S T A T E O F N E W Y O R K

4788

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

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

AN ACT to legalize, validate, ratify and confirm certain actions taken by the board of education of the Northern Adirondack central school district with regard to the purchase of certain school buses

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

Section 1. Legislative findings. The legislature hereby finds and determines that pursuant to the fiscal year 2005-2006 budget approved by the board of education of the Northern Adirondack central school district at its regular meeting on April 18, 2005, the budget included a line item for "bus purchase" in the amount of $47,877 for the payment of one year's principal and interest payments on borrowings intended to be incurred by such school district to finance the purchase of three school buses; that on May 17, 2005 a budget resolution including such $47,877 line item for the payment of one year's debt service of the three school buses was approved by the voters of the school district on a vote of 328 to 119; that a separate proposition on the purchase of such school buses was never submitted to the qualified voters for their approval; that the resolution and proposition approved by the board of education and the voters, respectively, were not in compliance with applicable provisions of the education law and the local finance law since approval of the purchase of such school buses by a separate proposition was required; that on July 19 and August 24, 2005 the school buses were acquired by the Northern Adirondack central school district and payment was made from the school district's general fund in the amount of $241,100.42.

S 2. Notwithstanding the defects described in section one of this act, the purchase of the school buses described therein, the payment from the Northern Adirondack central school district's general fund of $241,100.42 to pay the purchase price thereof, and the acceptance of title to said school buses, and all resolutions, acts and proceedings

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

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heretofore adopted or taken by the board of education of the Northern Adirondack central school district in relation thereto, are hereby legalized, validated, ratified and confirmed. Further, notwithstanding the provisions of any general or special law to the contrary, including without limitation subdivision 5 of section 109-b of the general municipal law, section 37.00 of the local finance law and subdivision 2 of paragraph c of section 104.00 of the local finance law, the board of education of the Northern Adirondack central school district is hereby authorized to adopt a bond resolution or a resolution authorizing the lease/purchase of said school buses without the necessity of obtaining prior approval by a majority of the qualified voters of said school district of a proposition authorizing the purchase of such school buses; said school district is authorized, pursuant to any such resolution of the board of education to issue its obligations under the local finance law or to enter into a lease/purchase agreement, to finance said school buses, in either case, in a maximum principal amount of $241,100.42, and said school district shall be eligible to receive state transportation aid with respect to the purchase and financing of said school buses.

S 3. Except as otherwise set forth in this act, any obligations of the Northern Adirondack central school district issued pursuant to this act shall be issued in accordance with the provisions of the local finance law.

S 4. If any clause, sentence, subdivision, paragraph, section or part of this act be adjudged by any court of competent jurisdiction, to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subdivision, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

S 5. This act shall take effect immediately.