# STATE OF NEW YORK

5794--A

2019-2020 Regular Sessions

# IN SENATE

May 15, 2019

Introduced by Sens. MAY, ANTONACCI -- 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 in relation to authorizing the Liverpool central school district to receive state aid for certain approved capital funded projects

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

Section 1. Legislative intent. The legislature hereby finds that the Liverpool central school district approved capital improvement projects which were designated by the state education department as project number 0001-003, 0001-005, 0002-007, 0003-003, 0003-005, 0004-005, 0005-006, 0007-003, 0009-004, 0009-006, 0010-005, 0010-007, 0012-003, 0014-005, 0015-003, 0016-007, 0016-010, 0016-011, 0018-008, 0018-010, 0019-007, 0024-004, 4011-001, 5008-002. In addition, the projects were eligible for certain state aid. The legislature further finds that due to ministerial error, a required filing for eligibility for such aid was not made by the district in a timely manner making the district ineligible for certain aid. The legislature further finds that without such aid, the capital improvement projects will impose an additional, unanticipated hardship on district taxpayers.

§ 2. All the acts done and proceedings heretofore had and taken or caused to be had and taken by the Liverpool central school district and by all its officers or agents relating to or in connection with certain final cost reports to be filed with the state education department for projects 0001-003, 0001-005, 0002-007, 0003-003, 0003-005, 0004-005, 0005-006, 0007-003, 0009-004, 0009-006, 0010-005, 0010-007, 0012-003, 0014-005, 0015-003, 0016-007, 0016-010, 0016-011, 0018-008, 0018-010, 0019-007, 0024-004, 4011-001, 5008-002, and all acts incidental thereto are hereby legalized, validated, ratified and confirmed, notwithstanding any failure to comply with the approval and filing provisions of the

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

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education law or any other law or any other statutory authority, rule or regulation, in relation to any omissions, error, defect, irregularity or illegality in such proceedings had and taken.

§ 3. Notwithstanding section 24-a of part A of chapter 57 of the laws of 2013, and consistent with section two of this act, the commissioner of education shall not recover from the Liverpool central school district any penalty arising from the late filing of a final cost report 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 and shall be paid to the Liverpool central 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.

§ 4. The department of education is hereby directed to consider the approved costs of the projects set forth in this act as valid and proper obligations of the Liverpool central school district.

§ 5. This act shall take effect immediately.