STATE OF NEW YORK

7762

2019-2020 Regular Sessions

IN ASSEMBLY

May 20, 2019

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

AN ACT to validate certain acts of the Mount Morris 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:

Section 1. Legislative intent. The legislature hereby finds that the Mount Morris central school district approved two capital improvement projects which are designated as project number 0001-005 and as project number 0001-006. In addition, the projects were eligible for certain state aid. The legislature further finds that due to ministerial error, the required filing of the final cost reports for such projects were not made by such 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 or taken by the Mount Morris central school district and by all its officers or agents relating to or in connection with a certain final cost report to be filed with the state education department for project number 0001-005 and project number 0001-006, 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 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, and provided further that any amount due and payable to the Mount Morris central school district for school years prior to the 2014-2015 school year as a result of this act shall be paid pursuant to the provisions of paragraph c of subdivision 5 of section 3604 of the education law.

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

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§ 3. The education department is hereby directed to consider the approved costs of the aforementioned projects as valid and proper obligations of the Mount Morris central school district provided that such school district:

(a) submitted the late or missing final project cost reports to the commissioner of education on or before December 31, 2012;

(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 reports, were properly expended for such capital projects in accordance with the terms and conditions for such projects as approved by the commissioner of education; and

(d) the failure to submit such reports 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. This act shall take effect immediately.