

10337

I N   A S S E M B L Y

May 22, 2012

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

AN ACT to amend chapter 140 of the laws of 1985 relating to establishing  
the Randolph Children's Home union free school district, and to amend  
the public authorities law, in relation to the establishment of the  
Randolph Academy union free school district

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

1     Section 1. Section 4 of chapter 140 of the laws of 1985 relating to  
2     establishing the Randolph Children's Home union free school district, as  
3     amended by chapter 213 of the laws of 2011, is amended to read as  
4     follows:  
5     S 4. a. Whenever any territory adjoining any part of the territory  
6     described in this act, shall be acquired or purchased by the Western New  
7     York Society for the Protection of Homeless and Dependent Children, OR  
8     ITS SUCCESSORS, OR THE RANDOLPH ACADEMY UNION FREE SCHOOL DISTRICT, or  
9     shall be held by said society OR THE RANDOLPH ACADEMY UNION FREE SCHOOL  
10    DISTRICT OR ITS SUCCESSORS in accordance with the provisions of the  
11    not-for-profit corporation law, the same shall become a part of the  
12    union free school district hereby established and shall, together with  
13    the territory described in this act, enjoy all the powers and privileges  
14    of a union free school district under the provisions of the education  
15    law.  
16    b. The Randolph Academy union free school district, subject to the  
17    consent of the state education department, is authorized to acquire,  
18    purchase, lease, or otherwise operate any part or all of (I) ITS TERRI-  
19    TORY OR (II) the territory constituting the union free school district  
20    number three in the town of Hamburg, Erie county as created by chapter  
21    934 of the laws of 1971, as amended by chapter 501 of the laws of 1986,  
22    and the facilities available to be used by the union free school  
23    district number three in the town of Hamburg, Erie county in fulfilling  
24    its purposes and situated on such territory, for the purpose of operat-  
25    ing educational programs approved by the state education department at  
26    such site.

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

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1 c. Any territory acquired, purchased, leased or otherwise operated by  
2 the Randolph Academy union free school district as set forth in subdivi-  
3 sion b of this section shall become part of such union free school  
4 district for so long as such territory is held by such union free school  
5 district by deed, lease, or otherwise. Where such acquisition is by  
6 lease, or other agreement having a fixed term or is terminable by any  
7 party, such territory shall cease to be a part of the union free school  
8 district created by this act and shall revert to, and become a part of,  
9 AS THE CASE MAY BE, EITHER THE RANDOLPH CENTRAL SCHOOL DISTRICT IN THE  
10 COUNTY OF CATTARAUGUS IN THE CASE OF THE RANDOLPH ACADEMY OR the Fron-  
11 tier central school district in the county of Erie IN THE CASE OF THE  
12 UNION FREE SCHOOL DISTRICT NUMBER THREE IN THE TOWN OF HAMBURG, ERIE  
13 COUNTY, upon the expiration or termination of such lease or other agree-  
14 ment or when any bonds or notes issued by the dormitory authority of the  
15 state of New York in connection with the financing of certain improve-  
16 ments made at such facilities prior to the effective date of this subdivi-  
17 sion are no longer outstanding, whichever is later.

18 d. [The] NOTWITHSTANDING ANY PROVISION OF ANY LAW TO THE CONTRARY, THE  
19 Randolph Academy union free school district is authorized, subject to  
20 the consent of the state education department, to operate and/or  
21 purchase and/or lease the territory, facilities, and assets currently or  
22 formerly IN ITS DISTRICT OR IN THE DISTRICT of the union free school  
23 district number three in the town of Hamburg, Erie county, known as the  
24 Hopevale union free school district and/or owned by Hopevale, Inc.

25 S 2. The undesignated paragraph of subdivision 1 of section 1680 of  
26 the public authorities law, as added by chapter 213 of the laws of 2011,  
27 is amended to read as follows:

28 Randolph Academy union free school district, for the financing, acqui-  
29 sition, construction, reconstruction, renovation and improvement for  
30 facilities located in EITHER CATTARAUGUS COUNTY OR Erie county, New  
31 York. Notwithstanding any other provision of law, Randolph Academy union  
32 free school district shall have full power and authority to assign and  
33 pledge to the authority any and all public funds to be apportioned or  
34 otherwise made payable by the state, a political subdivision, as defined  
35 in section one hundred of the general municipal law, or any social  
36 services district in the state in an amount sufficient to make all  
37 payments required to be made by Randolph Academy union free school  
38 district pursuant to any lease, sublease or other agreement entered into  
39 between Randolph Academy union free school district and the authority.  
40 All state and local officers are hereby authorized and required to pay  
41 all such funds so assigned and pledged to the authority or upon the  
42 direction of the authority, to any trustee of any authority bond or note  
43 issued pursuant to a certificate filed with any such state or local  
44 officer by the authority pursuant to the provisions of this section. No  
45 agreement or lease by Randolph Academy union free school district pursu-  
46 ant to this paragraph shall be effective unless and until it is approved  
47 by or on behalf of the commissioner of education.

48 S 3. This act shall take effect immediately.