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

10502

I N A S S E M B L Y

May 29, 2012

Introduced by M. of A. ZEBROWSKI, CALHOUN, RABBITT -- read once and referred to the Committee on Ways and Means

AN ACT to amend the general municipal law, in relation to establishing the Rockland county deficit reduction task force

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

Section 1. The general municipal law is amended by adding a new article 18-D to read as follows:

ARTICLE 18-D

ROCKLAND COUNTY DEFICIT REDUCTION TASK FORCE

SECTION 971. SHORT TITLE.
971-A. DEFINITIONS.
971-B. ROCKLAND COUNTY DEFICIT REDUCTION TASK FORCE.
971-C. ADMINISTRATION.
971-D. FUNCTIONS.
971-E. DEFICIT BOND AUTHORIZATION.
971-F. COMPTROLLER OVERSIGHT.
971-G. TERMINATION.
971-H. CONSTRUCTION.

S 971. SHORT TITLE. THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE "ROCKLAND COUNTY DEFICIT REDUCTION TASK FORCE ACT".

S 971-A. DEFINITIONS. (A) "BUDGET" SHALL MEAN A CURRENT OPERATING BUDGET OF THE COUNTY PREPARED OR ADOPTED PURSUANT TO GENERAL, SPECIAL OR LOCAL LAW, BEING THE ANNUAL BUDGET AND ESTIMATE OF EXPENDITURES TO BE MADE DURING A FISCAL YEAR FOR THE GENERAL SUPPORT AND CURRENT EXPENSES OF THE GOVERNMENT OF THE COUNTY TO BE PAID FROM TAXES OR ASSESSMENTS OR OTHER CURRENT REVENUES OF THE COUNTY FOR SUCH YEAR.

(B) "CHIEF EXECUTIVE OFFICER" SHALL MEAN THE COUNTY EXECUTIVE OF THE COUNTY OF ROCKLAND.

(C) "CHIEF FISCAL OFFICER" SHALL MEAN THE CHIEF FISCAL OFFICER AS DEFINED IN SECTION 2.00 OF THE LOCAL FINANCE LAW.

(D) "COLLECTING OFFICER" SHALL MEAN THE OFFICER EMPOWERED TO COLLECT AND RECEIVE COUNTY TAXES.

(E) "COMPTROLLER" SHALL MEAN THE NEW YORK STATE COMPTROLLER.

