

11105

I N A S S E M B L Y

May 17, 2010

Introduced by COMMITTEE ON RULES -- (at request of the Governor) -- read once and referred to the Committee on Ways and Means

AN ACT to amend the education law and chapter 121 of the laws of 1996, relating to authorizing the Roosevelt union free school district to finance deficits by the issuance of serial bonds, in relation to school aid payment schedules; and to amend part A of chapter 57 of the laws of 2009 amending the education law and other provisions of law relating to aid for education, in relation to the effectiveness thereof

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

1 Section 1. Clause (v) of subparagraph 3 of paragraph b of subdivision  
2 1 of section 3609-a of the education law, as amended by section 32 of  
3 part B of chapter 57 of the laws of 2007, is amended to read as follows:  
4 (v) June payment. The moneys apportioned to school districts and  
5 designated for June pursuant to clause (vi) of subparagraph two of this  
6 paragraph shall be paid on the first state business day of such month,  
7 to the extent that moneys are owed to school districts pursuant to this  
8 section for the current year, including claims for current year aid for  
9 debt service on bond anticipation notes aidable in June and/or new bonds  
10 and capital notes aidable in June pursuant to subdivisions six and four-  
11 teen, if applicable, of section thirty-six hundred two of this article  
12 and claims for current year aid for conversion to full day kindergarten  
13 pursuant to subdivision nine of section thirty-six hundred two of this  
14 article, after taking into account any adjustments made in accordance  
15 with clauses (ii) and (iii) of this subparagraph, net of any disallow-  
16 ances. IN THE EVENT AN APPROPRIATION FOR PURPOSES OF THIS CLAUSE IN THE  
17 TWO THOUSAND TEN-ELEVEN STATE FISCAL YEAR IS INSUFFICIENT TO MAKE ALL  
18 PAYMENTS MADE PURSUANT TO THIS CLAUSE, THE COMMISSIONER SHALL MAKE SUCH  
19 PAYMENTS ON A PRORATED BASIS AMONGST ALL SCHOOL DISTRICTS SCHEDULED TO  
20 RECEIVE A PAYMENT UNTIL THE APPROPRIATION IS EXHAUSTED. PROVIDED,  
21 HOWEVER, THAT REMAINING MONEYS PAID PURSUANT TO THIS CLAUSE DURING THE  
22 TWO THOUSAND TEN-ELEVEN STATE FISCAL YEAR SHALL BE PAID ON OR BEFORE  
23 JUNE THIRTIETH, TWO THOUSAND TEN, WITHIN AMOUNTS APPROPRIATED THEREFOR.

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

LBD12229-02-0

1 S 2. Subparagraph 3 of paragraph a of subdivision 2 of section 3609-b  
2 of the education law, as amended by section 33 of part B of chapter 57  
3 of the laws of 2007, is amended to read as follows:

4 (3) June payment. On or before June fifteenth, a portion shall be paid  
5 equal to the positive remainder of eighty-five percent of the moneys  
6 apportioned less any payments made pursuant to paragraph a of subdivi-  
7 sion one of this section and subparagraphs one and two of this paragraph  
8 for the current year. IN THE EVENT AN APPROPRIATION FOR PURPOSES OF  
9 THIS SUBPARAGRAPH IN THE TWO THOUSAND TEN-ELEVEN STATE FISCAL YEAR IS  
10 INSUFFICIENT TO MAKE ALL PAYMENTS MADE PURSUANT TO THIS SUBPARAGRAPH,  
11 THE COMMISSIONER SHALL MAKE SUCH PAYMENTS ON A PRORATED BASIS AMONGST  
12 ALL SCHOOL DISTRICTS SCHEDULED TO RECEIVE A PAYMENT UNTIL THE APPROPRI-  
13 ATION IS EXHAUSTED. PROVIDED, HOWEVER, THAT REMAINING MONEYS PAID  
14 PURSUANT TO THIS SUBPARAGRAPH DURING THE TWO THOUSAND TEN-ELEVEN STATE  
15 FISCAL YEAR SHALL BE PAID ON OR BEFORE JUNE THIRTIETH, TWO THOUSAND TEN,  
16 WITHIN AMOUNTS APPROPRIATED THEREFOR.

17 S 3. Paragraph c of subdivision 4 of section 3609-b of the education  
18 law, as added by chapter 474 of the laws of 1996, is amended to read as  
19 follows:

20 c. any remaining amount due shall be payable on or before June  
21 fifteenth. IN THE EVENT AN APPROPRIATION FOR PURPOSES OF THIS PARAGRAPH  
22 IN THE TWO THOUSAND TEN-ELEVEN STATE FISCAL YEAR IS INSUFFICIENT TO MAKE  
23 ALL PAYMENTS MADE PURSUANT TO THIS PARAGRAPH, THE COMMISSIONER SHALL  
24 MAKE SUCH PAYMENTS ON A PRORATED BASIS AMONGST ALL SCHOOL DISTRICTS  
25 SCHEDULED TO RECEIVE A PAYMENT UNTIL THE APPROPRIATION IS EXHAUSTED.  
26 PROVIDED, HOWEVER, THAT REMAINING MONEYS PAID PURSUANT TO THIS PARAGRAPH  
27 DURING THE TWO THOUSAND TEN-ELEVEN STATE FISCAL YEAR SHALL BE PAID ON OR  
28 BEFORE JUNE THIRTIETH, TWO THOUSAND TEN, WITHIN AMOUNTS APPROPRIATED  
29 THEREFOR.

