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

5754

2011-2012 Regular Sessions

I N S E N A T E

June 14, 2011

Introduced by Sen. FLANAGAN -- 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 claims resulting from late filing of final cost reports by school districts

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

Section 1. Subdivision 5 of section 3604 of the education law is amended by adding a new paragraph b-1 to read as follows:

B-1. CLAIMS RESULTING FROM LATE FILING OF FINAL COST REPORTS. ANY PAYMENT WHICH WOULD BE DUE PURSUANT TO SUBDIVISION SIX, SIX-A, SIX-B, SIX-C, SIX-E OR SIX-F OF SECTION THIRTY-SIX HUNDRED TWO OF THIS PART SHALL NOT BE BARRED DUE TO A MINISTERIAL FAILURE ON THE PART OF A SCHOOL DISTRICT IN FILING THE FINAL COST REPORT, PROVIDED THAT, COMMENCING JULY FIRST, TWO THOUSAND ELEVEN, WHERE SUCH FINAL COST REPORT HAS NOT BEEN FILED WITH THE COMMISSIONER WITHIN ONE YEAR AFTER JUNE THIRTIETH OF THE SCHOOL YEAR IN WHICH SUCH FINAL COST REPORT MUST HAVE BEEN SUBMITTED TO THE COMMISSIONER, THE GAP ELIMINATION ADJUSTMENT COMPUTED PURSUANT TO SUBDIVISION SEVENTEEN OF SECTION THIRTY-SIX HUNDRED TWO OF THIS PART FOR SUCH DISTRICT FOR THE SUCCEEDING SCHOOL YEAR SHALL BE INCREASED BY AN AMOUNT EQUAL TO TEN PERCENT OF THE PRODUCT OF THE APPROVED COST FOR SUCH PROJECT MULTIPLIED BY THE BUILDING AID RATIO SELECTED PURSUANT TO PARAGRAPH C OF SUBDIVISION SIX OF SECTION THIRTY-SIX HUNDRED TWO OF THIS PART.

S 2. Paragraph a of subdivision 17 of section 3602 of the education law, as added by section 37 of part A of chapter 58 of the laws of 2011, is amended to read as follows:

a. Notwithstanding any other provision of law to the contrary, the commissioner shall reduce payments due to each district for the two thousand eleven--two thousand twelve school year and thereafter pursuant to section thirty-six hundred nine-a of this [article] PART by an amount equal to the SUM OF THE gap elimination adjustment computed for such

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

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district PURSUANT TO PARAGRAPHS B AND C OF THIS SUBDIVISION PLUS ANY PENALTY TO BE ADDED PURSUANT TO PARAGRAPH B-1 OF SUBDIVISION FIVE OF SECTION THIRTY-SIX HUNDRED FOUR OF THIS PART, and such amount shall be deducted from moneys apportioned for the purposes of payments made pursuant to [such] section thirty-six hundred nine-a OF THIS PART and if the reduction is greater than the sum of the amounts available for such deductions, the remainder of the reduction shall be withheld from payments scheduled to be made to the district pursuant to section thirty-six hundred nine-a OF THIS PART for the following school year, and provided further that an amount equal to the amount of such deduction shall be deemed to have been paid to the district pursuant to this section for the school year in which such deduction is made. The commissioner shall compute such gap elimination adjustment and shall provide a schedule of such reduction in payments to the state comptroller, the director of the budget, the chair of the senate finance committee and the chair of the assembly ways and means committee.

S 3. This act shall take effect July 1, 2011; provided that if section 37 of part A of chapter 58 of the laws of 2011 shall not have taken effect on such date, then section two of this act shall take effect on the same date and in the same manner as such chapter of the laws of 2011 takes effect.