

5918

2011-2012 Regular Sessions

I N A S S E M B L Y

March 2, 2011

Introduced by M. of A. KAVANAGH, STEVENSON -- read once and referred to the Committee on Ways and Means

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 and the calculation of the fiscal year for certain school districts

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 TWELVE, is hereby [abridged] EXTENDED and shall end
7 with the thirty-first day of [March, nineteen hundred forty-three] MAY,
8 TWO THOUSAND THIRTEEN. For all purposes of determining annual incre-
9 ments of state employees pursuant to the education law, the civil
10 service law or other state law, and for all purposes whenever by law
11 some act is to be performed or time is to be measured by the fiscal year
12 of the state, the current fiscal year, as so [abridged] EXTENDED, shall
13 be deemed to be a full year unless the context clearly requires a
14 contrary construction.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

52 1. The district clerk of each common school district shall give notice
53 of the availability of the statement of expenditures pursuant to the
54 provisions of section sixteen hundred eight of this chapter and shall
55 also give notice of the time and place of the annual meeting by publish-
56 ing a notice [four] TWO times within the [seven] THREE weeks next

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

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

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

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

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

49 S 8. Section 2515 of the education law, as added by chapter 171 of the
50 laws of 1996, is amended to read as follows:

51 S 2515. Fiscal year. The fiscal year for city school districts of
52 cities with less than one hundred twenty-five thousand inhabitants shall
53 be the period commencing with [July] AUGUST first and ending with [June
54 thirtieth] JULY THIRTY-FIRST next following.

1 S 9. Subdivision 3 of section 2006 of the education law, as added by
2 section 4 of part M of chapter 57 of the laws of 2005, is amended to
3 read as follows:

4 3. Whenever the voters shall have defeated the budget of the school
5 district at the annual meeting and election, the trustees may call a
6 special district meeting for a school budget revote to be held on the
7 [third] FOURTH Tuesday of [June] JULY, provided, however that such budg-
8 et revote shall be held on the [second] THIRD Tuesday in [June] JULY if
9 the commissioner at the request of a local school board certifies no
10 later than March first that such vote would conflict with religious
11 observances. The trustees shall give the notices required by subdivision
12 one of section two thousand three of this part and this section by
13 publishing such notices once in each week within the two weeks next
14 preceding such special meeting, the first publication to be at least
15 fourteen days before such meeting, with any required posting to be four-
16 teen days before the time of such meeting.

17 S 10. Paragraph b of subdivision 3 of section 2007 of the education
18 law, as amended by section 5 of part M of chapter 57 of the laws of
19 2005, is amended to read as follows:

20 b. A school budget revote called pursuant to paragraph a of this
21 subdivision shall be held on the [third] FOURTH Tuesday of [June] JULY,
22 provided, however that such budget revote shall be held on the [second]
23 THIRD Tuesday in [June] JULY if the commissioner at the request of a
24 local school board certifies no later than March first that such vote
25 would conflict with religious observances.

26 S 11. This act shall take effect January 1, 2013.