

10332

I N A S S E M B L Y

May 22, 2012

Introduced by M. of A. HAWLEY -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to adding the town of Kendall, Orleans county to the towns served by the Monroe county water authority

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

1 Section 1. Subdivisions 4, 6 and 7 of section 1096 of the public
2 authorities law, as amended by chapter 411 of the laws of 2002, are
3 amended to read as follows:

4 4. To purchase or lease, in the name of the authority, any water
5 supply system, water distribution system, including plants, works,
6 instrumentalities or parts thereof and appurtenances thereto, lands,
7 easements, rights in land and water rights, rights-of-way, contract
8 rights, franchises, approaches, connections, dams, reservoirs, water
9 mains and pipe lines, pumping stations and equipment, or any other prop-
10 erty incidental to and included in such system or part thereof, and any
11 improvements, extensions, and betterments, situated within the county,
12 or in Genesee county, or in the town or village of Victor and the towns
13 of East Bloomfield and West Bloomfield in Ontario county, or in the
14 village of Holley and the [town] TOWNS of Clarendon AND KENDALL in Orle-
15 ans county for the purpose of supplying water for domestic, commercial,
16 and public purposes at retail to individual consumers within the county
17 of Monroe or in the manner provided by subdivision seven of this
18 section; and as a means of so acquiring for such purposes, and subject
19 to the approval of the public service commission, the authority may
20 purchase all of the stock of any existing privately owned water corpo-
21 ration or company, and thereafter, within a reasonable time, such water
22 corporation or company shall be dissolved;

23 6. To construct and develop any water supply system, water distrib-
24 ution system, including plants, works, instrumentalities, or parts ther-
25 eof, and appurtenances thereto, dams, reservoirs, water mains, pipe
26 lines, pumping stations and equipment, or any other property incidental
27 to or included in such system or part thereof within the county of

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

LBD15595-01-2

1 Monroe, or in Genesee county, or in the town or village of Victor and
2 the towns of East Bloomfield and West Bloomfield in Ontario county, or
3 in the village of Holley and the [town] TOWNS of Clarendon AND KENDALL
4 in Orleans county. To acquire, by condemnation, in the name of the
5 authority in the counties of Monroe and Genesee, or in any other county
6 or municipality specifically enumerated in the first sentence of this
7 subdivision, or in the name of the county of Monroe in the case of any
8 water facilities to be owned and financed by such county pursuant to
9 subdivision sixteen-b of this section, lands, easements, rights in land
10 and water rights, and rights-of-way within the counties of Monroe and
11 Genesee, or in any other county or municipality specifically enumerated
12 in the first sentence of this subdivision, in the manner provided by
13 this title; or to purchase or lease lands, easements, rights in land and
14 water rights, and rights-of-way in connection therewith within the coun-
15 ty of Monroe or within Genesee county, or in any other county or munici-
16 pality specifically enumerated in the first sentence of this subdivi-
17 sion; and to own and operate, maintain, repair, improve, reconstruct,
18 enlarge, and extend, subject to the provisions of this title, any of its
19 properties acquired or constructed under this title, all of which,
20 together with the acquisition of such properties, are hereby declared to
21 be public purposes;

22 7. To sell water, however acquired, by volume and at retail to indi-
23 vidual consumers within the county of Monroe for domestic, commercial,
24 industrial, and public purposes, or by volume or in bulk and at whole-
25 sale to any or all municipalities or privately owned public water supply
26 and distribution systems in such county. The fact that any municipality
27 has procured or is about to procure an independent source of water
28 supply shall not prevent such municipality from purchasing water from
29 the authority. To sell any water not needed in such county by volume and
30 at retail to individual consumers within the county of Genesee, or in
31 the town or village of Victor and the towns of East Bloomfield and West
32 Bloomfield in Ontario county, or in the village of Holley and the [town]
33 TOWNS of Clarendon AND KENDALL in Orleans county, for domestic, commer-
34 cial, industrial, and public purposes, or by volume or in bulk and at
35 wholesale to any municipality or privately owned public water supply and
36 distribution system outside of the county; provided that any costs
37 incurred by the authority related to the Genesee county project shall be
38 recovered by the authority solely from Genesee county or from rates and
39 charges collected from customers within Genesee county; and further
40 provided that the authority shall not sell water in any area outside of
41 the county unless the governing board of the municipality wherein such
42 area is located shall enter into an agreement with the authority for
43 service or sale of water by it in such area or shall by resolution
44 request the authority to sell water within such area. Any agreement
45 between a municipality outside of the county and the authority for the
46 sale of water to or within such municipality shall be subject to the
47 approval of the legislative body of the contiguous county wherein such
48 municipality is located. Not only may the authority sell any surplus
49 water it may have developed, but it may develop and provide a sufficient
50 amount of water so as to supply water outside of the county to individ-
51 ual consumers, any municipality, or privately owned public water supply
52 and distribution system;

53 S 2. This act shall take effect immediately.