STATE OF NEW YORK

S. 7730 A. 9825

SENATE - ASSEMBLY

February 14, 2018

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

IN ASSEMBLY -- Introduced by M. of A. GALEF -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to the component school districts' share of the capital expenditures of a board of cooperative educational services

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph b of subdivision 13 of section 1950 of the education law, as added by chapter 33 of the laws of 1976, is amended to read as follows:

b. The acquisition of such facilities is hereby declared and determined to be a school district purpose and an object or purpose for which each such component school district is hereby authorized to expend money and contract indebtedness. The period of probable usefulness of such object or purpose is hereby determined to be thirty years. Each such component school district is hereby authorized to finance its share of the cost of the acquisition of such facilities together with costs incidental to such financing, including, but not limited to legal fees, printing, engraving and publication of notices, either from any current funds legally available therefor, or by the issuance of obligations pursuant to the local finance law; provided, however, **that subject to the approval of the qualified voters, the school district's share of capital local expenditures approved by the board of education of the board of cooperative educational services, as defined in subparagraph (ii) of paragraph c of subdivision two of section two thousand twenty-three-a of this title, shall not be included in such component school district's tax levy pursuant to such paragraph. Provided, further,** that (i) no approval of the voters of such component school district shall be required, (ii) the voting of a special tax or a tax to be collected in installments shall not be a condition precedent to the adoption of a bond resolution for such object or purpose, (iii) a majority vote of the

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

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entire voting strength of the board of education shall be sufficient for adoption of such a bond resolution, which bond resolution may be adopted at a regular meeting, or a special meeting of the board of education called on not less than twelve hours oral or written notice, which may be held either within or outside of such district, (iv) any such bond resolution shall take effect immediately and shall not be subject either to a mandatory or permissive referendum, and (v) no such bond resolution shall be adopted prior to the execution by the board of cooperative educational services and the component school districts of such board of cooperative educational services of the agreement required by paragraph a of this subdivision.

§ 2. Paragraph c of subdivision 2 of section 2023-a of the education law, as amended by section 1 of subpart C of part C of chapter 20 of the laws of 2015, is amended to read as follows:

c. "Capital local expenditures" means **(i)** the taxes associated with budgeted expenditures resulting from the financing, refinancing, acquisition, design, construction, reconstruction, rehabilitation, improvement, furnishing and equipping of, or otherwise providing for school district capital facilities or school district capital equipment, including debt service and lease expenditures, and transportation capital debt service, subject to the approval of the qualified voters where required by law**; and (ii) the school district's share of capital local expenditures, as defined in subparagraph (i) of this paragraph, of the board of cooperative educational services of which the school district is a component, as authorized pursuant to paragraph b of subdivision thirteen of section nineteen hundred fifty of this title**. [~~The commissioner of taxation and finance shall, as appropriate, promulgate rules and regulations which may provide for adjustment of capital local expenditures to reflect a school district's share of additional budgeted capital expenditures made by a board of cooperative educational services.~~]

§ 3. This act shall take effect immediately; provided that the amendments to section 2023-a of the education law, made by section two of this act, shall not affect the expiration and repeal of such section, and shall expire and be deemed repealed therewith.