S T A T E O F N E W Y O R K

9466--A

I N A S S E M B L Y

(PREFILED)

January 6, 2010

Introduced by M. of A. KOLB, FINCH, OAKS -- read once and referred to the Committee on Corporations, Authorities and Commissions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public authorities law, in relation to the fixing and collecting of rates and charges by the Cayuga county water and sewer authority

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

Section 1. Subdivision 23 of section 1199-eeee of the public authorities law, as added by chapter 195 of the laws of 1995, is amended to read as follows:

23. To fix rates and collect charges for the use of the facilities of, or services rendered by, or any commodities furnished by the authority such as to provide revenues sufficient at all times to pay, as the same shall become due, the principal and interest on the bonds, notes, or other obligations of the authority together with the maintenance of proper reserves therefor, in addition to paying as the same shall become due the expense of operating and maintaining the properties of the authority together with proper maintenance reserves, capital reserves, repair reserves, tax stabilization reserves and other contingency reserves, and all other obligations and indebtedness of the authority; PROVIDED HOWEVER, NO SUCH RATES OR CHARGES SHALL BE CHANGED UNTIL A PUBLIC HEARING ON SUCH CHANGES SHALL HAVE BEEN HELD UPON NOT LESS THAN FOURTEEN DAYS NOTICE THEREOF TO EACH CUSTOMER, EITHER BY MAIL OR BY PUBLICATION ONCE IN A NEWSPAPER HAVING GENERAL CIRCULATION WITHIN THE BOUNDS OF THE AUTHORITY;

S 2. Sections 1199-xxxx and 1199-yyyy of the public authorities law, as added by chapter 195 of the laws of 1995, are renumbered sections 1199-yyyy and 1199-zzzz and a new section 1199-xxxx is added to read as follows:

S 1199-XXXX. CHARGES BY THE AUTHORITY; METHOD OF COLLECTION. 1. THE AUTHORITY MAY FIX AND COLLECT, ON ANY EQUITABLE BASIS, RATES, FEES AND

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

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OTHER CHARGES FOR THE USE OF ITS WATER OR SEWER FACILITIES OR OF THE SERVICES OR COMMODITIES PROVIDED BY THE AUTHORITY. SUCH RATES, RENTALS, FEES AND OTHER CHARGES MAY BE FIXED AND COLLECTED FROM ANY PERSON OR CORPORATION TO WHICH SUCH FACILITIES, SERVICES OR COMMODITIES ARE PROVIDED OR MADE AVAILABLE FROM THE AUTHORITY. SUCH RATES, RENTALS, FEES AND OTHER CHARGES MAY BE THE SAME OR DIFFERENT FOR EACH CLASSIFICATION OF USER OR SERVICE RECIPIENT AND MAY, BY WAY OF EXAMPLE, REFLECT THE SOURCE AND COMPOSITION OF THE SEWAGE OR LOCATION OF SERVICES OR SYSTEM COSTS AND EXPENSES. THE AUTHORITY SHALL NOT ESTABLISH, FIX OR REVISE ANY CLASSIFICATION OR USER OR RATE, RENTAL OR FEE OR OTHER CHARGE UNLESS AND UNTIL THE AUTHORITY HAS HELD A PUBLIC HEARING AT WHICH INTERESTED PERSONS SHALL HAVE AN OPPORTUNITY TO BE HEARD CONCERNING THE SAME. NOTICE OF ANY SUCH PUBLIC HEARING SHALL BE PUBLISHED AT LEAST TEN DAYS BEFORE THE DATE SET THEREFOR, IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN THE BOUNDARIES OF THE AUTHORITY. SUCH NOTICE SHALL SET FORTH THE DATE, TIME AND PLACE OF SUCH HEARING AND SHALL INCLUDE A BRIEF DESCRIPTION OF MATTERS TO BE CONSIDERED AT SUCH MEETING. A COPY OF SUCH NOTICE SHALL BE AVAILABLE FOR INSPECTION BY THE PUBLIC. AT ANY SUCH HEARING, ANY INTERESTED PERSONS SHALL HAVE AN OPPORTUNITY TO BE HEARD CONCERNING THE MATTERS UNDER CONSIDERATION. ANY DECISION BY THE AUTHORITY AT SUCH PUBLIC HEARING OR RELATING TO THE MATTERS UNDER CONSIDERATION AT SUCH HEARING SHALL BE IN WRITING AND MADE AVAILABLE IN THE OFFICE OF THE AUTHORITY FOR PUBLIC INSPECTION DURING REGULAR BUSINESS HOURS.

