STATE OF NEW YORK

1239--A

2019-2020 Regular Sessions

IN SENATE

January 11, 2019

Introduced by Sen. SERINO -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. Notwithstanding any other provision of law to the contrary, all acts done and proceedings heretofore had and taken, or caused to be had or taken, by the Spackenkill union free school district and by any of its officers or agents relating to or in connection with final building cost reports for an approved capital construction project designated by the department of education as project number 0-005-016 completed prior to December 31, 2012, and all acts incidental thereto are hereby legalized, validated, ratified and confirmed, notwithstanding any failure to comply with the time requirements for the approval and filing provisions of the education law or any other provision of law, rule or regulation, relating to any omissions, error, defect, irregularity or illegality in such proceedings had and taken.

§ 2. Notwithstanding section 24-a of part A of chapter 57 of the laws of 2013, and consistent with section one of this act, the commissioner shall not recover from the Spackenkill union free school district any penalty arising from the late filing of a final cost report for an approved capital construction project designated by the department of education as project number 0-005-016 pursuant to section 31 of part A of chapter 57 of the laws of 2012, provided that any amounts already so recovered shall be deemed a payment of moneys due for prior years pursuant to paragraph c of subdivision 5 of section 3604 of the education law

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

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and shall be paid to the Spackenkill union free school district pursuant to such provision, provided that such school district:

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

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

(c) all state funds expended by the school district, as documented in such cost report, were properly expended for such building project in accordance with the terms and conditions for such project as approved by the commissioner of education; and

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

§ 3. This act shall take effect immediately.