

2293

2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

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 ASSEM-
BLY, 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
25 by the authority of its powers under this title. Any such gift, grant,

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

LBD05636-01-9

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

34 S 2. This act shall take effect immediately.