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Cal. No. 388

I N S E N A T E

February 3, 2012

Introduced by Sen. DeFRANCISCO -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- reported favorably from said committee and committed to the Committee on Finance -- 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 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the education law, in relation to assumed amortization for school projects

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

1 Section 1. Clause (b) of subparagraph 3 of paragraph e of subdivision
2 6 of section 3602 of the education law, as amended by section 31-a of
3 part A of chapter 57 of the laws of 2012, is amended to read as follows:
4 (b) Such assumed amortization for a project approved by the commis-
5 sioner on or after the later of the first day of December, two thousand
6 one or thirty days after the date upon which this subdivision shall have
7 become a law and prior to the first day of July, two thousand eleven or
8 for any debt service related to projects approved by the commissioner
9 prior to such date where a bond, capital note or bond anticipation note
10 is first issued on or after the first day of December, two thousand one
11 to fund such projects, shall commence: (i) eighteen months after such
12 approval or (ii) on the date of receipt by the commissioner of a certif-
13 ication by the district that a general construction contract has been
14 awarded for such project by the district, whichever is later, and such
15 assumed amortization for a project approved by the [commissioner] VOTERS
16 OF THE SCHOOL DISTRICT OR BY THE BOARD OF EDUCATION OF A CITY SCHOOL
17 DISTRICT IN A CITY WITH MORE THAN ONE HUNDRED TWENTY-FIVE THOUSAND
18 INHABITANTS BUT LESS THAN ONE MILLION INHABITANTS, on or after the first
19 day of July, two thousand eleven shall commence: (iii) eighteen months

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

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1 after [such] COMMISSIONER approval or (iv) on the date of receipt by the
2 commissioner of both the final certificate of substantial completion of
3 the project issued by the architect or engineer and the final cost
4 report for such project, whichever is later or (v) upon the effective
5 date of a waiver based on a finding by the commissioner, pursuant to a
6 process set forth by the commissioner, that the district is unable to
7 submit a final certificate of substantial completion for the project
8 and/or complete the final cost report because of circumstances beyond
9 the control of the district. Such assumed amortization shall provide for
10 equal semiannual payments of principal and interest based on an interest
11 rate established pursuant to subparagraph five of this paragraph for
12 such purpose for the school year during which such certification is
13 received. The first installment of obligations issued by the school
14 district in support of such projects may mature not later than the dates
15 established pursuant to sections 21.00 and 22.10 of the local finance
16 law.

17 S 2. This act shall take effect immediately.