

5315--A

Cal. No. 734

2011-2012 Regular Sessions

I N S E N A T E

May 5, 2011

Introduced by Sen. FLANAGAN -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

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 ASSEMBLY, 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,

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

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1 and provided further that nay amount due and payable to the Smithtown
2 Central School District for school years prior to the 2012-13 school
3 year as a result of this act shall be paid pursuant to the provisions of
4 paragraph c of subdivision 5 of section 3604 of the education law.

5 S 3. The education department is hereby directed to consider the
6 approved costs of the aforementioned projects as valid and proper obli-
7 gations of the Smithtown Central School District.

8 S 4. Notwithstanding any provisions of law to the contrary, state aid
9 payments in the amount of not more than three million five hundred two
10 thousand one hundred fifty dollars (\$3,502,150.00) made to the Smithtown
11 Central School District in the 2004-2005 through 2010-2011 school years,
12 which included excess payments of aid for which a recovery must be made
13 by the state through deduction of future aid payments by deducting one-
14 sixth of such excess payments from the payments due to such school
15 district and payable in the month of June in the years 2011, 2012, 2013,
16 2014, 2015, and 2016 provided, however, there shall be no interest
17 penalty assessed against such district or collected by the state, and
18 provided further that, any pending payment of moneys due to such
19 district as a prior year adjustment payable pursuant to paragraph c of
20 subdivision 5 of section 3604 of the education law for aid claims that
21 had been previously paid in excess as current year aid payments and for
22 which recovery of excess payments is to be made pursuant to this
23 section, shall be reduced at the time of actual payment by any remaining
24 unrecovered balance of such excess payments, and the remaining scheduled
25 deductions of such excess payments pursuant to this section shall be
26 reduced by the commissioner of education to reflect the amount so recov-
27 ered.

28 S 5. This act shall take effect immediately.