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:

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

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

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

§ 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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