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

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:

Section 1. The section heading and subdivisions 1 and 4 of section 2022 of the education law, as amended by section 7 of part A of chapter 97 of the laws of 2011, are amended to read as follows:

S 2022. Vote on school district budgets, BOND RESOLUTIONS, CAPITAL NOTE RESOLUTIONS and on the election of school district trustees and board of education members. 1. Notwithstanding any law, rule or regulation to the contrary, the election of trustees or members of the board of education, [and] the vote upon the appropriation of the necessary funds to meet the estimated expenditures, AND THE VOTE UPON A BOND RESOLUTION OR CAPITAL NOTE RESOLUTION, in any common school district, union free school district, central school district or central high school district shall be held at the annual meeting and election on the third Tuesday in May, provided, however, that such election shall be held on the second Tuesday in May if the commissioner at the request of a local school board certifies no later than March first that such election would conflict with religious observances. The sole trustee, board of trustees or board of education of every common, union free, central or central high school district and every city school district to which this article applies shall hold a budget hearing not less than seven nor more than fourteen days prior to the annual meeting and election or special district meeting at which a school budget vote will occur, and shall prepare and present to the voters at such budget hearing 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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4. The budget adoption process shall conform to the requirements set forth in section two thousand twenty-three-a of this part. In the event that the original proposed budget is not approved by the voters, the sole trustee, trustees or board of education may adopt a final budget pursuant to subdivision five of this section or resubmit to the voters the original or a revised budget pursuant to subdivision three of section two thousand seven of this part. Upon one defeat of such resubmitted budget, the sole trustee, trustees or board of education shall adopt a final budget pursuant to subdivision five of this section. Notwithstanding any other provision of law to the contrary, the school district budget for any school year, or any part of such budget or any propositions involving the expenditure of money for such school year, OR ANY BOND RESOLUTION OR CAPITAL NOTE RESOLUTION shall not be submitted for a vote of the qualified voters more than twice.

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

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

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

school district budget for any school year, or any part of such budget or any propositions involving the expenditure of money for such school year, OR ANY BOND RESOLUTION OR CAPITAL NOTE RESOLUTION shall not be submitted for a vote of the qualified voters more than twice.

S 3. This act shall take effect on the first of January next succeeding the date on which it shall have become law; provided that the amendments to section 2022 of the education law made by section one of this act shall be subject to the expiration and reversion of such section pursuant to section 13 of part A of chapter 97 of the laws of 2011, as amended, when upon such date the provisions of section two of this act shall take effect.