

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

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

AN ACT to amend the state finance law, in relation to establishing the special education short-term revolving loan fund, and in relation to authorizing the state comptroller to provide special education short-term revolving loans to certain special act school districts or approved special education providers

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

1 Section 1. The state finance law is amended by adding a new section
2 99-u to read as follows:

3 S 99-U. SPECIAL EDUCATION SHORT-TERM REVOLVING LOAN FUND. 1. THERE IS
4 HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE COMPTROLLER AND THE
5 COMMISSIONER OF TAXATION AND FINANCE A FUND TO BE KNOWN AS THE SPECIAL
6 EDUCATION SHORT-TERM REVOLVING LOAN FUND. SUCH FUND SHALL CONSIST OF
7 MONEYS MADE AVAILABLE PURSUANT TO APPROPRIATION AND ANY OTHER SOURCES IN
8 ORDER TO PROVIDE SUPPORT FOR PROMPT CONTRACTING WITH AND PAYMENT OF
9 NOT-FOR-PROFIT ORGANIZATIONS.

10 2. MONEYS OF THE FUND MAY BE EXPENDED PURSUANT TO SECTION ONE HUNDRED
11 SEVENTY-NINE-FF OF THIS CHAPTER. MONEYS SHALL BE PAID OUT OF THE FUND ON
12 THE AUDIT AND WARRANT OF THE STATE COMPTROLLER PURSUANT TO SUCH SECTION.

13 S 2. The state finance law is amended by adding a new section 179-ff
14 to read as follows:

15 S 179-FF. SPECIAL EDUCATION SHORT-TERM REVOLVING LOANS. 1. THE COMP-
16 TROLLER IS AUTHORIZED TO PROVIDE LOANS FROM THE SPECIAL EDUCATION
17 SHORT-TERM REVOLVING LOAN FUND ESTABLISHED BY SECTION NINETY-NINE-U OF
18 THIS CHAPTER TO ANY SPECIAL ACT SCHOOL DISTRICT OR APPROVED SPECIAL
19 EDUCATION PROVIDER SEEKING SHORT-TERM FINANCING FOR OPERATIONS, PENDING
20 TUITION PAYMENTS AS AUTHORIZED UNDER SECTION FORTY-FOUR HUNDRED FIVE OF
21 THE EDUCATION LAW. THE COMPTROLLER MAY PROVIDE SUCH A LOAN TO A SPECIAL

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

1 ACT SCHOOL DISTRICT OR APPROVED SPECIAL EDUCATION PROVIDER UPON RECEIPT
2 OF A WRITTEN AGREEMENT BETWEEN THE SCHOOL DISTRICT OR PROVIDER AND THE
3 STATE EDUCATION DEPARTMENT OUTLINING THE NEED FOR SUCH LOAN AND THE
4 ANTICIPATED TUITION PAYMENT OR TUITION RECONCILIATION THAT WILL PROVIDE
5 REASONABLE ASSURANCES OF REPAYMENT THAT IS SATISFACTORY TO THE COMP-
6 TROLLER. SUCH LOAN SHALL NOT BEAR INTEREST AND REPAYMENT OF SUCH LOAN
7 MAY BE MADE UPON RECEIPT OF TUITION PAYMENTS AND RECONCILIATIONS, PURSU-
8 ANT TO THE WRITTEN AGREEMENT.

9 2. THE COMPTROLLER SHALL PROMULGATE RULES AND REGULATIONS WITHIN NINE-
10 TY DAYS OF THE EFFECTIVE DATE OF THIS SECTION FOR THE OPERATION OF THE
11 SPECIAL EDUCATION SHORT-TERM REVOLVING LOAN FUND WHICH SHALL INCLUDE,
12 BUT NOT BE LIMITED TO, THE CRITERIA TO BE USED IN DETERMINING SCHOOLS
13 AND SCHOOL DISTRICTS ELIGIBLE FOR ASSISTANCE; A PROCEDURE AND ANY NECES-
14 SARY INFORMATION THAT SCHOOLS AND SCHOOL DISTRICTS NEED TO SUBMIT APPLI-
15 CATIONS FOR A LOAN FROM THIS FUND; A SCHEDULE FOR REVIEWING SUCH APPLI-
16 CATIONS, NOT TO EXCEED THIRTY DAYS, AND NOTIFICATION TO AN APPLICANT OF
17 APPROVAL OR DISAPPROVAL OF SUCH APPLICATION FOR INTERIM FUNDING; AND ANY
18 OTHER REQUIREMENTS DEEMED NECESSARY BY THE COMPTROLLER.

19 S 3. This act shall take effect immediately.