

STATE OF NEW YORK

4949--A

Cal. No. 610

2019-2020 Regular Sessions

IN SENATE

April 2, 2019

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- reported favorably from said committee and committed to the Committee on Finance -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to validate certain acts of the Mahopac Central school district with regard to certain capital improvement projects

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

1 Section 1. Legislative intent. The legislature hereby finds that the
2 Mahopac Central school district approved eight capital improvement
3 projects which are designated as project numbers 0001-010, 0002-011,
4 0003-004, 0004-011, 0005-011, 0006-011, 5010-007, and 7012-006. In addi-
5 tion, the projects were eligible for certain state aid. The legislature
6 further finds that due to ministerial error, the required filing of the
7 final cost reports for such projects were not made by such district in a
8 timely manner making the district ineligible for certain aid. The legis-
9 lature further finds that without such aid, the capital improvement
10 projects will impose an additional, unanticipated hardship on district
11 taxpayers.

12 § 2. All the acts done and proceedings heretofore had and taken or
13 caused to be had or taken by the Mahopac Central school district and by
14 all its officers or agents relating to or in connection with a certain
15 final cost report to be filed with the state education department for
16 project numbers 0001-010, 0002-011, 0003-004, 0004-011, 0005-011, 0006-
17 011, 5010-007, and 7012-006, and all acts incidental thereto are hereby
18 legalized, validated, ratified and confirmed, notwithstanding any fail-
19 ure to comply with the approval and filing provisions of the education

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

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1 law or any other law or any other statutory authority, rule or regu-
2 lation, in relation to any omissions, error, defect, irregularity or
3 illegality in such proceedings had and taken, and provided further that
4 any amount due and payable to the Mahopac Central school district for
5 school years prior to the 2018-2019 school year as a result of this act
6 shall be paid pursuant to the provisions of paragraph c of subdivision 5
7 of section 3604 of the education law.

8 § 3. Notwithstanding section 24-a of part A of chapter 57 of the laws
9 of 2013, and consistent with section one of this act, the commissioner
10 shall not recover from the Mahopac Central school district any penalty
11 arising from the late filing of a final cost report for an approved
12 capital construction project designated by the department of education
13 as project numbers 0001-010, 0002-011, 0003-004, 0004-011, 0005-011,
14 0006-011, 5010-007, and 7012-006 pursuant to section 31 of part A of
15 chapter 57 of the laws of 2012, provided that any amounts already so
16 recovered shall be deemed a payment of moneys due for prior years pursu-
17 ant to paragraph c of subdivision 5 of section 3604 of the education law
18 and shall be paid to the Mahopac Central school district pursuant to
19 such provision, provided that such school district:

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

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

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

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

31 § 4. This act shall take effect immediately.