

8618

2009-2010 Regular Sessions

I N A S S E M B L Y

May 29, 2009

Introduced by M. of A. FARRELL, COOK, WRIGHT, BING, POWELL, ESPAILLAT, KELLNER -- Multi-Sponsored by -- M. of A. O'DONNELL -- read once and referred to the Committee on Local Governments

AN ACT to amend the local finance law and chapter 413 of the laws of 1991, amending the local finance law and other laws relating to providing relief to local governments for certain mandated programs and services, in relation to local government borrowing practices and mandate relief

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

1 Section 1. Paragraph b of section 21.00 of the local finance law, as
2 amended by chapter 97 of the laws of 2006, is amended to read as
3 follows:
4 b. Serial bonds shall mature in annual installments. The first
5 installment shall mature not later than eighteen months after the date
6 of such bonds or two years after the date of the first bond anticipation
7 note or notes issued in anticipation of such bonds, whichever is the
8 earlier, provided, however, that until July fifteenth, two thousand
9 [nine] TWELVE, the first installment shall mature not later than two
10 years after the date of such bonds or two years after the date of the
11 first bond anticipation note or notes issued in anticipation of such
12 bonds, whichever is the earlier. However, if bond anticipation notes are
13 issued in anticipation of bonds and if a portion of such notes or the
14 renewals thereof are redeemed from a source other than the proceeds of
15 such bonds within two years from the date of the first such note or
16 notes and a further portion thereof shall be so redeemed prior to the
17 termination of each twelve months' period succeeding the date such
18 original portion was so redeemed, the first installment of such bonds
19 may, in the alternative, be made to mature not later than five years
20 from the date of the first such note or notes.

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

LBD11920-01-9

1 S 2. Paragraph b of section 53.00 of the local finance law, as amended
2 by chapter 97 of the laws of 2006, is amended to read as follows:

3 b. If such bonds or notes are payable in installments, the install-
4 ments remaining unpaid may be called for redemption only (i) in the
5 inverse order of their maturity or, (ii) in equal proportionate amounts;
6 provided, however, that for bonds issued during the one-year period
7 commencing July first, nineteen hundred eighty-eight, and for bonds
8 issued during the one-year period commencing July first, nineteen
9 hundred eighty-nine, and for bonds issued during the one-year period
10 commencing July first, nineteen hundred ninety, and for bonds issued
11 during the three-year period commencing July first, nineteen hundred
12 ninety-one, and for bonds issued during the period from July first,
13 nineteen hundred ninety-four up until and including July fifteenth,
14 nineteen hundred ninety-seven and for bonds issued during the period
15 from July fifteenth, nineteen hundred ninety-seven up until and includ-
16 ing July fifteenth, two thousand, and for bonds issued during the period
17 from July fifteenth, two thousand up until and including July fifteenth,
18 two thousand three, and for bonds issued during the period from July
19 fifteenth, two thousand three up until and including July fifteenth, two
20 thousand six, and for bonds issued during the period from July
21 fifteenth, two thousand six up until and including July fifteenth, two
22 thousand nine, AND FOR BONDS ISSUED DURING THE PERIOD FROM JULY
23 FIFTEENTH, TWO THOUSAND SIX UP UNTIL AND INCLUDING JULY FIFTEENTH, TWO
24 THOUSAND TWELVE, installments remaining unpaid on such bonds may be
25 called for redemption prior to their date of maturity in such amounts,
26 at such times in such manner and pursuant to such terms as may be deter-
27 mined by the finance board of a municipality, school district or
28 district corporation at the time of the issuance thereof. Whenever any
29 bonds or notes are called for redemption prior to the date of their
30 maturity, interest shall cease to be paid thereon after the date for
31 redemption set forth in such call for redemption. The sum to be paid to
32 redeem any unpaid installment prior to its maturity, exclusive of the
33 interest accruing on such installment to the date of redemption, shall
34 in no event be in excess of the lesser amount of either (i) the par
35 value of such installment plus one-half of one per centum of such par
36 value for each calendar year or part thereof elapsing between the date
37 for redemption set forth in such call for redemption and the date of
38 maturity of such installment, provided, however, that such amount shall
39 not exceed one hundred five per centum of such par value, or (ii) the
40 par value of such installment plus the total of all unpaid interest on
41 such installment which would have accrued from the date of redemption to
42 the date of maturity thereof had such installment not been redeemed
43 prior to maturity, except that bonds sold to the state of New York
44 municipal bond bank agency, which are subject to call as hereinbefore
45 authorized, may provide for the payment of a redemption premium not to
46 exceed five per centum of the par value of the bonds to be called, paya-
47 ble on the date of the redemption thereof; provided, however, that for
48 bonds issued during the one-year period commencing July first, nineteen
49 hundred eighty-eight, and for bonds issued during the one-year period
50 commencing July first, nineteen hundred eighty-nine, and for bonds
51 issued during the one-year period commencing July first, nineteen
52 hundred ninety, and for bonds issued during the three-year period
53 commencing July first, nineteen hundred ninety-one, and for bonds issued
54 during the period from July first, nineteen hundred ninety-four up until
55 and including July fifteenth, nineteen hundred ninety-seven, and for
56 bonds issued during the period from July fifteenth, nineteen hundred