30 S 4. Subdivision 1 of section 3609-d of the education law, as amended  
31 by section 21 of part L of chapter 57 of the laws of 2005, is amended to  
32 read as follows:

33 1. Prescribed payments. Of the moneys to be apportioned by the commis-  
34 sioner to school districts during the school year, that portion payable  
35 pursuant to section nineteen hundred fifty of this chapter shall be used  
36 in the first instance to make payments on behalf of boards of cooper-  
37 ative educational services to the teachers' retirement system in the  
38 same manner as payments made on behalf of school districts pursuant to  
39 subparagraph one of paragraph a of subdivision one of section thirty-six  
40 hundred nine-a of this article, and additional payments shall be paid to  
41 boards of cooperative educational services as follows: the greater of  
42 any payments made to the teachers' retirement system pursuant to this  
43 paragraph or twenty-five percent of the moneys apportioned less any  
44 payments made to the teachers' retirement system pursuant to this para-  
45 graph on the first state business day of February, to the extent that  
46 acceptable data has been filed with the commissioner; fifty-five percent  
47 of the moneys apportioned, less the payment made in February and less  
48 any payments made to the teachers' retirement system pursuant to this  
49 paragraph, on the first state business day of June; IN THE EVENT THE  
50 APPROPRIATION FOR PURPOSES OF MAKING A JUNE PAYMENT PURSUANT TO THIS  
51 SUBDIVISION IN THE TWO THOUSAND TEN-ELEVEN STATE FISCAL YEAR IS INSUFFI-  
52 CIENT TO MAKE ALL PAYMENTS MADE PURSUANT TO THIS SUBDIVISION, THE  
53 COMMISSIONER SHALL MAKE SUCH PAYMENTS ON A PRORATED BASIS AMONGST ALL  
54 SCHOOL DISTRICTS SCHEDULED TO RECEIVE A PAYMENT UNTIL THE APPROPRIATION  
55 IS EXHAUSTED; PROVIDED, HOWEVER, DURING THE TWO THOUSAND TEN-ELEVEN  
56 STATE FISCAL YEAR THE REMAINING MONIES FOR THE JUNE PAYMENT PURSUANT TO

1 THIS SUBDIVISION SHALL BE PAID ON OR BEFORE JUNE THIRTIETH, TWO THOUSAND  
2 TEN, WITHIN AMOUNTS APPROPRIATED THEREFOR; and a final apportionment  
3 equal to the amount calculated based on data on file as of August first  
4 next following the close of the current year, provided however, that for  
5 the September two thousand six payment such calculation shall be based  
6 on the computer listing for the current year using data on file as of  
7 August first, less payments made to date, on the first state business  
8 day of September next following the close of the current year; provided,  
9 however, that any obligation of a board of cooperative educational  
10 services to the bond trustee of the dormitory authority shall be paid in  
11 accordance with the applicable provisions of the public authorities law.

12 S 5. Paragraph b of section 5 of chapter 121 of the laws of 1996, as  
13 amended by chapter 33 of the laws of 2002, is amended to read as  
14 follows:

15 b. The claim for an apportionment to be paid to the Roosevelt union  
16 free school district pursuant to subdivision a of this section shall be  
17 submitted to the commissioner of education on a form prescribed for such  
18 purpose, and shall be payable upon determination by such commissioner  
19 that the form has been submitted as prescribed and that the school  
20 district has complied with all planning and reporting requirements of  
21 sections four and six of this act and has an approved five-year finan-  
22 cial stabilization plan in effect, and that all such plans and reports  
23 have been approved by the commissioner of education. Such approved  
24 amounts shall be payable on the first state business day of June of the  
25 applicable school year upon the audit and warrant of the state comp-  
26 troller on vouchers certified or approved by the commissioner of educa-  
27 tion in the manner prescribed by law from moneys in the general fund  
28 appropriated for general support of public schools. PROVIDED, HOWEVER,  
29 THAT ALL SUCH APPROVED AMOUNTS PAID PURSUANT TO THIS PARAGRAPH DURING  
30 THE TWO THOUSAND TEN-ELEVEN STATE FISCAL YEAR SHALL BE PAYABLE ON OR  
31 BEFORE JUNE THIRTIETH, TWO THOUSAND TEN, WITHIN AMOUNTS APPROPRIATED  
32 THEREFOR, UPON THE AUDIT AND WARRANT OF THE STATE COMPTROLLER ON VOUCH-  
33 ERS CERTIFIED OR APPROVED BY THE COMMISSIONER OF EDUCATION IN THE MANNER  
34 PRESCRIBED BY LAW FROM MONEYS IN THE GENERAL FUND APPROPRIATED FOR  
35 GENERAL SUPPORT OF PUBLIC SCHOOLS.

36 S 6. Subdivision 6 of section 57 of part A of chapter 57 of the laws  
37 of 2009 amending the education law and other provisions of law relating  
38 to aid for education is amended to read as follows:

39 6. Section fifty-two of this act shall take effect immediately, and  
40 shall be deemed to have been in full force and effect on and after April  
41 1, 2009 [and shall expire and be deemed repealed March 31, 2010]; and

42 S 7. This act shall take effect immediately, provided however, that  
43 section six of this act shall be deemed to have been in full force and  
44 effect on and after April 1, 2010.