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

1074

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. DESTITO -- read once and referred to the Committee on Ways and Means

AN ACT to amend the state finance law, in relation to interest payments on moneys payable to local governments by the state

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

Section 1. Section 179-p of the state finance law, as added by chapter 153 of the laws of 1984, is amended to read as follows:

S 179-p. [Inapplicability] APPLICABILITY of the provisions. 1. The provisions of this article shall not apply to payments due and owing by the state:

[1.] A. under the eminent domain procedure law;

[2.] B. as interest allowed on judgments rendered by a court pursuant to any provision of law other than those provisions contained in this article;

[3.] C. to the federal government; to any state agency or its related instrumentalities; [to any duly constituted unit of local government including, but not limited to, counties, cities, towns, villages, school districts, special districts, or any of their related instrumentalities;] to any public authority or public benefit corporation; or to employees of state agencies when acting in, or incidental to, their public employment capacity;

[4.] D. to contractors of third party payment agreements including, but not limited to, the fiscal agent or fiscal intermediary designated pursuant to section three hundred sixty-seven-b of the social services law;

[5.] E. to entities which receive state funds through any intermediary organization other than a state agency; or

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

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[6.] F. in situations where the comptroller exercises a legally authorized set-off against all or part of the payment due the contractor.

2. THE PROVISIONS OF THIS ARTICLE SHALL APPLY TO ALL PAYMENTS DUE AND OWING BY THE STATE TO ANY DULY CONSTITUTED UNIT OF LOCAL GOVERNMENT INCLUDING, BUT NOT LIMITED TO, COUNTIES, CITIES, TOWNS, VILLAGES, SCHOOL DISTRICTS, SPECIAL DISTRICTS AND THEIR RELATED INSTRUMENTALITIES UPON THE AUDIT OF VOUCHERS CERTIFIED BY THE CHIEF FISCAL OFFICER FOR THE UNIT OF LOCAL GOVERNMENT DEMANDING SUCH PAYMENT.

S 2. This act shall take effect on the first of April next succeeding the date on which it shall have become a law.