

# STATE OF NEW YORK

242

2017-2018 Regular Sessions

## IN ASSEMBLY

January 5, 2017

Introduced by M. of A. PERRY, ENGLEBRIGHT -- Multi-Sponsored by -- M. of A. ARROYO, COOK, ORTIZ, RIVERA -- read once and referred to the Committee on Tourism, Parks, Arts and Sports Development

AN ACT to amend the education law, in relation to creating the New York schools sports and recreation program and establishing the New York city schools sports and recreation advisory committee; and to amend the state finance law, in relation to establishing the New York schools sports and recreation fund

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Legislative findings and intent. The legislature hereby  
2 finds that participation in organized extracurricular sports and recre-  
3 ational programs provides students with valuable physical and emotional  
4 benefits. Such programs are a significant and important aspect of a  
5 child's education. The legislature further finds that such programs are  
6 underfunded and in need of financial support. Therefore, it is the  
7 intent of the legislature to provide a solution to the problem of fund-  
8 ing such sports and recreational programs by establishing the New York  
9 city schools sports and recreation advisory committee and the New York  
10 schools sports and recreation fund.

11 § 2. The education law is amended by adding a new article 10-E to read  
12 as follows:

### ARTICLE 10-E

#### THE NEW YORK SCHOOLS SPORTS AND RECREATION PROGRAM

15 Section 500-a. The New York schools sports and recreation fee program.

16 500-b. The New York city schools sports and recreation advisory  
17 committee.

18 § 500-a. The New York schools sports and recreation fee program. 1.  
19 Notwithstanding any other provision of law to the contrary, any city  
20 with a population of one hundred fifty thousand or more is hereby  
21 authorized and empowered to adopt and amend its local laws imposing, in

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

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1 accordance with the provisions of this article, a twenty-five cent fee  
2 upon the ticket price of four dollars or more for any sporting event  
3 held within such city.

4 2. All moneys collected pursuant to subdivision one of this section  
5 and all increments to the principal derived from investment gain, inter-  
6 est accumulation, and other sources of income shall only be deposited  
7 into the New York schools sports and recreation fund as established in  
8 section ninety-seven-pppp of the state finance law.

9 3. (a) The amount of earnings and accumulated income upon the princi-  
10 pal of the fund for the prior fiscal year, as reported by the comp-  
11 troller on August fifteenth annually, shall be available for appropri-  
12 ation to the New York city schools sports and recreation advisory  
13 committee or to the school board of a city imposing a sports and recre-  
14 ation fee pursuant to subdivision one of this section. Any funds so  
15 appropriated shall be expended for sports and recreation programs  
16 authorized by the school board in such city or the New York city schools  
17 sports and recreation advisory committee in the city of New York, pursu-  
18 ant to the provisions of section five hundred-b of this article.

19 (b) Seventy-five percent of such moneys shall be disbursed for the  
20 sports and recreational programs of public schools located within such  
21 city's school district and twenty-five percent shall be disbursed for  
22 the sports and recreational programs of non-public schools located with-  
23 in such city. All expenditures from the fund for the purposes of this  
24 section shall be made on the audit and warrant of the comptroller upon  
25 vouchers approved by the president of such city's board of education, or  
26 by the chancellor of the city school district in the case of the city  
27 school district of the city of New York.

28 § 500-b. The New York city schools sports and recreation advisory  
29 committee. 1. There is hereby created the New York city schools sports  
30 and recreation advisory committee, to be appointed by the chancellor of  
31 the city school district of the city of New York. Such committee shall  
32 consist of eleven members who have submitted applications for appoint-  
33 ment or have been recommended for appointment by public officials or  
34 school administrators: five of whom shall be parents of a student in  
35 attendance and registered in a sports or recreation program at a public  
36 school located within the city school district of the city of New York  
37 representative of each borough and chosen by such borough president, one  
38 of whom shall be a parent of a student in attendance and registered in  
39 a sports or recreation program at a non-public school located within the  
40 city school district of the city of New York, one of whom shall be an  
41 athletic director or coach from a public school located within the city  
42 school district of the city of New York, one of whom shall be an athlet-  
43 ic director or coach from a non-public school located within the city  
44 school district of the city of New York, one of whom shall be a student  
45 in attendance and registered in a sports or recreation program at a  
46 public school located within the city school district of the city of New  
47 York, one of whom shall be a student in attendance and registered in a  
48 sports or recreation program at a non-public school located within the  
49 city school district of the city of New York and the chancellor of the  
50 city school district of the city of New York or his or her represen-  
51 tative.

