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

3565

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. PERRY, ENGLEBRIGHT -- Multi-Sponsored by -- M. of A. ARROYO, BRENNAN, COOK, MILLMAN, ORTIZ, J. RIVERA, ROBINSON, SCARBOROUGH, TOWNS -- read once and referred to the Committee on Tourism, Arts and Sports Development

AN ACT to amend the education law, in relation to creating the New York schools sports and recreation program and establishing the New York city schools sports and recreation advisory committee; and to amend the state finance law, in relation to establishing the New York schools sports and recreation fund

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

Section 1. Legislative findings and intent. The legislature hereby finds that participation in organized extracurricular sports and recreational programs provides students with valuable physical and emotional benefits. Such programs are a significant and important aspect of a child's education. The legislature further finds that such programs are underfunded and in need of financial support. Therefore, it is the intent of the legislature to provide a solution to the problem of funding such sports and recreational programs by establishing the New York city schools sports and recreation advisory committee and the New York schools sports and recreation fund.

S 2. The education law is amended by adding a new article 10-E to read as follows:

ARTICLE 10-E

THE NEW YORK SCHOOLS SPORTS AND RECREATION PROGRAM

SECTION 500-A. THE NEW YORK SCHOOLS SPORTS AND RECREATION FEE PROGRAM.
500-B. THE NEW YORK CITY SCHOOLS SPORTS AND RECREATION ADVISORY COMMITTEE.

S 500-A. THE NEW YORK SCHOOLS SPORTS AND RECREATION FEE PROGRAM. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, ANY CITY WITH A POPULATION OF ONE HUNDRED FIFTY THOUSAND OR MORE IS HEREBY

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

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AUTHORIZED AND EMPOWERED TO ADOPT AND AMEND ITS LOCAL LAWS IMPOSING, IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE, A TWENTY-FIVE CENT FEE UPON THE TICKET PRICE OF FOUR DOLLARS OR MORE FOR ANY SPORTING EVENT HELD WITHIN SUCH CITY.

2. ALL MONEYS COLLECTED PURSUANT TO SUBDIVISION ONE OF THIS SECTION AND ALL INCREMENTS TO THE PRINCIPAL DERIVED FROM INVESTMENT GAIN, INTEREST ACCUMULATION, AND OTHER SOURCES OF INCOME SHALL ONLY BE DEPOSITED INTO THE NEW YORK SCHOOLS SPORTS AND RECREATION FUND AS ESTABLISHED IN SECTION 97-JJJJ OF THE STATE FINANCE LAW.

3. (A) THE AMOUNT OF EARNINGS AND ACCUMULATED INCOME UPON THE PRINCIPAL OF THE FUND FOR THE PRIOR FISCAL YEAR, AS REPORTED BY THE COMPTROLLER ON AUGUST FIFTEENTH ANNUALLY, SHALL BE AVAILABLE FOR APPROPRIATION TO THE NEW YORK CITY SCHOOLS SPORTS AND RECREATION ADVISORY COMMITTEE OR TO THE SCHOOL BOARD OF A CITY IMPOSING A SPORTS AND RECREATION FEE PURSUANT TO SUBDIVISION ONE OF THIS SECTION. ANY FUNDS SO APPROPRIATED SHALL BE EXPENDED FOR SPORTS AND RECREATION PROGRAMS AUTHORIZED BY THE SCHOOL BOARD IN SUCH CITY OR THE NEW YORK CITY SCHOOLS SPORTS AND RECREATION ADVISORY COMMITTEE IN THE CITY OF NEW YORK, PURSUANT TO THE PROVISIONS OF SECTION FIVE HUNDRED-B OF THIS ARTICLE.

