

STATE OF NEW YORK

219

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. PERRY, ENGLEBRIGHT -- Multi-Sponsored by -- M. of A. COOK, J. 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

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

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1 authorized and empowered to adopt and amend its local laws imposing, in
2 accordance with the provisions of this article, a twenty-five cent fee
3 upon the ticket price of four dollars or more for any sporting event
4 held within such city.

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

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

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

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

53 2. Each member of the committee shall serve a term of three years
54 without remuneration; provided, however, that the student represen-
55 tatives shall serve for a term of one year and be reimbursed for his or
56 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-bbbb
20 to read as follows:

21 § 97-bbbb. 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 twenty-three
37 and on or before the fifteenth day of August of each succeeding year,
38 the comptroller shall issue a certificate of earnings and accumulated
39 income upon the principal of such fund as of the end of the preceding
40 state fiscal year to the president of the school board, or to the chan-
41 cancellor of the city school district of the city of New York in the case
42 of the city school district of the city of New York. Such certificate
43 shall also include a statement of accumulated income for the prior
44 fiscal 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.