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

4440

2011-2012 Regular Sessions

I N A S S E M B L Y

February 3, 2011

Introduced by M. of A. BOYLE -- read once and referred to the Committee on Local Governments

AN ACT to amend the education law and the town law, in relation to requiring library and fire district budget proposal elections to occur on the same day as the school district budget vote; and to repeal certain provisions of the town law relating thereto

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

Section 1. Subparagraph 1 of paragraph b of subdivision 1 of section 259 of the education law, as amended by chapter 184 of the laws of 2007, is amended to read as follows:

(1) Except as provided in subparagraph two of this paragraph, whenever qualified voters of a municipality, in a number equal to at least ten per centum of the total number of votes cast in such municipality for governor at the last gubernatorial election, shall so petition and the library board of trustees shall endorse, the question of establishing or increasing the amount of funding of the annual contribution for the operating budget of a registered public or free association library by such municipality to a sum specified in said petition, shall be voted on [at the next general election of such municipality] THE SAME DAY AS THE SCHOOL DISTRICT BUDGET VOTE IS HELD FOR SUCH MUNICIPALITY, provided that due public notice of the proposed action shall have been given. An increase in library funding provided pursuant to this paragraph shall not apply to a municipal budget adopted prior to the date of such election.

S 2. Section 105 of the town law, as amended by chapter 240 of the laws of 2006 and subdivision 1 as amended by chapter 555 of the laws of 2007, is amended to read as follows:

S 105. Fire district estimates and budget. 1. The board of commissioners of each fire district shall submit the fire district budget on or before the [seventh] TWENTIETH day of [November] APRIL to the budget

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

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officer. The fire district budget shall be in the form prescribed by and pursuant to subdivision one of section one hundred seven of this article, and shall be adopted in the manner prescribed in section one hundred eighty-one of this chapter.

2. The budget officer shall affix the fire district budget to the annual town budget[, established pursuant to section one hundred nine of this article,] as a part thereof. No change shall be made by the budget officer or the town board in the budget submitted by a fire district.

3. SUCH FIRE DISTRICT BUDGET PROPOSAL SHALL BE SUBMITTED TO THE VOTE OF THE ELECTORS ON THE SAME DAY AS THE SCHOOL DISTRICT BUDGET VOTE IS HELD FOR SUCH MUNICIPALITY. IF THE BUDGET PROPOSAL IS REJECTED, THE BOARD OF COMMISSIONERS SHALL SUBMIT TO THE ELECTORS, A REVISED FIRE DISTRICT BUDGET PROPOSAL. IF SUCH PROPOSAL IS NOT ADOPTED, THE BOARD OF COMMISSIONERS SHALL SUBMIT A BUDGET WITH APPROPRIATIONS EQUAL TO THE APPROPRIATIONS FOR THE CURRENT YEAR.

S 3. Section 109 of the town law is REPEALED.

S 4. Paragraph (a) of subdivision 3 of section 181 of the town law, as amended by chapter 555 of the laws of 2007, is amended to read as follows:

(a) The board of commissioners of each fire district shall hold a public hearing on the [third] FOURTH Tuesday in [October] APRIL to discuss the contents of the proposed budget. The hearing shall be conducted and scheduled in a manner that maximizes participation. Notice of such public hearing shall be published at least once in the official newspaper, or if no official newspaper has been designated, in any newspaper having general circulation in the district. At least five days shall elapse between the date of the first publication of the notice and the date specified for the hearing. The notice of hearing shall state the time when and the place where the public hearing will be held, the purpose thereof and that a copy of the proposed budget is available at the office of the town clerk or clerks and fire district secretary where it may be inspected by any interested person during office hours. In the case of a fire district that maintains an internet website, the notice of hearing shall also state that the proposed budget is posted on the fire district's website. The town clerk or clerks shall cause a copy of the notice to be posted on the signboard of the town or towns, maintained pursuant to subdivision six of section thirty of this chapter, not later than five days before the day designated for such hearing. The notice shall also be posted on the municipal and/or fire district website or websites, if one exists. At such hearing, any person may be heard in favor of or against the proposed budget as compiled, or for or against any item or items therein contained.

S 5. The state board of elections shall promulgate rules and regulations for the implementation of voting for the library and fire district budget proposal, on the same day as the school district budget vote for each municipality.

S 6. This act shall take effect immediately; provided, however, that sections one, two, three, and four of this act shall take effect January 1, 2013.