1 ninety-seven up until and including July fifteenth, two thousand, and
2 for bonds issued during the period from July fifteenth, two thousand up
3 until and including July fifteenth, two thousand three, and for bonds
4 issued during the period from July fifteenth, two thousand three up
5 until and including July fifteenth, two thousand six, and for bonds
6 issued during the period from July fifteenth, two thousand six up until
7 and including July fifteenth, two thousand nine, AND FOR BONDS ISSUED
8 DURING THE PERIOD FROM JULY FIFTEENTH, TWO THOUSAND NINE UP UNTIL AND
9 INCLUDING JULY FIFTEENTH, TWO THOUSAND TWELVE, a municipality, school
10 district, or district corporation may provide for redemption of such
11 bonds prior to the date of their maturity at a price or prices as may be
12 as determined by the issuer of such bonds or notes at the time of the
13 issuance thereof.

14 S 3. The opening paragraph of paragraph a of section 54.90 of the
15 local finance law, as amended by chapter 97 of the laws of 2006, is
16 amended to read as follows:

17 Whenever in the judgment of the finance board the interest of a muni-
18 cipality would be served thereby, the municipality may issue bonds or
19 notes, on or before July fifteenth, two thousand [nine] TWELVE, with
20 interest rates that vary in accordance with a formula or procedure and
21 are subject to a maximum rate of interest set forth or referred to in
22 the bonds or notes and may provide the holders thereof with such rights
23 to require the municipality or other persons to purchase such bonds or
24 notes or renewals thereof from the proceeds of the resale thereof or
25 otherwise from time to time prior to the final maturity of such bonds or
26 notes as the finance board may determine and the municipality may
27 resell, at any time prior to final maturity, any such bonds or notes
28 acquired as a result of the exercise of such rights; provided, however,
29 that at no time shall the total principal amount of bonds and notes
30 issued pursuant to this paragraph (other than bonds and notes bearing
31 interest at rates and for periods of time that are specified at issu-
32 ance) exceed ten percent of the limit prescribed by section 104.00 of
33 this article.

34 S 4. Subdivision 9 of paragraph d of section 107.00 of the local
35 finance law, as amended by chapter 97 of the laws of 2006, is amended to
36 read as follows:

37 9. Notwithstanding any other provision of law, the financing by any
38 municipality, prior to July fifteenth, two thousand [nine] TWELVE, of
39 any object or purpose which has a period of probable usefulness deter-
40 mined by law, by the issuance of any bonds and notes, including (i) the
41 issuance of bonds or notes, to redeem notes previously issued for the
42 object or purpose for which the bonds or notes are being issued or (ii)
43 the issuance of bonds to refund bonds previously issued for the object
44 or purpose for which bonds are being issued.

45 S 5. Subdivisions (a) and (e) of section 81 of chapter 413 of the laws
46 of 1991, amending the local finance law and other laws relating to
47 providing relief to local governments for certain mandated programs and
48 services, as amended by chapter 97 of the laws of 2006, are amended to
49 read as follows:

50 (a) section six, sixteen and seventeen of this act shall expire and be
51 deemed repealed on and after July 15, [2009] 2012, and upon such date
52 the amendments made to the provisions of the local finance law by such
53 sections shall also expire and such provisions shall revert to and be
54 read as set out in law on the date immediately preceding the effective
55 date of such sections six, sixteen and seventeen of this act;

1 (e) subdivision (b) of section thirty-five of this act shall expire
2 and be deemed repealed on and after July 15, [2009] 2012;
3 S 6. This act shall take effect immediately.