

1416

2015-2016 Regular Sessions

I N   A S S E M B L Y

January 12, 2015

---

Introduced by M. of A. JAFFEE, CAHILL, SCHIMEL, GALEF -- Multi-Sponsored  
by -- M. of A. CROUCH -- read once and referred to the Committee on  
Education

AN ACT to amend the general municipal law, in relation to the repair  
reserve funds for municipal corporations, school districts, board of  
cooperative educational services, district corporations and improve-  
ment districts

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

1     Section 1. Section 6-d of the general municipal law, as added by chap-  
2     ter 383 of the laws of 1950, the section heading and subdivisions 5 and  
3     6 as amended by chapter 693 of the laws of 1952, subdivision 1 as  
4     amended by chapter 828 of the laws of 1961, subdivision 2 as amended by  
5     chapter 740 of the laws of 1957, paragraph (b) of subdivision 3 and  
6     subdivision 4 as amended by chapter 140 of the laws of 1996 and subdivi-  
7     sion 7 as amended by chapter 424 of the laws of 2001, is amended to read  
8     as follows:  
9     S 6-d. Repair reserve funds for municipal corporations, school  
10    districts, BOARD OF COOPERATIVE EDUCATIONAL SERVICES, district corpo-  
11    rations and improvement districts. 1. The governing board of any munici-  
12    pal corporation, school district, BOARD OF COOPERATIVE EDUCATIONAL  
13    SERVICES, district corporation, or town or county improvement district,  
14    may establish a special fund which shall be known as the repair reserve  
15    fund of such municipal corporation, school district, BOARD OF COOPER-  
16    ATIVE EDUCATIONAL SERVICES, district corporation or improvement  
17    district. There may be paid into such fund an amount as may be provided  
18    therefor by budgetary appropriation or such revenues as are not required  
19    by law to be paid into any other fund or account.  
20    2. In cases of emergency, moneys in such fund may be expended pursuant  
21    to a resolution approved by not less than two-thirds of the members of  
22    the governing body of such municipal corporation, school district, BOARD

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

LBD06127-01-5

1 OF COOPERATIVE EDUCATIONAL SERVICES, district corporation or improvement  
2 district providing that not less than one-half of the moneys so expended  
3 shall be repaid in the fiscal year immediately following the fiscal year  
4 in which such moneys were expended and the total amount shall be repaid  
5 not later than the last day of the second fiscal year succeeding the  
6 fiscal year in which the moneys were expended.

7 Prior to the adoption of any other resolution, act, ordinance or local  
8 law by the governing board of such municipal corporation, school  
9 district, BOARD OF COOPERATIVE EDUCATIONAL SERVICES, district corpo-  
10 ration or improvement district, appropriating money from such fund, the  
11 governing board shall cause to be published in the official newspaper or  
12 newspapers, if any, or otherwise in a newspaper or newspapers designated  
13 for such purpose, a notice stating in substance that it is proposed to  
14 appropriate a specified amount from the repair reserve fund for a  
15 particular purpose, and that a public hearing on such proposed appropri-  
16 ation will be held at a time and place stated therein. At least five  
17 days shall elapse between the publication of such notice and the date  
18 specified for the hearing. The hearing shall be held at the time and  
19 place so specified.

20 3. Moneys in such fund may be appropriated only:

21 a. For repairs of capital improvements or equipment, which repairs are  
22 of a type not recurring annually or at shorter intervals.

23 b. In the case of a municipal corporation, to a capital reserve fund  
24 established pursuant to section six-c of this article or to a contingen-  
25 cy and tax stabilization reserve fund established pursuant to section  
26 six-e of this article.

27 c. In the case of a fire district, to a capital reserve fund estab-  
28 lished pursuant to section six-g OF THIS ARTICLE.

29 d. In the case of a school district, OR BOARD OF COOPERATIVE EDUCA-  
30 TIONAL SERVICES to a reserve fund established pursuant to section thir-  
31 ty-six hundred fifty-one of the education law.

32 4. The moneys in such fund shall be deposited and secured in the  
33 manner provided by section ten of this article. The moneys in such fund  
34 so deposited shall be accounted for separate and apart from all other  
35 funds of the municipal corporation, school district, BOARD OF COOPER-  
36 ATIVE EDUCATIONAL SERVICES, district corporation or improvement  
37 district, in the same manner as provided in subdivision ten of section  
38 six-c of this article. The governing board or the chief fiscal officer  
39 of such municipal corporation, school district, BOARD OF COOPERATIVE  
40 EDUCATIONAL SERVICES, district corporation or improvement district, if  
41 the governing board shall delegate such duty to him, may invest the  
42 moneys in such fund in the manner provided in section eleven of this  
43 article. Any interest earned or capital gains realized on the moneys so  
44 deposited or invested shall accrue to and become part of such fund.

45 5. The members of the governing board of such municipal corporation,  
46 school district, BOARD OF COOPERATIVE EDUCATIONAL SERVICES, district  
47 corporation or improvement district are hereby declared trustees of such  
48 fund and shall be subject to all the duties and responsibilities imposed  
49 by law on trustees, and such duties and responsibilities may be enforced  
50 by such municipal corporation, school district, district corporation or  
51 improvement district, as the case may be, or by any board, commission,  
52 agency, officer or taxpayer thereof.

53 6. The members of the governing board of such municipal corporation,  
54 school district, BOARD OF COOPERATIVE EDUCATIONAL SERVICES or district  
55 corporation shall be guilty of a misdemeanor if they:

1 a. Authorize a withdrawal from a repair reserve fund for any other  
2 purpose except as provided in this section.

3 b. Expend any money withdrawn from a repair reserve fund for a purpose  
4 other than that as provided in this section.

5 7. Notwithstanding the foregoing provisions of this section, in any  
6 town which is located wholly or partly within the Adirondack park and  
7 has within its boundaries state lands subject to taxation assessed at  
8 more than thirty per centum of the total taxable assessed valuation of  
9 town as determined from the assessment rolls of the town as completed  
10 from time to time, or in any district corporation or improvement  
11 district situated in whole or in part in any such town, a repair reserve  
12 fund shall not be established unless the state comptroller, on behalf of  
13 the state, shall consent thereto, and in any such town or district  
14 corporation or improvement district no appropriation shall be made from  
15 a repair reserve fund unless the state comptroller, on behalf of the  
16 state, shall consent thereto.

17 8. Moneys of a municipal corporation, school district, BOARD OF COOP-  
18 ERATIVE EDUCATIONAL SERVICES or district corporation which, upon June  
19 thirtieth, nineteen hundred fifty, constitute a repair reserve fund of  
20 such municipal corporation, school district, BOARD OF COOPERATIVE EDUCA-  
21 TIONAL SERVICES or district corporation, shall continue to so constitute  
22 a special fund and be known as the repair reserve fund of such municipal  
23 corporation, school district, BOARD OF COOPERATIVE EDUCATIONAL SERVICES  
24 or district corporation. From and after such date, payments to, and  
25 appropriations from, such fund shall be subject to the foregoing  
26 provisions of this section.

27 S 2. This act shall take effect immediately.