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

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(F) "COUNTY" SHALL MEAN THE COUNTY OF ROCKLAND.
(G) "COUNTY EXECUTIVE" SHALL MEAN THE COUNTY EXECUTIVE OF ROCKLAND COUNTY.
(H) "COUNTY LEGISLATURE" SHALL MEAN THE LEGISLATIVE BODY OF THE COUNTY OF ROCKLAND.
(I) "COUNTY TAXES" SHALL MEAN ALL TAXES ON REAL PROPERTY LEVIED AND ASSESSED BY THE COUNTY, BASED ON VALUATION THEREOF AND SHALL NOT MEAN ANY RENT, RATE, FEE, SPECIAL ASSESSMENT OR OTHER CHARGE BASED ON BENEFIT OR USE.
(J) "DEFICIT BONDS" SHALL MEAN THE BONDS AUTHORIZED TO BE ISSUED BY SECTION NINE HUNDRED SEVENTY-ONE-E OF THIS ARTICLE.
(K) "DEFICIT NOTES" SHALL MEAN BOND ANTICIPATION NOTES ISSUED IN ANTICIPATION OF THE ISSUANCE OF DEFICIT BONDS.
(L) "ELECTED OFFICIAL" SHALL MEAN ANY INDIVIDUAL THAT IS ELECTED TO REPRESENT A POLITICAL SUBDIVISION IN THE STATE.
(M) "FISCAL YEAR" SHALL MEAN THE FISCAL YEAR OF THE COUNTY.
(N) "OUTSTANDING", WHEN USED WITH RESPECT TO OBLIGATIONS OF THE COUNTY AS OF ANY PARTICULAR DATE, SHALL MEAN ALL OBLIGATIONS OF THE COUNTY THERETOFORE ISSUED AND THEREUPON BEING ISSUED EXCEPT ANY OBLIGATION THERETOFORE PAID AND DISCHARGED OR FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON WHICH MONEY IS HELD BY OR ON BEHALF OF THE COUNTY, IN TRUST SOLELY AND IN ALL EVENTS ONLY FOR THE PURPOSE AND SUFFICIENT TO PAY IN FULL THE PRINCIPAL AND REDEMPTION PREMIUM, IF ANY, OF AND INTEREST ON SUCH OBLIGATIONS.
(O) "SPECIAL DEBT SERVICE" SHALL MEAN, WITH RESPECT TO A FISCAL YEAR, THE AMOUNTS REQUIRED FOR THE TIMELY PAYMENT OF: (I) ALL PRINCIPAL DUE OR BECOMING DUE AND PAYABLE IN SAID YEAR WITH RESPECT TO ANY SERIAL BONDS, TAX ANTICIPATION NOTES, CAPITAL NOTES OR BUDGET NOTES OF THE COUNTY, AND ALL PRINCIPAL AMORTIZATION FOR SAID YEAR REQUIRED BY LAW WITH RESPECT TO BOND ANTICIPATION NOTES OR OTHER SECURITIES OF THE COUNTY, AND NOT SPECIFICALLY MENTIONED IN PARAGRAPH (II) OF THIS SUBDIVISION; (II) ALL INTEREST DUE OR BECOMING DUE AND PAYABLE IN SAID YEAR WITH RESPECT TO ANY SERIAL BONDS, DEFICIT BONDS, BOND ANTICIPATION NOTES, TAX ANTICIPATION NOTES, REVENUE ANTICIPATION NOTES, CAPITAL NOTES, BUDGET NOTES OR OTHER SECURITIES OF THE COUNTY NOT SPECIFICALLY MENTIONED HEREIN; AND (III) ALL SINKING FUND CONTRIBUTIONS REQUIRED IN SAID YEAR WITH RESPECT TO ANY SINKING FUND BONDS.
(P) "SPECIAL DEBT SERVICE FUND" SHALL MEAN THE FUND WHICH IS HELD BY THE STATE COMPTROLLER AND IS DESCRIBED AND PROVIDED FOR IN SECTION NINE HUNDRED SEVENTY-ONE-E OF THIS ARTICLE.
(Q) "STATE AID" SHALL MEAN ALL AID AND INCENTIVES FOR MUNICIPALITIES PURSUANT TO SECTION FIFTY-FOUR OF THE STATE FINANCE LAW, ANY SUCCESSOR TYPE OF AID AND ANY NEW AID APPROPRIATED BY THE STATE AS LOCAL GOVERNMENT ASSISTANCE FOR THE BENEFIT OF THE COUNTY.
(R) "TASK FORCE" SHALL MAN THE ROCKLAND COUNTY DEFICIT REDUCTION TASK FORCE.
S 971-B. ROCKLAND COUNTY DEFICIT REDUCTION TASK FORCE. (A) THERE IS HEREBY CREATED THE ROCKLAND COUNTY DEFICIT REDUCTION TASK FORCE. THE TASK FORCE SHALL PROVIDE OVERSIGHT, MONITORING AND RECOMMENDATIONS ON THE OPERATIONS AND FINANCES OF THE COUNTY OF ROCKLAND.
(B) THE TASK FORCE SHALL CONDUCT REGULAR MEETINGS AS IT DEEMS NECESSARY TO ACCOMPLISH ITS PURPOSE.
(C) THE TASK FORCE SHALL CONTINUE ITS OVERSIGHT, MONITORING AND RECOMMENDATIONS OF THE COUNTY OF ROCKLAND UNTIL DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN. THE TASK FORCE MAY, BY MAJORITY VOTE, EXTEND THE OPERATION OF THE TASK FORCE FOR TWO YEARS. THE TASK FORCE MAY EXTEND THE

EXPIRATION EVERY TWO YEARS THEREAFTER. THE VOTE TO EXTEND FOR ADDITIONAL YEARS SHALL TAKE PLACE PRIOR TO THE EXPIRATION OF THE TASK FORCE. IN NO EVENT SHALL THE TASK FORCE EXIST UPON THE FULL REPAYMENT OF DEBT ASSOCIATED WITH THE DEFICIENCY NOTES ISSUED PURSUANT TO SECTION NINE HUNDRED SEVENTY-ONE-E OF THIS ARTICLE.

