

# STATE OF NEW YORK

10943

## IN ASSEMBLY

May 29, 2018

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

AN ACT to legalize, validate, ratify and confirm the actions of the Spackenkill union free school district notwithstanding the failure to timely file final building cost reports with the education department

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

1 Section 1. Notwithstanding any other provision of law to the contrary,  
2 all acts done and proceedings heretofore had and taken, or caused to be  
3 had or taken, by the Spackenkill union free school district and by any  
4 of its officers or agents relating to or in connection with final building  
5 cost reports required to be filed with the education department for  
6 approved building projects completed prior to December 31, 2012, and all  
7 acts incidental thereto are hereby legalized, validated, ratified and  
8 confirmed, notwithstanding any failure to comply with the time requirements  
9 for the approval and filing provisions of the education law or any  
10 other provision of law, rule or regulation, relating to any omissions,  
11 error, defect, irregularity or illegality in such proceedings had and  
12 taken.

13 § 2. Notwithstanding section 24-a of part A of chapter 57 of the laws  
14 of 2013, and consistent with section one of this act, the commissioner  
15 shall not recover from the Spackenkill union free school district any  
16 penalty arising from the late filing of a final cost report pursuant to  
17 section 31 of part A of chapter 57 of the laws of 2012, provided that  
18 any amounts already so recovered shall be deemed a payment of moneys due  
19 for prior years pursuant to paragraph c of subdivision 5 of section 3604  
20 of the education law and shall be paid to the Spankenkill union free  
21 school district pursuant to such provision, provided that such school  
22 district:

23 (a) submitted the late or missing final building cost report to the  
24 commissioner of education;

25 (b) such cost report is approved by the commissioner of education;

26 (c) all state funds expended by the school district, as documented in  
27 such cost report, were properly expended for such building project in

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

LBD15760-01-8

1 accordance with the terms and conditions for such project as approved by  
2 the commissioner of education; and

3 (d) the failure to submit such report in a timely manner was an inad-  
4 vertent administrative or ministerial oversight by the school district,  
5 and there is no evidence of any fraudulent or other improper intent by  
6 such district.

7 § 3. This act shall take effect immediately.