

4027

2011-2012 Regular Sessions

I N S E N A T E

March 14, 2011

Introduced by Sen. ZELDIN -- read twice and ordered printed, and when printed to be committed to the Committee on Education

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:

1 Section 1. Subparagraph 1 of paragraph b of subdivision 1 of section
2 259 of the education law, as amended by chapter 184 of the laws of 2007,
3 is amended to read as follows:
4 (1) Except as provided in subparagraph two of this paragraph, whenever
5 qualified voters of a municipality, in a number equal to at least ten
6 per centum of the total number of votes cast in such municipality for
7 governor at the last gubernatorial election, shall so petition and the
8 library board of trustees shall endorse, the question of establishing or
9 increasing the amount of funding of the annual contribution for the
10 operating budget of a registered public or free association library by
11 such municipality to a sum specified in said petition, shall be voted on
12 [at the next general election of such municipality] THE SAME DAY AS THE
13 SCHOOL DISTRICT BUDGET VOTE IS HELD FOR SUCH MUNICIPALITY, provided that
14 due public notice of the proposed action shall have been given. An
15 increase in library funding provided pursuant to this paragraph shall
16 not apply to a municipal budget adopted prior to the date of such
17 election.
18 S 2. Section 105 of the town law, as amended by chapter 240 of the
19 laws of 2006 and subdivision 1 as amended by chapter 555 of the laws of
20 2007, is amended to read as follows:
21 S 105. Fire district estimates and budget. 1. The board of commission-
22 ers of each fire district shall submit the fire district budget on or
23 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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1 officer. The fire district budget shall be in the form prescribed by and
2 pursuant to subdivision one of section one hundred seven of this arti-
3 cle, and shall be adopted in the manner prescribed in section one
4 hundred eighty-one of this chapter.

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

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

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

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

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

43 S 5. The state board of elections shall promulgate rules and regu-
44 lations for the implementation of voting for the library and fire
45 district budget proposal, on the same day as the school district budget
46 vote for each municipality.

47 S 6. This act shall take effect immediately; provided, however, that
48 sections one, two, three, and four of this act shall take effect January
49 1, 2013.