S 971-C. ADMINISTRATION. (A) THE TASK FORCE SHALL BE COMPRISED OF NINE VOTING MEMBERS TO BE APPOINTED AS FOLLOWS: FOUR MEMBERS SHALL BE APPOINTED BY THE GOVERNOR, INCLUDING ONE WHO SHALL SERVE AS CHAIRPERSON OF THE TASK FORCE, ONE MEMBER SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE, ONE MEMBER SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY, ONE MEMBER SHALL BE APPOINTED BY THE STATE COMPTROLLER, ONE MEMBER SHALL BE APPOINTED BY THE COUNTY EXECUTIVE OF ROCKLAND AND ONE MEMBER SHALL BE APPOINTED BY THE CHAIRPERSON OF THE ROCKLAND COUNTY LEGISLATURE.

(B) NO MEMBER SHALL BE AN ELECTED OFFICIAL WHILE SERVING ON THE TASK FORCE. IF A MEMBER OF THE TASK FORCE BECOMES AN ELECTED OFFICIAL AFTER THEIR APPOINTMENT, SUCH MEMBER SHALL IMMEDIATELY RESIGN.

(C) VACANCIES IN THE APPOINTED POSITIONS ON THE TASK FORCE SHALL BE FILLED IN THE SAME MANNER AS THE ORIGINAL APPOINTMENTS WERE MADE.

(D) MEMBERS OF THE TASK FORCE SHALL SERVE WITHOUT COMPENSATION BUT SHALL BE ALLOWED TO BE REIMBURSED BY THE COUNTY FOR THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES PROVIDED, HOWEVER, THAT SUCH MEMBERS ARE NOT, AT THE SAME TIME SUCH EXPENSES ARE INCURRED, PUBLIC EMPLOYEES OTHERWISE ENTITLED TO SUCH REIMBURSEMENT.

(E) THE TASK FORCE SHALL HOLD THEIR FIRST MEETING WITHIN THIRTY DAYS AFTER ALL APPOINTMENTS ARE FILLED.

(F) A MAJORITY OF THE MEMBERS OF THE TASK FORCE SHALL CONSTITUTE A QUORUM IN ORDER TO CARRY OUT ITS FUNCTIONS. ACTION MAY BE TAKEN ON THE APPROVAL OF REPORTS AND RECOMMENDATIONS WITH A MAJORITY OF MEMBERS PRESENT VOTING IN THE AFFIRMATIVE.

S 971-D. FUNCTIONS. (A) THE TASK FORCE SHALL PERFORM THE FOLLOWING FUNCTIONS:

(I) REQUIRE THE CHIEF EXECUTIVE OFFICER TO SUBMIT THE COUNTY'S TENTATIVE OR PRELIMINARY BUDGET TO THE TASK FORCE NO LATER THAN THIRTY DAYS BEFORE THE BUDGET IS TO BE ADOPTED, FOR REVIEW AND RECOMMENDATIONS.

(II) REQUIRE THE CHIEF EXECUTIVE OFFICER TO ANNUALLY PREPARE AND SUBMIT A BALANCED MULTI-YEAR FINANCIAL PLAN NO LATER THAN THIRTY DAYS BEFORE THE BUDGET IS TO BE ADOPTED, FOR REVIEW AND RECOMMENDATIONS.

(III) REQUIRE THE COUNTY TO PREPARE QUARTERLY BUDGET REPORTS AND SUBMIT SUCH REPORTS TO THE COUNTY LEGISLATURE, THE STATE DIRECTOR OF THE BUDGET, THE STATE COMPTROLLER, THE CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE, THE CHAIR OF THE SENATE FINANCE COMMITTEE AND THE TASK FORCE.

(IV) REVIEW THE COUNTY OPERATIONS AND ORGANIZATIONAL STRUCTURE AND MAKE RECOMMENDATIONS THAT WILL RESULT IN EFFICIENCIES AND SAVINGS.

