STATE OF NEW YORK

208

2019-2020 Regular Sessions

IN SENATE

(Prefiled)

January 9, 2019

Introduced by Sen. ORTT -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT relating to legalizing, validating, ratifying and confirming certain actions or omissions relating to certain capital projects in school districts

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

Section 1. 1. Notwithstanding any other provision of law to the contrary, where the education department denies or has denied building aid for a school district capital project or has recovered overpayments of such aid relating thereto, the actions or omissions of all officers, employees or agents of an eligible school district relating to or in connection with such capital projects for the 2004--2005 school year through the 2017--2018 school year and for contracts and contract extensions entered into prior to the 2017--2018 school year for which expenses were incurred in the 2004--2005 school year or thereafter, and, where a district can demonstrate to the satisfaction of the commissioner of education that such actions or omissions involve only inadvertent and minor clerical or technical errors, all acts incidental thereto are hereby legalized, validated, ratified and confirmed, notwithstanding any failure to comply with the filing provisions of the education law, the general municipal law or any other law, rule or regulation other than those filing provisions defined in paragraph a of subdivision 5 of section 3604 of the education law, in relation to any omission, error, defect, irregularity or illegality in such proceeding had and taken.

2. The education department is hereby directed to consider the contracts legalized, ratified, validated and confirmed pursuant to subdivision one of this section for building aid as a valid and proper obligation of the school district for aid payable for expenses incurred in the 2004--2005 school year and thereafter; provided that such school

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

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district submits to the education department the applicable contract number or numbers, school year and upon request, a copy of the contract, on or before December 31, 2019 and the contract is approved by the commissioner of education, and provided further that any amount due and payable for school years prior to the 2017--2018 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.

§ 2. This act shall take effect immediately.