(B) SEVENTY-FIVE PERCENT OF SUCH MONEYS SHALL BE DISBURSED FOR THE SPORTS AND RECREATIONAL PROGRAMS OF PUBLIC SCHOOLS LOCATED WITHIN SUCH CITY'S SCHOOL DISTRICT AND TWENTY-FIVE PERCENT SHALL BE DISBURSED FOR THE SPORTS AND RECREATIONAL PROGRAMS OF NON-PUBLIC SCHOOLS LOCATED WITHIN SUCH CITY. ALL EXPENDITURES FROM THE FUND FOR THE PURPOSES OF THIS SECTION SHALL BE MADE ON THE AUDIT AND WARRANT OF THE COMPTROLLER UPON VOUCHERS APPROVED BY THE PRESIDENT OF SUCH CITY'S BOARD OF EDUCATION, OR BY THE CHANCELLOR OF THE CITY SCHOOL DISTRICT IN THE CASE OF THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK.

S 500-B. THE NEW YORK CITY SCHOOLS SPORTS AND RECREATION ADVISORY COMMITTEE. 1. THERE IS HEREBY CREATED THE NEW YORK CITY SCHOOLS SPORTS AND RECREATION ADVISORY COMMITTEE, TO BE APPOINTED BY THE CHANCELLOR OF THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK. SUCH COMMITTEE SHALL CONSIST OF ELEVEN MEMBERS WHO HAVE SUBMITTED APPLICATIONS FOR APPOINTMENT OR HAVE BEEN RECOMMENDED FOR APPOINTMENT BY PUBLIC OFFICIALS OR SCHOOL ADMINISTRATORS: FIVE OF WHOM SHALL BE PARENTS OF A STUDENT IN ATTENDANCE AND REGISTERED IN A SPORTS OR RECREATION PROGRAM AT A PUBLIC SCHOOL LOCATED WITHIN THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK REPRESENTATIVE OF EACH BOROUGH AND CHOSEN BY SUCH BOROUGH PRESIDENT, ONE OF WHOM SHALL BE A PARENT OF A STUDENT IN ATTENDANCE AND REGISTERED IN A SPORTS OR RECREATION PROGRAM AT A NON-PUBLIC SCHOOL LOCATED WITHIN THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK, ONE OF WHOM SHALL BE AN ATHLETIC DIRECTOR OR COACH FROM A PUBLIC SCHOOL LOCATED WITHIN THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK, ONE OF WHOM SHALL BE AN ATHLETIC DIRECTOR OR COACH FROM A NON-PUBLIC SCHOOL LOCATED WITHIN THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK, ONE OF WHOM SHALL BE A STUDENT IN ATTENDANCE AND REGISTERED IN A SPORTS OR RECREATION PROGRAM AT A PUBLIC SCHOOL LOCATED WITHIN THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK, ONE OF WHOM SHALL BE A STUDENT IN ATTENDANCE AND REGISTERED IN A SPORTS OR RECREATION PROGRAM AT A NON-PUBLIC SCHOOL LOCATED WITHIN THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK AND THE CHANCELLOR OF THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK OR HIS OR HER REPRESENTATIVE.

2. EACH MEMBER OF THE COMMITTEE SHALL SERVE A TERM OF THREE YEARS WITHOUT REMUNERATION; PROVIDED, HOWEVER, THAT THE STUDENT REPRESENTATIVES SHALL SERVE FOR A TERM OF ONE YEAR AND BE REIMBURSED FOR HIS OR HER ACTUAL TRAVEL EXPENSES. THE CHANCELLOR OF THE CITY SCHOOL DISTRICT

OF THE CITY OF NEW YORK SHALL HAVE THE POWER TO REMOVE MEMBERS AND REAPPOINT MEMBERS.

3. THE CHANCELLOR OF THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK SHALL NAME A CHAIRPERSON OF THE COMMITTEE AND SHALL ESTABLISH THE RULES OF OPERATION OF THE COMMITTEE.

4. SUCH COMMITTEE SHALL ADVISE AND MAKE RECOMMENDATIONS TO THE CHANCELLOR OF THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK AS TO WHICH SCHOOL SPORTS AND RECREATION PROGRAMS ARE DETERMINED BY THE COMMITTEE TO BE ELIGIBLE FOR FINANCIAL SUPPORT. FOR THE PURPOSE OF DETERMINING ELIGIBILITY, THE COMMITTEE SHALL CONSIDER PROGRAMS INVOLVING THE GREATEST NUMBER OF PARTICIPANTS.

