

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. GANTT -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to the powers of the Monroe county water authority

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 6-a of section 1096 of the public authorities  
2 law, as amended by chapter 411 of the laws of 2002, is amended to read  
3 as follows:  
4 6-a. [The authority shall not exercise any of the powers granted in  
5 subdivisions four and six of this section with respect to the acquisi-  
6 tion, purchase, leasing, construction, or development of property  
7 outside of the county without first having obtained the prior approval  
8 of such purchase, leasing, acquisition, construction, or development of  
9 such property outside of the county by resolution of the legislative  
10 body of the municipality wherein the affected property outside of the  
11 county is located.] Notwithstanding any inconsistent provision of any  
12 general, special, or local law, ordinance, resolution, or charter, any  
13 public corporation or improvement district thereof may, by a majority  
14 vote of its governing body, give, grant, sell, convey, lend, license the  
15 use of, or lease to the authority any property or facilities, including  
16 any water supply system, water distribution system, including plants,  
17 works, instrumentalities or parts thereof and appurtenances thereto,  
18 lands, easements, rights in land and water rights, rights-of-way,  
19 contract rights, franchises, approaches, connections, dams, reservoirs,  
20 water mains and pipe lines, pumping stations and equipment, or any other  
21 property incidental to and included in such system or part thereof, and  
22 any improvements, extensions, and betterments for the purpose of supply-  
23 ing water for domestic, commercial, industrial and public purposes,  
24 which property or facilities are useful in connection with the exercise

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

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1 by the authority of its powers under this title. Any such gift, grant,  
2 sale, conveyance, loan, license, or lease shall be upon such terms and  
3 conditions, and for such term or terms of years, subject to the rights  
4 of the holders of any bonds, as the authority and such public corpo-  
5 ration or improvement district thereof may agree. Any such gift, grant,  
6 sale, conveyance, loan, license, or lease shall not be subject to refer-  
7 endum, permissive or mandatory. In the event that any public corporation  
8 or improvement district thereof gives, grants, sells, conveys, lends,  
9 licenses the use of, or leases any water supply system, water distrib-  
10 ution system, or other improvements, extension or betterments for the  
11 purpose of supplying water, to the authority, such public corporation or  
12 improvement district thereof may contract with the authority to lease,  
13 borrow, license, operate, maintain, manage, and provide services for  
14 such facilities upon such terms and conditions, and for such term or  
15 terms of years, subject to the rights of holders of bonds, as the  
16 authority and such public corporation or improvement district thereof  
17 may agree. The authority, in furtherance of any purchase, conveyance, or  
18 lease of any property or facility from any public corporation or  
19 improvement district thereof, may assume the primary responsibility for  
20 the payment of the principal and interest on any bonds or notes issued  
21 by such public corporation or improvement district thereof for such  
22 property or facility. For purposes of section 136.00 of the local  
23 finance law, any agreement by the authority to assume the primary  
24 responsibility for the payment of the principal and interest on any  
25 bonds or notes issued by any such public corporation or improvement  
26 district thereof shall, so long as such agreement shall continue to be  
27 honored by the authority, cause such bonds or notes to be deemed to have  
28 been refunded, and any such public corporation or improvement district  
29 thereof may deduct from its gross indebtedness any outstanding indebt-  
30 edness contracted for such property or facility to be acquired by the  
31 authority. The net proceeds of any purchase, conveyance, or lease of any  
32 property or facility from a public corporation or improvement district  
33 thereof may be used by such public corporation or improvement district  
34 thereof for any general or specific public use;

35 S 2. This act shall take effect immediately.