(V) REVIEW THE CURRENT REVENUE SHARING ARRANGEMENT BETWEEN THE COUNTY, TOWNS AND VILLAGES AS DESCRIBED IN SECTION TWELVE HUNDRED SIXTY-TWO-L OF THE TAX LAW AND MAKE RECOMMENDATIONS BASED ON THE FINANCIAL CONDITION OF ALL AFFECTED MUNICIPALITIES, THE LEVEL OF SERVICES PROVIDED BY EACH MUNICIPALITY, REVENUE SHARING ARRANGEMENTS IN COMPARABLE COMMUNITIES AND CURRENT AND PAST AGREEMENTS ON THE COST SHARING OF SERVICES.

(VI) REVIEW THE OPERATIONS AND SERVICES OF THE COUNTY OWNED SUMMIT PARK NURSING HOME AND MAKE RECOMMENDATIONS FOR A LONG TERM PLAN THAT IS SUSTAINABLE.

(VII) REQUIRE THE COUNTY TO PREPARE A REPORT DETAILING THE AMOUNT AND CAUSE OF THE ACCUMULATED DEFICIT AND SUBMIT SUCH REPORT TO THE TASK FORCE.

(VIII) REQUIRE THE COUNTY TO SUBMIT THE ANNUAL AUDIT REPORT FOR THE LAST COMPLETED FISCAL YEAR AS SOON AS IT IS AVAILABLE.

(IX) PROHIBIT THE COUNTY FROM ISSUING BONDS FOR THE PURPOSE OF LIQUIDATING ITS DEFICIT UNTIL THE TASK FORCE HAS VERIFIED THE EXISTENCE AND AMOUNT OF THE DEFICIT.

(X) PREPARE AN ANNUAL PROGRESS REPORT ON THE COUNTY'S FINANCES, OPERATIONS AND THE NEED FOR ADDITIONAL STATE INTERVENTION AND SUBMIT SUCH REPORT TO THE STATE DIRECTOR OF THE BUDGET, THE STATE COMPTROLLER, THE CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE AND THE CHAIR OF THE SENATE FINANCE COMMITTEE NO LATER THAN DECEMBER THIRTY-FIRST OF EACH YEAR THAT THE TASK FORCE IS IN OPERATION.

(B) ALL RECOMMENDATIONS SUBMITTED TO THE COUNTY BY THE TASK FORCE SHALL BE DEEMED EFFECTIVE UNLESS THE COUNTY EXECUTIVE AND COUNTY LEGISLATURE ENACT A LOCAL LAW WITHIN FOURTEEN DAYS AFTER RECEIVING SUCH RECOMMENDATIONS FOR EACH INDIVIDUAL RECOMMENDATION THAT IT SEEKS TO REJECT AND SUCH LOCAL LAW IS APPROVED BY TWO-THIRDS OF THE COUNTY LEGISLATURE.

(C) ALL REPORTS AND RECOMMENDATIONS BY THE TASK FORCE SHALL BE MADE PUBLIC AND ACCESSIBLE.

S 971-E. DEFICIT BOND AUTHORIZATION. (A) THE COUNTY IS HEREBY AUTHORIZED TO ISSUE BONDS, SUBJECT TO THE PROVISIONS OF THIS ARTICLE, ON OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND TWELVE, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED EIGHTY MILLION DOLLARS (EXCLUSIVE OF THE COSTS AND EXPENSES INCIDENTAL TO THE ISSUANCE OF THE BONDS AUTHORIZED TO BE ISSUED BY THIS SECTION) FOR THE SPECIFIC OBJECT OR PURPOSE OF LIQUIDATING THE PROJECTED DEFICIT IN THE GENERAL FUND OF ROCKLAND COUNTY FOR THE FISCAL YEAR ENDED DECEMBER THIRTY-FIRST, TWO THOUSAND ELEVEN. IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS, DEFICIT NOTES ARE HEREBY AUTHORIZED TO BE ISSUED.

(B) THE PERIOD OF PROBABLE USEFULNESS SHALL BE TEN YEARS, COMPUTED FROM THE DATE OF SUCH DEFICIT BONDS OR FROM THE DATE OF THE FIRST DEFICIT NOTES, WHICHEVER DATE IS EARLIER. SUCH DEFICIT BONDS AND DEFICIT NOTES SHALL BE GENERAL OBLIGATIONS OF THE COUNTY, TO WHICH THE FAITH AND CREDIT OF THE COUNTY IS PLEDGED, AND THE COUNTY SHALL MAKE AN ANNUAL APPROPRIATION SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON SUCH OBLIGATIONS AS THE SAME SHALL BECOME DUE.

