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

5655

2009-2010 Regular Sessions

I N S E N A T E

May 26, 2009

Introduced by Sen. McDONALD -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to legalize, validate, ratify and confirm certain actions taken by the town of Schodack, in the county of Rensselaer, with respect to certain bond anticipation notes

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

Section 1. It is hereby found and determined that: (i) the town of Schodack duly adopted on September 16, 2005 two bond resolutions respectively authorizing issuance of $160,000 and $268,000 of serial bonds or bond anticipation notes of said town; (ii) pursuant to such bond resolutions, said Town on October 14, 2005 issued a bond anticipation note in the principal amount of $428,000, which matured on October 13, 2006 (the "2005 BAN"); (iii) on October 13, 2006 said town made a principal payment of $8,040 towards the 2005 BAN; (iv) after such $8,040, the remaining principal balance of the 2005 BAN was refunded with the proceeds of a $419,960 bond anticipation note (the "2006 BAN") dated October 13, 2006; (v) the 2006 BAN was paid in its entirety in September 2007 solely from the proceeds from a note purchased by the New York State Environmental Facilities Corporation (the "EFC Note"); and (vi) such payment of the 2006 BAN was in violation of the provisions of subdivisions b-1 and d of section 21.00 of the local finance law and subdivision b of section 23.00 of the local finance law in that a portion of such payment should have been made from amounts other than the proceeds of the EFC Note.

S 2. Notwithstanding the defects described in section one of this act, the 2006 BAN and the EFC Note are hereby validated and ratified.

S 3. Except as otherwise provided in this act, the bonds and bond anticipation notes issued under authority of the bond resolutions described in section one of this act shall be issued in accordance with the provisions of the local finance law.

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

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S 4. If any clause, sentence, subdivision, paragraph or part of this act be judged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subdivision, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

S 5. This act shall take effect immediately.