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

8467

2009-2010 Regular Sessions

I N A S S E M B L Y

May 21, 2009

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

AN ACT to amend the education law, in relation to requiring school districts and cooperative educational services boards to maintain and make available electronically transaction registers of the school's checking accounts

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

Section 1. Section 305 of the education law is amended by adding a new subdivision 42 to read as follows:

42. (A)(1) THE COMMISSIONER SHALL, ON OR BEFORE JANUARY FIRST, TWO THOUSAND TEN, DEVELOP AND IMPLEMENT A PROGRAM WHICH WILL REQUIRE ALL SCHOOL DISTRICTS AND ALL COOPERATIVE EDUCATIONAL SERVICES BOARDS TO MAINTAIN TRANSACTION REGISTERS OF A DISTRICT'S CHECKING ACCOUNTS IN AN ELECTRONIC FORM WHICH IS READILY AVAILABLE FOR THE PURPOSES OF SUBPARAGRAPH TWO OF PARAGRAPH (B) OF THIS SUBDIVISION. THE ELECTRONIC CHECKING ACCOUNT TRANSACTION REGISTERS SHALL INCLUDE ALL THOSE CHECKS WRITTEN FROM A DISTRICT CHECKING ACCOUNT WHICH ARE NEITHER EXEMPT UNDER ARTICLE SIX OF THE PUBLIC OFFICERS LAW, NOR FOR A STRICTLY PEDAGOGIC PURPOSE. FOR THE PURPOSES OF THIS SUBDIVISION THE TERM "PEDAGOGIC" SHALL MEAN "PERTAINING TO TEACHING".

(2) THE ELECTRONIC CHECKING ACCOUNT TRANSACTION REGISTERS MUST INCLUDE, BUT NOT BE LIMITED TO, FOR EACH CHECK WRITTEN FROM ANY DISTRICT ACCOUNTS WHICH ARE NOT EXEMPTED BY SUBPARAGRAPH ONE OF THIS PARAGRAPH, (I) THE TRANSACTION AMOUNT; (II) THE CHECK NUMBER; (III) THE NAME OF THE PAYEE; AND (IV) THE PURPOSE FOR WHICH THE CHECK WAS WRITTEN WHICH SHALL BE PROVIDED IN A CLEAR AND COHERENT MANNER USING WORDS WITH EVERYDAY MEANINGS AND WHICH SHALL NOT INCLUDE ABBREVIATIONS OR NUMERICAL REFERENCES UNLESS SUCH ARE IMMEDIATELY EXPLAINED OR DEFINED.

(B)(1) BEGINNING JUNE FIRST, TWO THOUSAND TEN EVERY SCHOOL DISTRICT AND COOPERATIVE EDUCATIONAL SERVICES BOARD IN THE STATE SHALL PROMINENT-

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

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LY POST THE ELECTRONIC CHECKING ACCOUNT TRANSACTION REGISTERS AT ALL TIMES ON THE DISTRICT'S WEBSITE FOR DOWNLOADING BY INTERESTED PARTIES.

(2) A SCHOOL DISTRICT SHALL UPDATE THEIR ELECTRONIC CHECKING ACCOUNT TRANSACTION REGISTERS AT LEAST ONCE EACH MONTH AND SHALL MAINTAIN THE AVAILABILITY OF ALL SUCH INFORMATION FOR A PERIOD OF AT LEAST TEN YEARS FROM THE DATE ON WHICH EACH CHECK IS WRITTEN.

(C) THE COMMISSIONER SHALL DEVISE AND IMPLEMENT A SIMILAR, NON-ELECTRONIC PROGRAM FOR ANY SCHOOL DISTRICT OR COOPERATIVE EDUCATIONAL SERVICES BOARD IN THE STATE WHICH DOES NOT HAVE A WEBSITE, PROVIDING FOR A METHOD OF MAKING THE INFORMATION REQUIRED IN PARAGRAPH (A) OF THIS SUBDIVISION TO BE MADE AVAILABLE TO INTERESTED PARTIES, AND SHALL EXEMPT SAID SCHOOL DISTRICTS AND COOPERATIVE EDUCATIONAL SERVICES BOARDS FROM THE ELECTRONIC POSTING REQUIREMENTS CONTAINED IN THIS SUBDIVISION.

(D) THE COMMISSIONER SHALL PROMULGATE ALL RULES AND REGULATIONS NECESSARY FOR THE IMPLEMENTATION OF THIS SUBDIVISION.

S 2. This act shall apply to any school district or cooperative educational services board checking transaction which occurs on or after June 1, 2010. Any such checking transaction which occurs prior to June 1, 2010 shall be governed by the law in effect when the transaction occurred.

S 3. This act shall take effect immediately.