

7990

2009-2010 Regular Sessions

I N   A S S E M B L Y

May 1, 2009

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Introduced by M. of A. QUINN -- read once and referred to the Committee  
on Education

AN ACT authorizing the Hamburg central school district to receive  
certain apportionments on an accelerated basis

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  
2 Hamburg central school district, certain apportionments payable to the  
3 Hamburg central school district of Erie county to be paid on an acceler-  
4 ated schedule as follows:  
5     a. (1) Notwithstanding any other provisions of law, for aid payable in  
6 the school years 2009-2010 through 2037-2038 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 Hamburg central school district shall  
12 be eligible to receive an apportionment pursuant to this act in an  
13 amount equal to the product of 3,100,000 and the quotient of the posi-  
14 tive difference of thirty minus the number of school years elapsed since  
15 the 2009-2010 school year divided by thirty.  
16     (2) Funds apportioned pursuant to this subdivision shall be used for  
17 services and expenses of the Hamburg central school district of Erie  
18 county 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 Hamburg central  
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  
24 purpose, and shall be payable upon determination by such commissioner  
25 that the form has been submitted as prescribed and that the school

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

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

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

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

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

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

48 In the 2009-2010 through 2037-2038 school years, the chief fiscal  
49 officer of the Hamburg central school district shall monitor all budgets  
50 and for each budget, shall prepare a quarterly report of summarized  
51 budget data depicting overall trends of actual revenues and budget  
52 expenditures for the entire budget as well as individual line items.  
53 Such report shall compare revenue estimates and appropriations as set  
54 forth in such budget with the actual revenues and expenditures made to  
55 date. All quarterly reports shall be accompanied by a recommendation  
56 from the superintendent of schools or chief fiscal officer to the board

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

13 S 2. This act shall take effect immediately.