

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

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2009-2010 Regular Sessions

I N S E N A T E

March 19, 2009

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

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 ASSEMBLY, 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 accelerated schedule as follows:
4 a. (1) Notwithstanding any other provisions of law, for aid payable in
5 the school years 2009-2010 through 2037-2038 upon application to the
6 commissioner of education submitted not sooner than the second Monday in
7 June of the school year in which such aid is payable and not later than
8 the Friday following the third Monday in June of the school year in
9 which such aid is payable, or ten days after the effective date of this
10 act, whichever shall be later, the Hamburg central school district shall
11 be eligible to receive an apportionment pursuant to this act in an
12 amount equal to the product of 3,100,000 and the quotient of the positive
13 difference of thirty minus the number of school years elapsed since
14 the 2009-2010 school year divided by thirty.
15 (2) Funds apportioned pursuant to this subdivision shall be used for
16 services and expenses of the Hamburg central school district of Erie
17 county and shall be applied to support of its educational programs and
18 any liability incurred by such city school district in carrying out its
19 functions and responsibilities under the education law.
20 b. The claim for an apportionment to be paid to the Hamburg central
21 school district pursuant to subdivision a of this section shall be
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EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [] is old law to be omitted.

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

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

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

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

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

51 In the 2009-2010 through 2037-2038 school years, the chief fiscal
52 officer of the Hamburg central school district shall monitor all budgets
53 and for each budget, shall prepare a quarterly report of summarized
54 budget data depicting overall trends of actual revenues and budget
55 expenditures for the entire budget as well as individual line items.
56 Such report shall compare revenue estimates and appropriations as set

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

16 S 2. This act shall take effect immediately.

FISCAL NOTE.--This bill would authorize the Hamburg central school district to receive certain apportionments of state aid on an accelerated basis. Specifically, this bill would make the Hamburg central school district eligible to receive advances in lottery aid apportionments, and other apportionments if necessary, in school years 2009-2010 through 2037-2038 equal to the product of \$3.1 million and the quotient of the positive difference of 30 minus the number of school years elapsed since 2009-2010 divided by 30. Such funds would be required to be used by the district for its services and expenses, to support its educational programs, and to pay for any liability it incurs in carrying out its functions and responsibilities prescribed under the education law.

Since the bill provides for an advance of state aid payable to the school district and does not increase the amount of aid payable to the school district, it would not result in any additional cost to the state.

This fiscal note was prepared by the New York state department of education and is intended for use only during the 2009 legislative session.