

35 S 2. Subdivision 6 of section 23 of the state finance law, as amended
36 by chapter 1 of the laws of 2007, is amended to read as follows:

37 6. Consensus economic and revenue forecasting conference; report. (a)
38 (1) By the end of February in each year, prior to the report required by
39 paragraph (b) of this subdivision, the chairperson and ranking minority
40 member of the senate finance committee, the chairperson and ranking
41 minority member of the assembly ways and means committee and the direc-
42 tor of the budget shall jointly convene a consensus economic and revenue
43 forecasting conference in the form of a joint legislative-executive
44 hearing, for the purpose of assisting the governor and the legislature
45 in reaching the consensus revenue forecast required by paragraph (b) of
46 this subdivision. The conveners of the conference shall invite the state
47 comptroller and such other participants to the conference as shall, in
48 their judgment, provide guidance on the current conditions in, and prob-
49 able outlook for the performance of, the economy of the state, as well
50 as the effect of such conditions and such performance on state receipts.

51 (2) ON OR AFTER APRIL FIFTEENTH, THE CHAIRPERSON AND RANKING MINORITY
52 MEMBER OF THE SENATE FINANCE COMMITTEE, THE CHAIRPERSON AND RANKING
53 MINORITY MEMBER OF THE ASSEMBLY WAYS AND MEANS COMMITTEE AND THE DIREC-
54 TOR OF THE BUDGET SHALL JOINTLY RECONVENE TO REVISE THE CONSENSUS FORE-
55 CAST OF THE ECONOMY AND ESTIMATES OF RECEIPTS FOR THE CURRENT AND THE
56 ENSUING STATE FISCAL YEAR. THE REVISED CONSENSUS FORECAST OF THE ECONOMY

1 AND ESTIMATES OF RECEIPTS SHALL INCORPORATE THE MOST CURRENT TAX REVENUE
2 AND ANY OTHER PERTINENT FISCAL INFORMATION.

3 (b) (1) On or before March first in each year, the director of the
4 budget and the secretary of the senate finance committee and the secre-
5 tary of the assembly ways and means committee shall issue a joint report
6 containing a consensus forecast of the economy and estimates of receipts
7 for the current and the ensuing state fiscal year. Such estimates of
8 receipts shall include, but not be limited to: expected tax receipts on
9 an all-funds basis, projected lottery receipts, and anticipated miscel-
10 laneous receipts to be received in the general fund. The estimate of
11 receipts for the ensuing fiscal year contained in the report, shall be
12 all receipts from such sources described in this subdivision available
13 to make disbursements authorized by the appropriation bills submitted by
14 the governor pursuant to section three of article seven of the constitu-
15 tion for the ensuing fiscal year.

16 (2) ON OR BEFORE MAY FIRST IN EACH YEAR, THE DIRECTOR OF THE BUDGET
17 AND THE SECRETARY OF THE SENATE FINANCE COMMITTEE AND THE SECRETARY OF
18 THE ASSEMBLY WAYS AND MEANS COMMITTEE SHALL ISSUE A REVISED VERSION OF
19 THE JOINT REPORT THAT WAS INITIALLY DUE BY MARCH FIRST AND THAT CONTAINS
20 A CONSENSUS FORECAST OF THE ECONOMY AND ESTIMATES OF RECEIPTS.

21 (c) (1) On a failure of the director of the budget, the secretary of
22 the senate finance committee and the secretary of the assembly ways and
23 means committee to issue a joint report containing a consensus forecast
24 as provided in paragraph (b) of this subdivision, the state comptroller
25 shall, on or before March fifth, provide estimates of receipts for the
26 current and the ensuing state fiscal year. Such estimates shall include,
27 but not be limited to, expected tax receipts on an all-funds basis,
28 projected lottery receipts, and miscellaneous receipts to be received in
29 the general fund. In rendering his or her estimate, as required in this
30 paragraph, the comptroller shall give due consideration to the inherent
31 risks in economic and revenue forecasting and the interest of the state
32 to maintain budget balance throughout the fiscal year. The estimate of
33 receipts for the ensuing fiscal year provided by the state comptroller,
34 shall be all receipts from such sources available to make disbursements
35 authorized by the appropriation bills submitted by the governor pursuant
36 to section three of article seven of the constitution for the ensuing
37 fiscal year.

