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 Assembly, do enact as follows:

Section 1. Legislative intent. The legislature hereby finds that the Islip Union Free school district approved eight capital improvement projects which are designated as project numbers 0003-12, 0011-007, 0011-008, 0003-013, 0007-009, 0007-010, 0007-012, and 0011-009. 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 Islip Union Free 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 numbers 0003-12, 0011-007, 0011-008, 0003-013, 0007-009, 0007-010, 0007-012, and 0011-009, 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 Islip Union Free school district for 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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shall be paid pursuant to the provisions of paragraph c of subdivision 5 of section 3604 of the education law.

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

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

(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 report, were properly expended for such building project in accordance with the terms and conditions for such project as approved by the commissioner of education; and

(d) the failure to submit such report 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.