

4543

2009-2010 Regular Sessions

I N A S S E M B L Y

February 4, 2009

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

AN ACT in relation to state aid payments to the Fredonia central school district

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

1 Section 1. Legislative intent. The legislature hereby finds that the
2 Fredonia central school district approved several capital improvement
3 projects which were designated by the State Education Department as
4 project numbers 0001-006 and 0009-008. In addition, the projects were
5 eligible for certain state aid. The legislature further finds that due
6 to ministerial error, required filings for eligibility for such aid were
7 not made by the district in a timely manner making the district ineligible
8 for certain aid. The legislature further finds that without such
9 aid, the capital improvement projects will impose an additional, unanticipated
10 hardship on district taxpayers.

11 S 2. All the acts done and proceedings heretofore had and taken or
12 caused to be had and taken by the Fredonia central school district and
13 by all its officers or agents relating to or in connection with certain
14 final cost reports to be filed with the state education department for
15 projects 0001-006 and 0009-008, and all acts incidental thereto are
16 hereby legalized, validated, ratified and confirmed, notwithstanding any
17 failure to comply with the approval and filing provisions of the education
18 law or any other law or any other statutory authority, rule or
19 regulation, in relation to any omissions, error, defect, irregularity or
20 illegality in such proceedings had and taken, and provided further that
21 any amount due and payable to the Fredonia central school district for
22 school years prior to the two thousand nine--two thousand ten school
23 year as a result of this act shall be paid pursuant to the provisions of
24 paragraph c of subdivision 5 of section 3604 of the education law.

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

LBD05543-01-9

1 S 3. The education department is hereby directed to consider the
2 approved costs of the aforementioned project as valid and proper obli-
3 gations of the Fredonia central school district.

4 S 4. Notwithstanding any provisions of law to the contrary, state aid
5 payments in the amount of not more than one million three hundred eigh-
6 teen thousand three hundred forty-one dollars made to the Fredonia
7 central school district, which included excess payments of building aid,
8 and for which a recovery must be made by the state through deduction of
9 future aid payments, shall be reduced through aid deductions totaling
10 such excess payments, by deducting one-sixth of such excess payments
11 from the payments due to such school district and payable in the month
12 of June in the years 2009, 2010, 2011, 2012, 2013, and 2014 provided,
13 however, there shall be no interest penalty assessed against such
14 district or collected by the state, and provided further that, notwith-
15 standing any other provisions of this act, any pending payment of moneys
16 due to such district as a prior year adjustment payable pursuant to
17 paragraph c of subdivision 5 of section 3604 of the education law for
18 aid claims that had been previously paid in excess as current year aid
19 payments and for which recovery of excess payments is to be made pursu-
20 ant to this section, shall be reduced at the time of actual payment by
21 any remaining unrecovered balance of such excess payments, and the
22 remaining scheduled deductions of such excess payments pursuant to this
23 section shall be reduced by the commissioner of education to reflect the
24 amount so recovered.

25 S 5. This act shall take effect immediately.