38 (2) ON A FAILURE OF THE DIRECTOR OF THE BUDGET AND THE SECRETARY OF
39 THE SENATE FINANCE COMMITTEE AND THE SECRETARY OF THE ASSEMBLY WAYS AND
40 MEANS COMMITTEE TO ISSUE A JOINT REPORT REVISING THE MARCH FIRST CONSEN-
41 SUS FORECAST THE STATE COMPTROLLER SHALL, ON OR BEFORE MAY FIFTH,
42 PROVIDE ESTIMATES FOR RECEIPTS FOR THE CURRENT AND ENSUING STATE FISCAL
43 YEAR. SUCH ESTIMATES SHALL INCORPORATE THE MOST CURRENT TAX REVENUE AND
44 ANY OTHER PERTINENT FISCAL INFORMATION.

45 S 3. Subdivision 1 of section 2022 of the education law, as amended by
46 section 8 of part C of chapter 58 of the laws of 1998, is amended to
47 read as follows:

48 1. Notwithstanding any law, rule or regulation to the contrary, PRIOR
49 TO TWO THOUSAND ELEVEN, the election of trustees or members of the board
50 of education, and the vote upon the appropriation of the necessary funds
51 to meet the estimated expenditures, in any common school district, union
52 free school district, central school district or central high school
53 district shall be held at the annual meeting and election on the third
54 Tuesday in May, provided, however, that such election shall be held on
55 the second Tuesday in May if the commissioner at the request of a local
56 school board certifies no later than March first that such election

1 would conflict with religious observances. COMMENCING IN TWO THOUSAND
2 ELEVEN, THE ELECTION OF TRUSTEES OR MEMBERS OF THE BOARD OF EDUCATION,
3 AND THE VOTE UPON THE APPROPRIATION OF THE NECESSARY FUNDS TO MEET THE
4 ESTIMATED EXPENDITURES, IN ANY COMMON SCHOOL DISTRICT, UNION FREE SCHOOL
5 DISTRICT, CENTRAL SCHOOL DISTRICT OR CENTRAL HIGH SCHOOL DISTRICT SHALL
6 BE HELD AT THE ANNUAL MEETING AND ELECTION ON THE FOURTH TUESDAY IN
7 JUNE. When such election or vote is taken by recording the ayes and noes
8 of the qualified voters attending, a majority of the qualified voters
9 present and voting, by a hand or voice vote, may determine to take up
10 the question of voting the necessary funds to meet the estimated expend-
11 itures for a specific item separately, and the qualified voters present
12 and voting may increase the amount of any estimated expenditures or
13 reduce the same, except for teachers' salaries, and the ordinary contin-
14 gent expenses of the schools. The sole trustee, board of trustees or
15 board of education of every common, union free, central or central high
16 school district and every city school district to which this article
17 applies shall hold a budget hearing not less than seven nor more than
18 fourteen days prior to the annual meeting and election or special
19 district meeting at which a school budget vote will occur, and shall
20 prepare and present to the voters at such budget hearing a proposed
21 school district budget for the ensuing school year.

22 S 4. Subdivision 2 of section 2601-a of the education law, as amended
23 by section 6 of part M of chapter 57 of the laws of 2005, is amended to
24 read as follows:

25 2. The board of education shall conduct all annual and special school
26 district meetings for the purpose of adopting a school district budget
27 in the same manner as a union free school district in accordance with
28 the provisions of article forty-one of this title, except as otherwise
29 provided by this section. [The] PRIOR TO TWO THOUSAND ELEVEN, THE annual
30 meeting and election of each such city school district shall be held on
31 the third Tuesday of May in each year, provided, however that such annu-
32 al meeting and election shall be held on the second Tuesday in May if
33 the commissioner at the request of a local school board certifies no
34 later than March first that such election would conflict with religious
35 observances, and any school budget revote shall be held on the date and
36 in the same manner specified in subdivision three of section two thou-
37 sand seven of this title. PRIOR TO TWO THOUSAND ELEVEN, THE ANNUAL MEET-
38 ING AND ELECTION OF EACH SUCH CITY SCHOOL DISTRICT SHALL BE HELD ON THE
39 THIRD TUESDAY OF MAY IN EACH YEAR, PROVIDED, HOWEVER THAT SUCH ANNUAL
40 MEETING AND ELECTION SHALL BE HELD ON THE SECOND TUESDAY IN MAY IF THE
41 COMMISSIONER AT THE REQUEST OF A LOCAL SCHOOL BOARD CERTIFIES NO LATER
42 THAN MARCH FIRST THAT SUCH ELECTION WOULD CONFLICT WITH RELIGIOUS OBSER-
43 VANCES, AND ANY SCHOOL BUDGET REVOTE SHALL BE HELD ON THE DATE AND IN
44 THE SAME MANNER SPECIFIED IN SUBDIVISION THREE OF SECTION TWO THOUSAND
45 SEVEN OF THIS TITLE. The provisions of this article, and where applica-
46 ble subdivisions nine and nine-a of section twenty-five hundred two of
47 this title, governing the qualification and registration of voters, and
48 procedures for the nomination and election of members of the board of
49 education shall continue to apply, and shall govern the qualification
50 and registration of voters and voting procedures with respect to the
51 adoption of a school district budget.