2. ALL RATES, FEES AND OTHER CHARGES FOR THE USE OF THE FACILITIES OR SERVICES OR COMMODITIES PROVIDED OR MADE AVAILABLE BY THE AUTHORITY AND BILLED DIRECTLY BY THE AUTHORITY TO THE USER OR SERVICE RECIPIENT PURSUANT TO A CLASSIFICATION OF USERS OR SERVICE RECIPIENTS ADOPTED BY THE AUTHORITY AS HEREIN PROVIDED SHALL BE A LIEN UPON THE REAL PROPERTY UPON WHICH, OR IN CONNECTION WITH WHICH, SERVICES ARE PROVIDED OR ARE MADE AVAILABLE, AS AND FROM THE FIRST DATE FIXED FOR A PAYMENT OF SUCH RATES, RENTALS, FEES AND OTHER CHARGES. ANY SUCH LIEN SHALL TAKE PRECEDENT OVER ALL OTHER LIENS, OR ENCUMBRANCES, EXCEPT TAXES OR ASSESSMENTS. THE TREASURER OF THE AUTHORITY SHALL PREPARE AND TRANSMIT TO THE COUNTY LEGISLATURE, ON OR BEFORE THE FIRST DAY OF NOVEMBER IN EACH YEAR, A LIST OF THOSE PROPERTIES USING SUCH FACILITIES OR FOR WHICH SUCH SERVICES OR COMMODITIES WERE PROVIDED OR MADE AVAILABLE AND FROM WHICH THE PAYMENT OF RATES, RENTALS, FEES AND OTHER CHARGES ARE IN ARREARS FOR A PERIOD OF THIRTY DAYS OR MORE AFTER THE LAST DAY FIXED FOR PAYMENT OF SUCH RATES, RENTALS, FEES AND OTHER CHARGES WITHOUT PENALTY. THE LIST SHALL CONTAIN A BRIEF DESCRIPTION OF SUCH PROPERTIES, THE NAMES OF THE PERSONS OR CORPORATIONS LIABLE TO PAY FOR THE SAME, AND THE AMOUNT CHARGEABLE TO EACH, INCLUDING PENALTIES AND INTEREST, AS APPLICABLE, COMPUTED TO DECEMBER THIRTY-FIRST OF THAT YEAR. THE COUNTY LEGISLATURE SHALL LEVY SUCH SUMS AGAINST THE PROPERTIES LIABLE AND SHALL STATE THE AMOUNT THEREOF IN A SEPARATE COLUMN IN THE ANNUAL TAX ROLLS OF THE COUNTY UNDER THE HEADING "WATER CHARGE" OR "SEWER DISPOSAL CHARGE," AS APPLICABLE. SUCH AMOUNTS, EXCLUDING PENALTIES AND INTEREST WHEN COLLECTED BY THE COUNTY COLLECTOR OR RECEIVER OF TAXES, SHALL BE PAID OVER TO THE TREASURER OF THE AUTHORITY. PENALTIES AND INTEREST SHALL BE RETAINED BY THE COLLECTOR WHICH SHALL BECOME A PART OF THE GENERAL FUNDS OF THE COUNTY. ALL OF THE PROVISIONS OF THE TAX LAW OF THE STATE GOVERNING ENFORCEMENT AND COLLECTION OF UNPAID TAXES OR ASSESSMENTS FOR SPECIAL IMPROVEMENTS NOT INCONSISTENT HEREWITH SHALL APPLY TO THE COLLECTION OF SUCH UNPAID RATES, RENTALS, FEES AND OTHER CHARGES.

S 3. This act shall take effect immediately.