(C) NO DEFICIT BONDS MAY BE ISSUED UNTIL THE TASK FORCE REVIEWS AND CONFIRMS THE EXISTENCE OF THE DEFICITS DESCRIBED IN SUBDIVISION (A) OF THIS SECTION. THE TASK FORCE SHALL CERTIFY THAT THE AMOUNT OF THE DEFICIT IS NO LESS THAN THE AMOUNT SET FORTH IN SUBDIVISION (A) OF THIS SECTION.

(D) DEFICIT BONDS MAY NOT BE ISSUED IN AN AMOUNT EXCEEDING THE AMOUNT SET FORTH IN SUBDIVISION (A) OF THIS SECTION. IF THE COUNTY ISSUES DEFICIT NOTES PRIOR TO A DETERMINATION BY THE TASK FORCE PURSUANT TO SUBDIVISION (C) OF THIS SECTION IN AN AMOUNT IN EXCESS OF THE AMOUNT SET FORTH IN SUBDIVISION (A) OF THIS SECTION, THE COUNTY SHALL, FROM FUNDS OTHER THAN PROCEEDS OF BONDS OR BOND ANTICIPATION NOTES, EITHER REDEEM SUCH DEFICIT NOTES IN THE AMOUNT BY WITH THE AMOUNT OF SUCH DEFICIT NOTES EXCEEDS THE AMOUNT OF SUCH DEFICITS AS CONFIRMED BY THE TASK FORCE OR DEPOSIT A SUM EQUAL TO THE AMOUNT BY WHICH SUCH DEFICIT NOTES EXCEED THE AMOUNT OF SUCH DEFICITS AS CONFIRMED BY THE TASK FORCE INTO THE SPECIAL DEBT SERVICE FUND.

(E) TO FACILITATE THE MARKETING OF DEFICIT BONDS, ANY BONDS ISSUED TO REFUND SUCH DEFICIT BONDS, AND ANY OTHER BONDS TO BE ISSUED ON OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND TWELVE, THE COUNTY MAY, NOTWITHSTANDING ANY LIMITATION ON THE PRIVATE SALES OF BONDS PROVIDED BY LAW

AND SUBJECT TO THE APPROVAL OF THE STATE COMPTROLLER OF THE TERMS AND CONDITIONS OF SUCH SALES: (I) ARRANGE FOR THE UNDERWRITING OF SUCH BONDS AT PRIVATE SALE THROUGH NEGOTIATED FEES OR BY SALE OF SUCH BONDS TO AN UNDERWRITER; OR (II) ARRANGE FOR THE PRIVATE SALE OF SUCH BONDS THROUGH NEGOTIATED AGREEMENT, WITH COMPENSATION FOR SUCH SALES TO BE PROVIDED BY NEGOTIATED AGREEMENT AND/OR NEGOTIATED FEE, IF REQUIRED. THE COST OF SUCH UNDERWRITING OR PRIVATE PLACEMENT SHALL BE DEEMED TO BE A PRELIMINARY COST FOR PURPOSES OF SECTION 11.00 OF THE LOCAL FINANCE LAW.

(F) EXCEPT AS PROVIDED IN THIS ARTICLE, ALL PROCEEDINGS IN CONNECTION WITH THE ISSUANCE OF SUCH DEFICIT BONDS OR DEFICIT NOTES SHALL BE HAD AND TAKEN IN ACCORDANCE WITH THE PROVISIONS OF THE LOCAL FINANCE LAW, PROVIDED, HOWEVER, THAT ANY RESOLUTION OR RESOLUTIONS AUTHORIZING THE ISSUANCE OF SUCH BONDS OR BOND ANTICIPATION NOTES SHALL NOT BE SUBJECT TO (I) ANY MANDATORY OR PERMISSIVE REFERENDUM, (II) THE PROVISIONS OF SECTION 107.00 OF THE LOCAL FINANCE LAW WITH RESPECT TO ANY REQUIREMENTS FOR A DOWN PAYMENT, AND (III) THE PROVISIONS OF SECTION 10.10 OF THE LOCAL FINANCE LAW.

