

STATE OF NEW YORK

4333

2019-2020 Regular Sessions

IN SENATE

March 7, 2019

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

AN ACT to legalize, validate, ratify and confirm the actions of the Monticello central school district notwithstanding the failure to timely file final building cost reports with the education department

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

1 Section 1. Notwithstanding any other provision of law to the contrary,
2 all acts done and proceedings heretofore had and taken, or caused to be
3 had or taken by the Monticello central school district and by any of its
4 officers or agents relating to or in connection with final building cost
5 reports required to be filed with the education department for approved
6 building projects completed prior to December 31, 2012, and all acts
7 incidental thereto are hereby legalized, validated, ratified and
8 confirmed, notwithstanding any failure to comply with the time require-
9 ments for the approval and filing provisions of the education law or any
10 other provision of law, rule or regulation, relating to any omissions,
11 error, defect, irregularity or illegality in such proceedings had and
12 taken.

13 § 2. Notwithstanding section 24-a of part A of chapter 57 of the laws
14 of 2013, and consistent with section one of this act, the commissioner
15 shall not recover from the Monticello central school district any penal-
16 ty arising from the late filing of a final cost report for an approved
17 capital construction pursuant to section 31 of part A of chapter 57 of
18 the laws of 2012, provided that any amounts already so recovered shall
19 be deemed a payment of moneys due for prior years pursuant to paragraph
20 c of subdivision 5 of section 3604 of the education law and shall be
21 paid to the Monticello central school district pursuant to such para-
22 graph, provided that such school district:

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

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

LBD09895-01-9

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

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

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

10 § 3. This act shall take effect immediately.