

4262

2015-2016 Regular Sessions

I N S E N A T E

March 11, 2015

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

AN ACT to amend the education law, in relation to providing that a school bond resolution or capital note resolution vote shall take place in conjunction with the school budget vote

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

1 Section 1. The section heading and subdivisions 1 and 4 of section
2 2022 of the education law, as amended by section 7 of part A of chapter
3 97 of the laws of 2011, are amended to read as follows:
4 S 2022. Vote on school district budgets, BOND RESOLUTIONS, CAPITAL
5 NOTE RESOLUTIONS and on the election of school district trustees and
6 board of education members. 1. Notwithstanding any law, rule or regu-
7 lation to the contrary, the election of trustees or members of the board
8 of education, [and] the vote upon the appropriation of the necessary
9 funds to meet the estimated expenditures, AND THE VOTE UPON A BOND
10 RESOLUTION OR CAPITAL NOTE RESOLUTION, in any common school district,
11 union free school district, central school district or central high
12 school district shall be held at the annual meeting and election on the
13 third Tuesday in May, provided, however, that such election shall be
14 held on the second Tuesday in May if the commissioner at the request of
15 a local school board certifies no later than March first that such
16 election would conflict with religious observances. The sole trustee,
17 board of trustees or board of education of every common, union free,
18 central or central high school district and every city school district
19 to which this article applies shall hold a budget hearing not less than
20 seven nor more than fourteen days prior to the annual meeting and
21 election or special district meeting at which a school budget vote will
22 occur, and shall prepare and present to the voters at such budget hear-
23 ing a proposed school district budget for the ensuing school year.

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

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1 4. The budget adoption process shall conform to the requirements set
2 forth in section two thousand twenty-three-a of this part. In the event
3 that the original proposed budget is not approved by the voters, the
4 sole trustee, trustees or board of education may adopt a final budget
5 pursuant to subdivision five of this section or resubmit to the voters
6 the original or a revised budget pursuant to subdivision three of
7 section two thousand seven of this part. Upon one defeat of such resub-
8 mitted budget, the sole trustee, trustees or board of education shall
9 adopt a final budget pursuant to subdivision five of this section.
10 Notwithstanding any other provision of law to the contrary, the school
11 district budget for any school year, or any part of such budget or any
12 propositions involving the expenditure of money for such school year, OR
13 ANY BOND RESOLUTION OR CAPITAL NOTE RESOLUTION shall not be submitted
14 for a vote of the qualified voters more than twice.

15 S 2. The section heading and subdivisions 1 and 4 of section 2022 of
16 the education law, the section heading as amended by section 23 of part
17 A of chapter 436 of the laws of 1997, subdivision 1 as amended by
18 section 8 of part C of chapter 58 of the laws of 1998, and subdivision 4
19 as amended by section 7 of part M of chapter 57 of the laws of 2005, are
20 amended to read as follows:

21 S 2022. Vote on school district budgets, BOND RESOLUTIONS, CAPITAL
22 NOTE RESOLUTIONS and on the election of school district trustees and
23 board of education members. 1. Notwithstanding any law, rule or regu-
24 lation to the contrary, the election of trustees or members of the board
25 of education, [and] the vote upon the appropriation of the necessary
26 funds to meet the estimated expenditures, AND THE VOTE UPON A BOND
27 RESOLUTION OR CAPITAL NOTE RESOLUTION, in any common school district,
28 union free school district, central school district or central high
29 school district shall be held at the annual meeting and election on the
30 third Tuesday in May, provided, however, that such election shall be
31 held on the second Tuesday in May if the commissioner at the request of
32 a local school board certifies no later than March first that such
33 election would conflict with religious observances. When such election
34 or vote is taken by recording the ayes and noes of the qualified voters
35 attending, a majority of the qualified voters present and voting, by a
36 hand or voice vote, may determine to take up the question of voting the
37 necessary funds to meet the estimated expenditures for a specific item
38 separately, and the qualified voters present and voting may increase the
39 amount of any estimated expenditures or reduce the same, except for
40 teachers' salaries, and the ordinary contingent expenses of the schools.
41 The sole trustee, board of trustees or board of education of every
42 common, union free, central or central high school district and every
43 city school district to which this article applies shall hold a budget
44 hearing not less than seven nor more than fourteen days prior to the
45 annual meeting and election or special district meeting at which a
46 school budget vote will occur, and shall prepare and present to the
47 voters at such budget hearing a proposed school district budget for the
48 ensuing school year.

49 4. In the event that the original proposed budget is not approved by
50 the voters, the sole trustee, trustees or board of education may adopt a
51 final budget pursuant to subdivision five of this section or resubmit to
52 the voters the original or a revised budget pursuant to subdivision
53 three of section two thousand seven of this part. Upon one defeat of
54 such resubmitted budget, the sole trustee, trustees or board of educa-
55 tion shall adopt a final budget pursuant to subdivision five of this
56 section. Notwithstanding any other provision of law to the contrary, the

1 school district budget for any school year, or any part of such budget
2 or any propositions involving the expenditure of money for such school
3 year, OR ANY BOND RESOLUTION OR CAPITAL NOTE RESOLUTION shall not be
4 submitted for a vote of the qualified voters more than twice.
5 S 3. This act shall take effect on the first of January next succeed-
6 ing the date on which it shall have become law; provided that the amend-
7 ments to section 2022 of the education law made by section one of this
8 act shall be subject to the expiration and reversion of such section
9 pursuant to section 13 of part A of chapter 97 of the laws of 2011, as
10 amended, when upon such date the provisions of section two of this act
11 shall take effect.