(G) THE COUNTY LEGISLATURE, UPON THE ISSUANCE OF ANY DEFICIT BONDS OR DEFICIT NOTES SHALL ESTABLISH AND THEREAFTER MAINTAIN A SPECIAL DEBT SERVICE FUND WITH THE STATE COMPTROLLER FOR THE PURPOSE OF PAYING THE SPECIAL DEBT SERVICE DUE OR BECOMING DUE IN SUBSEQUENT FISCAL YEARS.

(I) THE SPECIAL DEBT SERVICE FUND SHALL BE DISCONTINUED UPON THE REPAYMENT OF ALL DEBT ISSUED PURSUANT TO THIS ARTICLE, AND ANY BALANCE REMAINING IN THE SPECIAL DEBT SERVICE FUND AT THAT TIME SHALL BE PAID BY THE STATE COMPTROLLER TO THE COUNTY EXECUTIVE FOR USE BY THE COUNTY.

(II) THE STATE COMPTROLLER SHALL DEPOSIT AND PAY INTO THE SPECIAL DEBT SERVICE FUND ANY PORTION OF STATE AID AS THE STATE COMPTROLLER DETERMINES NECESSARY TO ENSURE SUFFICIENT MONEYS ARE AVAILABLE TO MAKE SCHEDULED SPECIAL DEBT SERVICE PAYMENTS FROM THE SPECIAL DEBT SERVICE FUND OVER THE SUCCEEDING TWELVE MONTH PERIOD TAKING ACCOUNT OF THE COUNTY'S RECEIPT OF COUNTY TAXES AND STATE AID DURING SUCH TWELVE MONTH PERIOD AND THE AVAILABILITY OF OTHER AMOUNTS APPROPRIATED OR SET ASIDE BY THE COUNTY TO MAKE SUCH PAYMENTS. THEREAFTER, THE STATE COMPTROLLER SHALL, AS SOON AS PRACTICABLE, PAY OVER THE REMAINDER OF ANY SUCH STATE AID TO THE COUNTY EXECUTIVE FOR USE BY THE COUNTY IN THE MANNER PROVIDED BY LAW.

(III) NOT LATER THAN THE FIRST DAY OF EACH FISCAL YEAR BEGINNING AFTER ISSUANCE OF ANY DEFICIT BONDS OR DEFICIT NOTES, THE COUNTY EXECUTIVE SHALL CERTIFY TO THE STATE COMPTROLLER THE PERCENTAGE OBTAINED BY DIVIDING THE BALANCE OBTAINED BY SUBTRACTING THE AMOUNT OF THE APPROPRIATION FOR SUCH YEAR FOR A RESERVE FOR UNCOLLECTED TAXES FROM THE TOTAL AMOUNT OF COUNTY TAXES LEVIED AND ASSESSED FOR SUCH YEAR, INTO THE TOTAL APPROPRIATION IN THE BUDGET OF SUCH YEAR FOR SPECIAL DEBT SERVICE, AND THE PERCENTAGE SO CERTIFIED SHALL CONSTITUTE THE DEBT SERVICE PERCENTAGE FOR SUCH FISCAL YEAR. IMMEDIATELY UPON RECEIPT OF ANY PAYMENT DURING SUCH FISCAL YEAR OF OR ON ACCOUNT OF ANY COUNTY TAXES, THE COUNTY, ITS COLLECTING OFFICER AND ANY AGENT RECEIVING THE SAME SHALL REMIT SUCH PAYMENT TO THE STATE COMPTROLLER. OF EACH SUM SO RECEIVED, THE STATE COMPTROLLER SHALL DEPOSIT AND PAY INTO THE SPECIAL DEBT SERVICE FUND THE PORTION THEREOF EQUAL TO THE DEBT SERVICE PERCENTAGE OF THE TOTAL SUM, AND SHALL DEPOSIT AND PAY INTO THE FUND SUCH ADDITIONAL AMOUNTS AS THE STATE COMPTROLLER DETERMINES NECESSARY TO ENSURE SUFFICIENT MONEYS ARE AVAILABLE TO MAKE SCHEDULED SPECIAL DEBT SERVICE PAYMENTS FROM THE SPECIAL DEBT SERVICE FUND OVER THE SUCCEEDING TWELVE MONTH PERIOD TAKING ACCOUNT OF THE TIMING OF THE COUNTY'S RECEIPT OF COUNTY TAXES AND STATE AID DURING SUCH TWELVE MONTH PERIOD AND THE AVAILABILITY OF OTHER