52 S 5. Subdivision 1 of section 2003 of the education law, as amended by
53 chapter 64 of the laws of 1993, is amended to read as follows:

54 1. The district clerk of each common school district shall give notice
55 of the availability of the statement of expenditures pursuant to the
56 provisions of section sixteen hundred eight of this chapter and shall

1 also give notice of the time and place of the annual meeting by publish-
2 ing a notice [four] TWO times within the [seven] THREE weeks next
3 preceding such annual meeting, the first publication to be at least
4 [forty-five] EIGHTEEN days before said meeting, in two newspapers if
5 there shall be two, or in one newspaper if there shall be but one,
6 having general circulation within such district. But if no newspaper
7 shall then have general circulation therein, the said notice shall be
8 posted in at least twenty of the most public places in said district
9 forty-five days before the time of such meeting. THE CLERK OF EACH
10 COMMON SCHOOL DISTRICT SHALL POST PREDOMINATELY ON THE SCHOOL DISTRICT'S
11 OFFICIAL WEBSITE THE NOTICE OF THE AVAILABILITY OF THE STATEMENT OF
12 EXPENDITURES PURSUANT TO THE PROVISIONS OF SECTION SIXTEEN HUNDRED EIGHT
13 OF THIS CHAPTER, AND SHALL ALSO POST PREDOMINATELY ON THE SCHOOL
14 DISTRICT'S OFFICIAL WEBSITE THE TIME AND PLACE OF THE ANNUAL MEETING
15 THROUGHOUT THE THREE WEEKS NEXT PRECEDING SUCH DISTRICT MEETING, THE
16 FIRST PUBLICATION TO BE AT LEAST EIGHTEEN DAYS BEFORE SAID MEETING.

17 S 6. Subdivision 1 of section 2004 of the education law, as amended by
18 chapter 68 of the laws of 1994, is amended to read as follows:

19 1. The clerk of each union free school district shall give notice of
20 the availability of the statement of expenditures pursuant to the
21 provisions of section seventeen hundred sixteen of this chapter and
22 shall also give notice of the time and place of the annual meeting and
23 the notice required by section seventeen hundred sixteen of this chapter
24 by publishing a notice [four] TWO times within the [seven] THREE weeks
25 next preceding such district meeting, the first publication to be at
26 least [forty-five] EIGHTEEN days before said meeting, in two newspapers
27 if there shall be two, or in one newspaper if there shall be but one,
28 having general circulation within such district. But if no newspaper
29 shall then have general circulation therein, the said notice shall be
30 posted in at least twenty of the most public places in said district
31 forty-five days before the time of such meeting. THE CLERK OF EACH
32 UNION FREE SCHOOL DISTRICT SHALL POST PREDOMINATELY ON THE SCHOOL
33 DISTRICT'S OFFICIAL WEBSITE THE NOTICE OF THE AVAILABILITY OF THE STATE-
34 MENT OF EXPENDITURES PURSUANT TO THE PROVISIONS OF SECTION SEVENTEEN
35 HUNDRED SIXTEEN OF THIS CHAPTER AND SHALL ALSO POST PREDOMINATELY ON THE
36 SCHOOL DISTRICT'S OFFICIAL WEBSITE THE TIME AND PLACE OF THE ANNUAL
37 MEETING THROUGHOUT THE THREE WEEKS NEXT PRECEDING SUCH DISTRICT MEETING,
38 THE FIRST PUBLICATION TO BE AT LEAST EIGHTEEN DAYS BEFORE SAID MEETING.

39 S 7. Paragraph b of subdivision 7 of section 1608 of the education
40 law, as amended by section 4 of part H of chapter 83 of the laws of
41 2002, is amended to read as follows:

42 b. A copy of the property tax report card prepared for the annual
43 district meeting shall be submitted to the department in the manner
44 prescribed by the department by the end of the business day next follow-
45 ing approval of the report card by the trustee or board of trustees, but
46 no later than [twenty-four] EIGHTEEN days prior to the statewide uniform
47 voting day. The department shall compile such data for all school
48 districts whose budgets are subject to a vote of the qualified voters
49 and shall make such compilation available electronically at least ten
50 days prior to the statewide uniform voting day.

51 S 8. This act shall take effect January 1, 2011.