5. THE CHANCELLOR OF THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK SHALL ESTABLISH AND PERIODICALLY UPDATE A LIST OF INTERESTED VOLUNTEERS AND PERSONS RECOMMENDED FOR APPOINTMENT BY PUBLIC OFFICIALS OR SCHOOL ADMINISTRATORS FROM WHICH APPOINTMENTS TO SUCH COMMITTEE SHALL BE MADE.

6. THE CHANCELLOR OF THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK SHALL EXERCISE DUE DILIGENCE TO INSURE THAT SUCH COMMITTEE'S COMPOSITION PROVIDED EQUAL GEOGRAPHIC REPRESENTATION.

S 3. The state finance law is amended by adding a new section 97-jjjj to read as follows:

S 97-JJJJ. THE NEW YORK SCHOOLS SPORTS AND RECREATION FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE COMPTROLLER AND THE COMMISSIONER OF TAXATION AND FINANCE AN ACCOUNT TO BE KNOWN AS THE NEW YORK SCHOOLS SPORTS AND RECREATION FUND. SUCH ACCOUNT SHALL CONSIST OF ALL FEES RECEIVED PURSUANT TO SECTION FIVE HUNDRED-A OF THE EDUCATION LAW AND ALL OTHER MONIES CREDITED OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW.

2. FEES RECEIVED FROM A CITY PURSUANT TO SECTION FIVE HUNDRED-A OF THE EDUCATION LAW SHALL BE KEPT SEPARATE FROM THE MONIES RECEIVED FROM ANY OTHER CITY DEPOSITING MONEY PURSUANT TO SECTION FIVE HUNDRED-A OF THE EDUCATION LAW AND SHALL BE CREDITED ONLY TO THE CITY DEPOSITING SUCH MONIES.

3. THE COMPTROLLER SHALL INVEST AND KEEP INVESTED ALL MONEYS BELONGING TO THE FUND IN THE MANNER AUTHORIZED BY SECTION NINETY-EIGHT OF THIS ARTICLE.

4. COMMENCING ON OR BEFORE AUGUST FIFTEENTH, TWO THOUSAND ELEVEN AND ON OR BEFORE THE FIFTEENTH DAY OF AUGUST OF EACH SUCCEEDING YEAR, THE COMPTROLLER SHALL ISSUE A CERTIFICATE OF EARNINGS AND ACCUMULATED INCOME UPON THE PRINCIPAL OF SUCH FUND AS OF THE END OF THE PRECEDING STATE FISCAL YEAR TO THE PRESIDENT OF THE SCHOOL BOARD, OR TO THE CHANCELLOR OF THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK IN THE CASE OF THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK. SUCH CERTIFICATE SHALL ALSO INCLUDE A STATEMENT OF ACCUMULATED INCOME FOR THE PRIOR FISCAL YEARS REMAINING UNEXPENDED AT THE CLOSE OF SUCH YEAR.

5. MONIES OF THE ACCOUNT MAY BE EXPENDED PURSUANT TO SUBDIVISION TWO OF SECTION FIVE HUNDRED-A OF THE EDUCATION LAW. MONIES SHALL BE PAID OUT OF THE ACCOUNT UPON THE AUDIT AND WARRANT OF THE STATE COMPTROLLER PURSUANT TO SUCH SECTION.

6. THE MONIES HELD IN OR CREDITED TO THE FUND SHALL BE EXPENDED FOR THE PURPOSES SET FORTH IN SECTION FIVE HUNDRED-A OF THE EDUCATION LAW, AND MAY NOT BE INTERCHANGED OR COMMINGLED WITH ANY OTHER ACCOUNT OR FUND BUT MAY BE COMMINGLED WITH ANY OTHER FUND FOR INVESTMENT PURPOSES.

S 4. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, that if no eligible city adopts a local law pursuant to section 500-a of the education law as added by section two of this act, this act shall be deemed repealed 1 year after

such date provided that the New York city schools sports and recreation advisory committee shall notify the legislative bill drafting commission upon the occurrence of the enactment of the legislation provided for in this act in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effecting the provisions of section 44 of the legislative law and section 70-b of the public officers law.