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

5800

2009-2010 Regular Sessions

I N S E N A T E

June 5, 2009

Introduced by Sen. FOLEY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the education law, in relation to recovery of excess payments to county vocational education and extension boards

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

Section 1. Subdivision 2 of section 1104 of the education law, as added by chapter 53 of the laws of 1990, is amended to read as follows:

2. [Notwithstanding the provisions of subdivision one of this section or chapters fifty-three and three hundred ninety-one of the laws of nineteen hundred eighty-nine or any other provision of law to the contrary, aid payable to county vocational education and extension boards in the spring of nineteen hundred ninety shall be reduced by an amount equal to the amount that would have been paid pursuant to section five hundred twenty-one of this chapter to the New York state teachers' retirement system on behalf of such board] UPON NOTIFICATION OF EXCESS PAYMENTS OF AID FOR WHICH A RECOVERY MUST BE MADE BY THE STATE THROUGH DEDUCTION OF FUTURE AID PAYMENTS, A COUNTY VOCATIONAL EDUCATION AND EXTENSION BOARD MAY REQUEST THAT SUCH EXCESS PAYMENTS BE RECOVERED BY DEDUCTING SUCH EXCESS PAYMENTS FROM THE PAYMENTS DUE TO SUCH COUNTY VOCATIONAL EDUCATION AND EXTENSION BOARD IN (I) THE SCHOOL YEAR IN WHICH SUCH NOTIFICATION WAS RECEIVED AND (II) THE TWO SUCCEEDING SCHOOL YEARS, PROVIDED FURTHER THAT THERE SHALL BE NO INTEREST PENALTY ASSESSED AGAINST SUCH COUNTY VOCATIONAL EDUCATION AND EXTENSION BOARD OR COLLECTED BY THE STATE. SUCH REQUEST SHALL BE MADE TO THE COMMISSIONER IN SUCH FORM AS THE COMMISSIONER SHALL PRESCRIBE, AND SHALL BE BASED ON DOCUMENTATION THAT THE TOTAL AMOUNT TO BE RECOVERED IS IN EXCESS OF TWENTY-FIVE PERCENT OF THE COUNTY VOCATIONAL EDUCATION AND EXTENSION BOARD'S TOTAL STATE AID ALLOCATION PURSUANT TO THIS SECTION FOR THE PRECEDING SCHOOL YEAR. THE AMOUNT TO BE DEDUCTED IN EACH YEAR SHALL BE ONE-THIRD OF SUCH EXCESS PAYMENTS.

S 2. This act shall take effect immediately.

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

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