

# STATE OF NEW YORK

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4069

2019-2020 Regular Sessions

## IN ASSEMBLY

February 1, 2019

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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 for an approved capital construction project designated  
6 by the department of education as project number 0-005-016 completed  
7 prior to December 31, 2012, and all acts incidental thereto are hereby  
8 legalized, validated, ratified and confirmed, notwithstanding any failure  
9 to comply with the time requirements for the approval and filing  
10 provisions of the education law or any other provision of law, rule or  
11 regulation, relating to any omissions, error, defect, irregularity or  
12 illegality in such proceedings had and 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 for an  
17 approved capital construction project designated by the department of  
18 education as project number 0-005-016 pursuant to section 31 of part A  
19 of chapter 57 of the laws of 2012, provided that any amounts already so  
20 recovered shall be deemed a payment of moneys due for prior years pursuant  
21 to paragraph c of subdivision 5 of section 3604 of the education law  
22 and shall be paid to the Spackenkill union free school district pursuant  
23 to such provision, provided that such school district:

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

LBD00017-02-9

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

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

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

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

12 § 3. This act shall take effect immediately.