

STATE OF NEW YORK

7056

2019-2020 Regular Sessions

IN ASSEMBLY

April 4, 2019

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

AN ACT to validate certain acts of the Newburgh Enlarged city school district and the Chester Union Free 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. The legislature further hereby
7 finds that the Chester Union Free school district approved two capital
8 improvement projects which are designated as project numbers
9 44020102-0001-005 and 44020102-0009-001. In addition, the projects were
10 eligible for certain state aid. The legislature finds that due to minis-
11 terial error, the required filing of the final cost reports for such
12 projects were not made by such districts in a timely manner making the
13 districts ineligible for certain aid. The legislature further finds that
14 without such aid, the capital improvement projects will impose an addi-
15 tional, unanticipated hardship on the district's taxpayers.

16 § 2. a. All the acts done and proceedings heretofore had and taken or
17 caused to be had or taken by the Newburgh Enlarged city school district
18 and by all its officers or agents relating to or in connection with a
19 certain final cost report to be filed with the state education depart-
20 ment for project numbers 441600-0003-010, 441600-0006-006, 441600-0009-
21 004, 441600-0010-004, 441600-0018-002, 441600-0018-004, 441600-0022-001,
22 441600-0023-005, 441600-0035-007, 441600-0036-007 and 441600-0001-011,
23 and all acts incidental thereto are hereby legalized, validated, rati-
24 fied and confirmed, notwithstanding any failure to comply with the

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

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

9 b. All the acts done and proceedings heretofore had and taken or
10 caused to be had or taken by the Chester Union Free school district and
11 by all its officers or agents relating to or in connection with a
12 certain final cost report to be filed with the state education depart-
13 ment for project numbers 44020102-0001-005 and 44020102-0009-001, and
14 all acts incidental thereto are hereby legalized, validated, ratified
15 and confirmed, notwithstanding any failure to comply with the approval
16 and filing provisions of the education law or any other law or any other
17 statutory authority, rule or regulation, in relation to any omissions,
18 error, defect, irregularity or illegality in such proceedings had and
19 taken, and provided further that any amount due and payable to the Ches-
20 ter Union Free school district for school years prior to the 2018-2019
21 school year as a result of this act shall be paid pursuant to the
22 provisions of paragraph c of subdivision 5 of section 3604 of the educa-
23 tion law.

24 § 3. The education department is hereby directed to consider the
25 approved costs of the aforementioned projects as valid and proper obli-
26 gations of the Newburgh Enlarged city school district and the Chester
27 Union Free school district provided that such school districts:

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

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

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

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

39 § 4. This act shall take effect immediately.