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I N A S S E M B L Y

January 26, 2010

Introduced by M. of A. BRENNAN, ORTIZ, LANCMAN, MILLMAN, COOK, COLTON --
Multi-Sponsored by -- M. of A. ABBATE, GOTTFRIED, MARKEY, M. MILLER,
NOLAN, PHEFFER, SCARBOROUGH -- read once and referred to the Committee
on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to requiring the
New York city water board to wait at least thirty days after the
adoption of the New York city executive budget to establish the annual
fees and charges for the use of the sewerage system and water system

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

1 Section 1. Subdivision 1 of section 1045-j of the public authorities
2 law, as added by chapter 513 of the laws of 1984, is amended to read as
3 follows:
4 1. The water board shall establish, fix and revise, [from time to
5 time,] NOT LESS THAN THIRTY DAYS AFTER THE ADOPTION OF THE EXECUTIVE
6 BUDGET BY THE CITY, THE ANNUAL fees, rates, rents or other charges for
7 the use of, or services furnished, rendered or made available by, the
8 sewerage system or water system, or both, as the case may be, owned by
9 the water board pursuant to this title in such amount at least suffi-
10 cient at all times so as to provide funds in an amount sufficient
11 together with other revenues available to the board, if any, (i) to pay
12 to the authority, in accordance with any agreement with the authority,
13 an amount sufficient for the purpose of paying the principal of and the
14 interest on the outstanding notes or bonds of the authority as the same
15 shall become due and payable and maintaining or funding a capital or
16 debt service reserve fund therefor and, to the extent requested by the
17 city in, or annually pursuant to, the agreement to pay to the city, in
18 accordance with the agreement, an amount sufficient for the purpose of
19 paying the principal of and interest on general obligation bonds thereof
20 issued for or allocable to the water system or sewerage system or both,
21 as the case may be, as the same shall become due and payable, and to
22 maintain or fund reserves therefor, (ii) to pay to the city, in accord-
23 ance with the agreement, an amount sufficient for the purpose of paying
24 the costs of administering, maintaining, repairing and operating and the

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

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1 cost of constructing capital improvements to the water system or sewer-
2 age system or both, as the case may be, (iii) to pay to the city in
3 accordance with the agreement entered into pursuant to section one thou-
4 sand forty-five-i of this title an amount sufficient for the purpose of
5 paying liabilities issued for or allocable to the water system or sewer-
6 age system or both, as the case may be, as the same shall become due and
7 payable, (iv) to meet any requirements of any agreement including
8 requirements relating to the establishment of reserves for renewal and
9 replacement and for uncollected charges and covenants respecting rates,
10 (v) to pay all other reasonable and necessary expenses of the authority
11 and the water board in relation thereto, and (vi) to the extent
12 requested by the city in or pursuant to the agreement, to pay or provide
13 for such other purposes or projects as such city considers appropriate
14 and in the public interest. Any surplus of funds remaining in the water
15 board after such payments have been made shall be returned to the city
16 for deposit in the general fund.

17 S 2. Subdivision 9-a of section 1045-j of the public authorities law,
18 as added by chapter 184 of the laws of 1997, is amended to read as
19 follows:

20 9-a. [The] AFTER THE CITY ADOPTS AN EXECUTIVE BUDGET, THE water board
21 shall hold public hearings, in each borough of the city of New York,
22 prior to promulgating or fixing [annual water and sewer rates for such
23 city] ITS ANNUAL FEES, RATES, RENTS OR OTHER CHARGES FOR THE USE OF, OR
24 SERVICES FURNISHED, RENDERED OR MADE AVAILABLE BY, THE SEWERAGE SYSTEM
25 OR WATER SYSTEM, OR BOTH, AS THE CASE MAY BE, OWNED BY THE WATER BOARD
26 PURSUANT TO THIS TITLE. THE WATER BOARD'S ANNUAL WATER AND SEWER RATES
27 CANNOT BE SET LESS THAN THIRTY DAYS AFTER THE CITY ADOPTS ITS BUDGET.
28 Notice of such public hearing shall be conspicuously published in a
29 newspaper of general circulation, within each borough, at least one week
30 prior to the hearing.

31 S 3. This act shall take effect immediately.