

STATE OF NEW YORK

8293

2019-2020 Regular Sessions

IN ASSEMBLY

June 13, 2019

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

AN ACT to validate certain acts of the Islip Union Free school district
with regard to certain capital improvement projects

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. Legislative intent. The legislature hereby finds that the
2 Islip Union Free school district approved eight capital improvement
3 projects which are designated as project numbers 0003-12, 0011-007,
4 0011-008, 0003-013, 0007-009, 0007-010, 0007-012, and 0011-009. In
5 addition, the projects were eligible for certain state aid. The legisla-
6 ture further finds that due to ministerial error, the required filing of
7 the final cost reports for such projects were not made by such district
8 in a timely manner making the district ineligible for certain aid. The
9 legislature further finds that without such aid, the capital improvement
10 projects will impose an additional, unanticipated hardship on district
11 taxpayers.

12 § 2. All the acts done and proceedings heretofore had and taken or
13 caused to be had or taken by the Islip Union Free school district and by
14 all its officers or agents relating to or in connection with a certain
15 final cost report to be filed with the state education department for
16 project numbers 0003-12, 0011-007, 0011-008, 0003-013, 0007-009,
17 0007-010, 0007-012, and 0011-009, and all acts incidental thereto are
18 hereby legalized, validated, ratified and confirmed, notwithstanding any
19 failure to comply with the approval and filing provisions of the educa-
20 tion law or any other law or any other statutory authority, rule or
21 regulation, in relation to any omissions, error, defect, irregularity or
22 illegality in such proceedings had and taken, and provided further that
23 any amount due and payable to the Islip Union Free school district for
24 school years prior to the 2015-2016 school year as a result of this act

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

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1 shall be paid pursuant to the provisions of paragraph c of subdivision 5
2 of section 3604 of the education law.

3 § 3. Notwithstanding section 24-a of part A of chapter 57 of the laws
4 of 2013, and consistent with section one of this act, the commissioner
5 of education shall not recover from the Islip Union Free school district
6 any penalty arising from the late filing of a final cost report for an
7 approved capital construction project designated by the department of
8 education as project numbers 0003-12, 0011-007, 0011-008, 0003-013,
9 0007-009, 0007-010, 0007-012, and 0011-009 pursuant to section 31 of
10 part A of chapter 57 of the laws of 2012, provided that any amounts
11 already so recovered shall be deemed a payment of moneys due for prior
12 years pursuant to paragraph c of subdivision 5 of section 3604 of the
13 education law and shall be paid to the Islip Union Free school district
14 pursuant to such provision, provided that such school district:

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

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

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

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

26 § 4. This act shall take effect immediately.