

# STATE OF NEW YORK

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6673

2019-2020 Regular Sessions

## IN ASSEMBLY

March 14, 2019

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Introduced by M. of A. SCHMITT -- read once and referred to the Committee on Education

AN ACT to validate certain acts of the Newburgh Enlarged city 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 Newburgh Enlarged city school district approved capital improvement  
3 projects which are designated as project numbers 441600-0003-010,  
4 441600-0006-006, 441600-0009-004, 441600-0010-004, 441600-0018-002,  
5 441600-0018-004, 441600-0022-001, 441600-0023-005, 441600-0035-007,  
6 441600-0036-007 and 441600-0001-011. In addition, the projects were  
7 eligible for certain state aid. The legislature further finds that due  
8 to ministerial error, the required filing of the final cost reports for  
9 such projects were not made by such district in a timely manner making  
10 the district ineligible for certain aid. The legislature further finds  
11 that without such aid, the capital improvement projects will impose an  
12 additional, unanticipated hardship on district taxpayers.

13 § 2. All the acts done and proceedings heretofore had and taken or  
14 caused to be had or taken by the Newburgh Enlarged city school district  
15 and by all its officers or agents relating to or in connection with a  
16 certain final cost report to be filed with the state education depart-  
17 ment for project numbers 441600-0003-010, 441600-0006-006, 441600-0009-  
18 004, 441600-0010-004, 441600-0018-002, 441600-0018-004, 441600-0022-001,  
19 441600-0023-005, 441600-0035-007, 441600-0036-007 and 441600-0001-011,  
20 and all acts incidental thereto are hereby legalized, validated, rati-  
21 fied and confirmed, notwithstanding any failure to comply with the  
22 approval and filing provisions of the education law or any other law or  
23 any other statutory authority, rule or regulation, in relation to any  
24 omissions, error, defect, irregularity or illegality in such proceedings  
25 had and taken, and provided further that any amount due and payable to

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

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1 the Newburgh Enlarged city school district for school years prior to the  
2 2018-2019 school year as a result of this act shall be paid pursuant to  
3 the provisions of paragraph c of subdivision 5 of section 3604 of the  
4 education law.

5 § 3. The education department is hereby directed to consider the  
6 approved costs of the aforementioned projects as valid and proper obli-  
7 gations of the Newburgh Enlarged city school district provided that such  
8 school district:

9 (a) submitted the late or missing final project cost reports to the  
10 commissioner of education on or before December 31, 2019;

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

12 (c) all state funds expended by the school district, as documented in  
13 such cost reports, were properly expended for such capital projects in  
14 accordance with the terms and conditions for such projects as approved  
15 by the commissioner of education; and

16 (d) the failure to submit such reports in a timely manner was an inad-  
17 vertent administrative or ministerial oversight by the school district,  
18 and there is no evidence of any fraudulent or other improper intent by  
19 such district.

20 § 4. This act shall take effect immediately.