

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

7482--A

2011-2012 Regular Sessions

I N A S S E M B L Y

May 6, 2011

Introduced by M. of A. FITZPATRICK -- read once and referred to the
Committee on Education -- committee discharged, bill amended, ordered
reprinted as amended and recommitted to said committee

AN ACT relating to validating actions taken by the Smithtown Central
School District

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

1 Section 1. Legislative intent. The legislature hereby finds that the
2 Smithtown Central School District approved several capital improvement
3 projects which were designated by the State Education Department as
4 project numbers 7999-002, 0034-022, 0027-008 and 0023-021. In addition,
5 the projects were eligible for certain state aid. The legislature
6 further finds that due to an administrative error, required filings for
7 eligibility for such aid were not made by the district in a timely
8 manner making the district ineligible for certain aid. The legislature
9 further finds that without such aid, the capital improvement projects
10 will impose an additional, unanticipated 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 Smithtown 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 7999-002, 0034-022, 0027-008 and 0023-021, and all acts inci-
16 dental thereto are hereby legalized, validated, ratified and confirmed,
17 notwithstanding any failure to comply with the approval and filing
18 provisions of the education law or any other law or any other statutory
19 authority, rule or regulation, in relation to any omissions, error,
20 defect, irregularity or illegality in such proceedings had and taken,
21 and provided further that any amount due and payable to the Smithtown
22 Central School District for school years prior to the 2012-13 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.

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1 S 3. The education department is hereby directed to consider the
2 approved costs of the aforementioned projects as valid and proper obli-
3 gations of the Smithtown 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 three million five hundred two
6 thousand one hundred fifty dollars (\$3,502,150.00) made to the Smithtown
7 Central School District in the 2004-2005 through 2010-2011 school years,
8 which included excess payments of aid for which a recovery must be made
9 by the state through deduction of future aid payments by deducting one-
10 sixth of such excess payments from the payments due to such school
11 district and payable in the month of June in the years 2011, 2012, 2013,
12 2014, 2015, and 2016 provided, however, there shall be no interest
13 penalty assessed against such district or collected by the state, and
14 provided further that, any pending payment of moneys due to such
15 district as a prior year adjustment payable pursuant to paragraph c of
16 subdivision 5 of section 3604 of the education law for aid claims that
17 had been previously paid in excess as current year aid payments and for
18 which recovery of excess payments is to be made pursuant to this
19 section, shall be reduced at the time of actual payment by any remaining
20 unrecovered balance of such excess payments, and the remaining scheduled
21 deductions of such excess payments pursuant to this section shall be
22 reduced by the commissioner of education to reflect the amount so recov-
23 ered.

24 S 5. This act shall take effect immediately.