

# STATE OF NEW YORK

4587

2023-2024 Regular Sessions

## IN SENATE

February 10, 2023

Introduced by Sen. OBERACKER -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to payment of moneys due for prior years

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

1 Section 1. Paragraph c of subdivision 5 of section 3604 of the educa-  
2 tion law, as added by chapter 82 of the laws of 1995, is amended to read  
3 as follows:

4 c. Payment of moneys due for prior years. (i) State aid payments due  
5 for prior years in accordance with the provisions of this subdivision  
6 shall be paid within the limit of the appropriation designated therefor  
7 provided, however, that each eligible claim shall be payable in the  
8 order that it has been approved for payment by the commissioner, but in  
9 no case shall a single claim draw down more than forty percent of the  
10 appropriation so designated for a single year, and provided further that  
11 no claim shall be set aside for insufficiency of funds to make a  
12 complete payment, but shall be eligible for a partial payment in one  
13 year and shall retain its priority date status for appropriations desig-  
14 nated for such purposes in future years.

15 (ii) Notwithstanding the provisions of subparagraph (i) of this para-  
16 graph, if a school district is subject to a state aid adjustment pursu-  
17 ant to paragraph a of this subdivision because such district has been  
18 apportioned more money than that to which it is entitled, prior to  
19 deducting such additional money from future apportionments made to such  
20 district, the commissioner shall first determine if such district is  
21 owed money for prior year claims pursuant to this paragraph. If such  
22 district is owed funds on the prior year adjustment list maintained by  
23 the department, prior to deducting any money, the department shall first  
24 offset the overpayment amount by the total amount owed on such list  
25 regardless of the district's priority date status.

26 § 2. This act shall take effect immediately.

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

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