STATE OF NEW YORK

4963

2021-2022 Regular Sessions

IN SENATE

February 19, 2021

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

AN ACT relating to validating certain acts by the Pearl River union free school district relating to final building cost reports required to be filed with the state education department

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

Section 1. Notwithstanding any other provision of law to the contrary, all acts done and proceedings heretofore had and taken, or caused to be had or taken, by the Pearl River union free school district and by any of its officers or agents relating to or in connection with final building cost reports required to be filed with the state education department for approved building projects completed prior to December 31, 2017, and all acts incidental thereto are hereby legalized, validated, ratified and confirmed, notwithstanding any failure to comply with the time requirements for the approval and filing provisions of the education law or any other provision of law, rule or regulation, relating to any omissions, error, defect, irregularity or illegality in such proceedings had and taken.

§ 2. 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 Pearl River union free school district any penalty arising from the late filing of a final cost report 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 Pearl River 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;

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

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(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.

§ 3. This act shall take effect immediately.