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

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:

Section 1. Clause (v) of subparagraph 3 of paragraph b of subdivision 1 of section 3609-a of the education law, as amended by section 32 of part B of chapter 57 of the laws of 2007, is amended to read as follows:

(v) June payment. The moneys apportioned to school districts and designated for June pursuant to clause (vi) of subparagraph two of this paragraph shall be paid on the first state business day of such month, to the extent that moneys are owed to school districts pursuant to this section for the current year, including claims for current year aid for debt service on bond anticipation notes aidable in June and/or new bonds and capital notes aidable in June pursuant to subdivisions six and fourteen, if applicable, of section thirty-six hundred two of this article and claims for current year aid for conversion to full day kindergarten pursuant to subdivision nine of section thirty-six hundred two of this article, after taking into account any adjustments made in accordance with clauses (ii) and (iii) of this subparagraph, net of any disallowances. IN THE EVENT AN APPROPRIATION FOR PURPOSES OF THIS CLAUSE IN THE TWO THOUSAND TEN-ELEVEN STATE FISCAL YEAR IS INSUFFICIENT TO MAKE ALL PAYMENTS MADE PURSUANT TO THIS CLAUSE, THE COMMISSIONER SHALL MAKE SUCH PAYMENTS ON A PRORATED BASIS AMONGST ALL SCHOOL DISTRICTS SCHEDULED TO RECEIVE A PAYMENT UNTIL THE APPROPRIATION IS EXHAUSTED. PROVIDED, HOWEVER, THAT REMAINING MONEYS PAID PURSUANT TO THIS CLAUSE DURING THE TWO THOUSAND TEN-ELEVEN STATE FISCAL YEAR SHALL BE PAID ON OR BEFORE 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.

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

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

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

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

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

1. Prescribed payments. Of the moneys to be apportioned by the commissioner to school districts during the school year, that portion payable pursuant to section nineteen hundred fifty of this chapter shall be used in the first instance to make payments on behalf of boards of cooperative educational services to the teachers' retirement system in the same manner as payments made on behalf of school districts pursuant to subparagraph one of paragraph a of subdivision one of section thirty-six hundred nine-a of this article, and additional payments shall be paid to boards of cooperative educational services as follows: the greater of any payments made to the teachers' retirement system pursuant to this paragraph or twenty-five percent of the moneys apportioned less any payments made to the teachers' retirement system pursuant to this paragraph on the first state business day of February, to the extent that acceptable data has been filed with the commissioner; fifty-five percent of the moneys apportioned, less the payment made in February and less any payments made to the teachers' retirement system pursuant to this paragraph, on the first state business day of June; IN THE EVENT THE APPROPRIATION FOR PURPOSES OF MAKING A JUNE PAYMENT PURSUANT TO THIS SUBDIVISION IN THE TWO THOUSAND TEN-ELEVEN STATE FISCAL YEAR IS INSUFFICIENT TO MAKE ALL PAYMENTS MADE PURSUANT TO THIS SUBDIVISION, THE COMMISSIONER SHALL MAKE SUCH PAYMENTS ON A PRORATED BASIS AMONGST ALL SCHOOL DISTRICTS SCHEDULED TO RECEIVE A PAYMENT UNTIL THE APPROPRIATION IS EXHAUSTED; PROVIDED, HOWEVER, DURING THE TWO THOUSAND TEN-ELEVEN STATE FISCAL YEAR THE REMAINING MONIES FOR THE JUNE PAYMENT PURSUANT TO

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

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

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

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

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

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