52 2. Each member of the committee shall serve a term of three years  
53 without remuneration; provided, however, that the student represen-  
54 tatives shall serve for a term of one year and be reimbursed for his or  
55 her actual travel expenses. The chancellor of the city school district

1 of the city of New York shall have the power to remove members and reap-  
2 point members.

3 3. The chancellor of the city school district of the city of New York  
4 shall name a chairperson of the committee and shall establish the rules  
5 of operation of the committee.

6 4. Such committee shall advise and make recommendations to the chan-  
7 cancellor of the city school district of the city of New York as to which  
8 school sports and recreation programs are determined by the committee to  
9 be eligible for financial support. For the purpose of determining eligi-  
10 bility, the committee shall consider programs involving the greatest  
11 number of participants.

12 5. The chancellor of the city school district of the city of New York  
13 shall establish and periodically update a list of interested volunteers  
14 and persons recommended for appointment by public officials or school  
15 administrators from which appointments to such committee shall be made.

16 6. The chancellor of the city school district of the city of New York  
17 shall exercise due diligence to insure that such committee's composition  
18 provides equal geographic representation.

19 § 3. The state finance law is amended by adding a new section 97-pppp  
20 to read as follows:

21 § 97-pppp. The New York schools sports and recreation fund. 1. There  
22 is hereby established in the joint custody of the comptroller and the  
23 commissioner of taxation and finance an account to be known as the New  
24 York schools sports and recreation fund. Such account shall consist of  
25 all fees received pursuant to section five hundred-a of the education  
26 law and all other monies credited or transferred thereto from any other  
27 fund or source pursuant to law.

28 2. Fees received from a city pursuant to section five hundred-a of the  
29 education law shall be kept separate from the monies received from any  
30 other city depositing money pursuant to section five hundred-a of the  
31 education law and shall be credited only to the city depositing such  
32 monies.

33 3. The comptroller shall invest and keep invested all moneys belonging  
34 to the fund in the manner authorized by section ninety-eight of this  
35 article.

36 4. Commencing on or before August fifteenth, two thousand nineteen and  
37 on or before the fifteenth day of August of each succeeding year, the  
38 comptroller shall issue a certificate of earnings and accumulated income  
39 upon the principal of such fund as of the end of the preceding state  
40 fiscal year to the president of the school board, or to the chancellor  
41 of the city school district of the city of New York in the case of the  
42 city school district of the city of New York. Such certificate shall  
43 also include a statement of accumulated income for the prior fiscal  
44 years remaining unexpended at the close of such year.

45 5. Monies of the account may be expended pursuant to subdivision two  
46 of section five hundred-a of the education law. Monies shall be paid  
47 out of the account upon the audit and warrant of the state comptroller  
48 pursuant to such section.

49 6. The monies held in or credited to the fund shall be expended for  
50 the purposes set forth in section five hundred-a of the education law,  
51 and may not be interchanged or commingled with any other account or fund  
52 but may be commingled with any other fund for investment purposes.

53 § 4. This act shall take effect on the ninetieth day after it shall  
54 have become a law; provided, however, that if no eligible city adopts a  
55 local law pursuant to section 500-a of the education law as added by  
56 section two of this act, this act shall be deemed repealed 1 year after

1 such date provided that the New York city schools sports and recreation  
2 advisory committee shall notify the legislative bill drafting commission  
3 upon the occurrence of the enactment of the legislation provided for in  
4 this act in order that the commission may maintain an accurate and time-  
5 ly effective data base of the official text of the laws of the state of  
6 New York in furtherance of effecting the provisions of section 44 of the  
7 legislative law and section 70-b of the public officers law.