

STATE OF NEW YORK

10592

IN ASSEMBLY

May 8, 2018

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

AN ACT to ratify and validate certain actions of school districts relating to the filing of final building project cost reports, and directing the payment of state aid for school district building projects affected thereby

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. (a) Notwithstanding any other provision of law to the
2 contrary, the actions or omissions of any school district which failed
3 to submit a final building project cost report by June 30 of the school
4 year following June 30 of the school year in which a certificate of
5 substantial completion of the project is issued by the architect or
6 engineer, or six months after issuance of such certificate, whichever is
7 later, are hereby ratified and validated, provided, that such building
8 project was eligible for aid in a year for which the commissioner of
9 education is required to prepare an estimate of apportionments due and
10 owing pursuant to paragraph c of subdivision 21 of section 305 of the
11 education law, provided, further, that such school district submits a
12 final cost report on or before December 31, 2018 and such report is
13 approved by the commissioner of education, and provided, further, that
14 any amount due and payable for school years prior to the 2019--2020
15 school year as a result of this act shall be paid pursuant to the
16 provisions of paragraph c of subdivision 5 of section 3604 of the educa-
17 tion law.

18 (b) Notwithstanding any other provision of law to the contrary, any
19 pending payment of moneys due to such district as a prior year adjust-
20 ment payable pursuant to paragraph c of subdivision 5 of section 3604 of
21 the education law for aid claims that had been previously paid in excess
22 as current year aid payments and for which recovery of excess payments
23 is to be made pursuant to this act, shall be reduced by any remaining
24 unrecovered balance of such excess payments, and the remaining scheduled
25 deductions of such excess payments pursuant to this act shall be reduced
26 by the commissioner of education to reflect the amount so recovered.

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

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1 (c) The education department is hereby directed to adjust the approved
2 costs of the aforementioned projects on a pro-rata basis to reflect the
3 number of years between June 30 of the school year following June 30 of
4 the school year in which the certificate of substantial completion of
5 the project is issued by the architect or engineer, or six months after
6 issuance of such certificate, whichever is later and the date upon which
7 the district filed a final cost report as a proportion of the useful
8 life of the project, and to consider such adjusted approved costs as
9 valid and proper obligations of such school districts.
10 § 2. This act shall take effect immediately.