

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

5261--A

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. HASSELL-THOMPSON -- read twice and ordered printed,
and when printed to be committed to the Committee on Finance --
committee discharged, bill amended, ordered reprinted as amended and
recommitted to said committee

AN ACT providing for accelerated payments to the city school district of
the city of Mount Vernon

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

- 1 Section 1. In order to avoid endangering the fiscal stability of the
2 Mount Vernon city school district, certain apportionments payable to the
3 city school district of the city of Mount Vernon shall be paid on an
4 accelerated schedule as follows:
- 5 a. (1) Notwithstanding any other provisions of law, for aid payable in
6 the school years 2009-2010 through 2038-2039 upon application to the
7 commissioner of education submitted not sooner than the second Monday in
8 June of the school year in which such aid is payable and not later than
9 the Friday following the third Monday in June of the school year in
10 which such aid is payable, or ten days after the effective date of this
11 act, whichever shall be later, the Mount Vernon city school district
12 shall be eligible to receive an apportionment pursuant to this act in an
13 amount equal to the product of five million dollars (\$5,000,000) and the
14 quotient of the positive difference of thirty minus the number of school
15 years elapsed since the 2009-10 school year divided by thirty.
- 16 (2) Funds apportioned pursuant to this subdivision shall be used for
17 services and expenses of the city school district of the city of Mount
18 Vernon and shall be applied to support of its educational programs and
19 any liability incurred by such city school district in carrying out its
20 functions and responsibilities under the education law.
- 21 b. The claim for an apportionment to be paid to the Mount Vernon city
22 school district pursuant to subdivision a of this section shall be
23 submitted to the commissioner of education on a form prescribed for such

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

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1 purpose, and shall be payable upon determination by such commissioner
2 that the form has been submitted as prescribed and that the school
3 district has complied with the reporting requirements of this act. For
4 each school year in which application is made pursuant to subdivision a
5 of this section, such approved amount shall be payable on or before June
6 thirtieth of such school year upon the audit and warrant of the state
7 comptroller on vouchers certified or approved by the commissioner of
8 education in the manner prescribed by law from moneys in the state
9 lottery fund appropriated for general support of public schools and from
10 the general fund to the extent that the amount paid to the Mount Vernon
11 city school district pursuant to this subdivision and subdivision a of
12 this section exceeds the amount of the lottery apportionment, if any,
13 due such school district pursuant to subparagraph 2 of paragraph a of
14 subdivision 1 of section 3609-a of the education law on or before
15 September first of such school year.

16 c. Notwithstanding the provisions of section 3609-a of the education
17 law, an amount equal to the amount paid to the Mount Vernon city school
18 district during the base year pursuant to subdivisions a and b of this
19 section shall first be deducted from payments due during the current
20 school year pursuant to subparagraphs 1, 2, 3, 4 and 5 of paragraph a of
21 subdivision 1 of section 3609-a of the education law in the following
22 order: the lottery apportionment payable pursuant to subparagraph 2 of
23 such paragraph followed by the fixed fall payments payable pursuant to
24 subparagraph 4 of such paragraph, and any remainder to be deducted from
25 the individualized payments due to the district pursuant to paragraph b
26 of such subdivision shall be deducted on a chronological basis starting
27 with the earliest payment due the district.

28 d. Notwithstanding any other provisions of law, the sum of payments
29 made to the Mount Vernon city school district during the base year
30 pursuant to subdivisions a and b of this section plus payments made to
31 such school district during the current year pursuant to section 3609-a
32 of the education law shall be deemed to truly represent all aids paid to
33 such school district during the current school year pursuant to such
34 section 3609-a for the purposes of computing any adjustments to such
35 aids that may occur in a subsequent school year.

36 e. (1) On or before the first day of each month beginning in July 2010
37 and ending in June 2039, the chief fiscal officer and the superintendent
38 of schools of the Mount Vernon city school district shall prepare and
39 submit to the board of education of the city school district a report of
40 the fiscal condition of the school district, including but not limited
41 to the most current available data on fund balances on funds maintained
42 by the school district and the district's use of the apportionments
43 provided pursuant to subdivisions a and b of this section.

44 (2) Such monthly report shall be in a format prescribed by the commis-
45 sioner of education. The board of education shall either reject and
46 return the report to the chief fiscal officer and the superintendent of
47 schools for appropriate revisions and resubmittal or shall approve the
48 report and submit copies to the commissioner of education and the state
49 comptroller of such approved report as submitted or resubmitted.

50 (3) In the 2009-2010 through 2038-2039 school years, the chief fiscal
51 officer of the Mount Vernon city school district shall monitor all budg-
52 ets and for each budget, shall prepare a quarterly report of summarized
53 budget data depicting overall trends of actual revenues and budget
54 expenditures for the entire budget as well as individual line items.
55 Such report shall compare revenue estimates and appropriations as set
56 forth in such budget with the actual revenues and expenditures made to

1 date. All quarterly reports shall be accompanied by a recommendation
2 from the superintendent of schools or chief fiscal officer to the board
3 of education setting forth any remedial actions necessary to resolve any
4 unfavorable budget variance including the overestimation of revenue and
5 underestimation of appropriations. The chief fiscal officer shall also
6 prepare, as part of such report, a quarterly trial balance of general
7 ledger accounts in accordance with generally accepted accounting princi-
8 ples as prescribed by the state comptroller. All reports shall be
9 completed within sixty days after the end of each quarter and shall be
10 submitted to the chief fiscal officer and the board of education of the
11 Mount Vernon city school district, the state division of the budget, the
12 office of the state comptroller, the commissioner of education, the
13 chair of the assembly ways and means committee and the chair of the
14 senate finance committee.

15 S 2. This act shall take effect immediately and shall be deemed to
16 have been in full force and effect one day after the school budget for
17 the city school district of the city of Mount Vernon has been passed;
18 provided that the superintendent of the city school district of the city
19 of Mount Vernon shall notify the legislative bill drafting commission
20 upon the occurrence of the enactment of the legislation provided for in
21 section one of this act in order that the commission may maintain an
22 accurate and timely effective data base of the official text of the laws
23 of the state of New York in furtherance of effectuating the provisions
24 of section 44 of the legislative law and section 70-b of the public
25 officers law.