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:

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

(b) Notwithstanding any other provision of law to the contrary, any pending payment of moneys due to such district as a prior year adjustment payable pursuant to paragraph c of subdivision 5 of section 3604 of the education law for aid claims that had been previously paid in excess as current year aid payments and for which recovery of excess payments is to be made pursuant to this act, shall be reduced by any remaining unrecovered balance of such excess payments, and the remaining scheduled deductions of such excess payments pursuant to this act shall be reduced 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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(c) The education department is hereby directed to adjust the approved costs of the aforementioned projects on a pro-rata basis to reflect the number of years between June 30 of the school year following June 30 of the school year in which the certificate of substantial completion of the project is issued by the architect or engineer, or six months after issuance of such certificate, whichever is later and the date upon which the district filed a final cost report as a proportion of the useful life of the project, and to consider such adjusted approved costs as valid and proper obligations of such school districts.

§ 2. This act shall take effect immediately.