AMOUNTS APPROPRIATED OR SET ASIDE BY THE COUNTY TO MAKE SUCH PAYMENTS. THEREAFTER, THE STATE COMPTROLLER SHALL, AS SOON AS PRACTICABLE, PAY OVER THE REMAINDER OF SUCH SUM TO THE COUNTY EXECUTIVE FOR USE BY THE COUNTY IN THE MANNER PROVIDED BY LAW.

(IV) THE COUNTY EXECUTIVE SHALL DEPOSIT IN THE SPECIAL DEBT SERVICE FUND ALL MONIES COLLECTED THROUGH THE SALES TAX SURCHARGE PROVIDED BY SECTION TWELVE HUNDRED TEN OF THE TAX LAW. THE COUNTY SHALL DEPOSIT REVENUES GENERATED FROM SUCH SALES TAX SURCHARGE ON A QUARTERLY BASIS.

(V) THE STATE COMPTROLLER SHALL FROM TIME TO TIME DURING EACH FISCAL YEAR WITHDRAW FROM THE SPECIAL DEBT SERVICE FUND ALL AMOUNTS REQUIRED FOR THE PAYMENT AS THE SAME BECOMES DUE OF ALL SPECIAL DEBT SERVICE OF SUCH FISCAL YEAR AND CAUSE THE AMOUNTS SO WITHDRAWN TO BE APPLIED TO SUCH PAYMENTS AS AND WHEN DUE.

(VI) THE SPECIAL DEBT SERVICE FUND AND ALL MONIES OR SECURITIES THEREIN OR PAYABLE THERETO IN ACCORDANCE WITH THIS SECTION IS HEREBY DECLARED TO BE COUNTY PROPERTY DEVOTED TO ESSENTIAL GOVERNMENTAL PURPOSES AND ACCORDINGLY, SHALL NOT BE APPLIED TO ANY PURPOSE OTHER THAN AS PROVIDED HEREIN AND SHALL NOT BE SUBJECT TO ANY ORDER, JUDGEMENT, LIEN, EXECUTION, ATTACHMENT, SETOFF OR COUNTERCLAIM BY ANY CREDITOR OF THE COUNTY OTHER THAN A CREDITOR FOR WHOSE BENEFIT SUCH FUND IS ESTABLISHED AND MAINTAINED AND ENTITLED THERETO UNDER AND PURSUANT TO THIS ARTICLE.

(VII) THE AGREEMENT WITH THE STATE IS AS FOLLOWS:

(1) THE STATE DOES HEREBY PLEDGE TO AND AGREE WITH THE HOLDERS OF ANY BONDS, NOTES OR OTHER OBLIGATIONS ISSUED BY THE COUNTY DURING THE EFFECTIVE PERIOD OF THIS ARTICLE AND SECURED BY SUCH A PLEDGE THAT THE STATE WILL NOT LIMIT, ALTER OR IMPAIR THE RIGHTS HEREBY VESTED IN THE COUNTY TO FULFILL THE TERMS OF ANY AGREEMENTS MADE WITH SUCH HOLDERS PURSUANT TO THIS ARTICLE, OR IN ANY WAY IMPAIR THE RIGHTS AND REMEDIES OF SUCH HOLDERS OR THE SECURITY FOR SUCH BONDS, NOTES OR OTHER OBLIGATIONS UNTIL SUCH BONDS, NOTES OR OTHER OBLIGATIONS TOGETHER WITH THE INTEREST THEREON AND ALL COSTS AND EXPENSES IN CONNECTION WITH ANY ACTION OR PROCEEDING BY OR ON BEHALF OF SUCH HOLDERS, ARE FULLY PAID AND DISCHARGED. THE COUNTY IS AUTHORIZED TO INCLUDE THIS PLEDGE AND AGREEMENT OF THE STATE IN ANY AGREEMENT WITH THE HOLDERS OF SUCH BONDS, NOTES OR OTHER OBLIGATIONS. NOTHING CONTAINED IN THIS ARTICLE SHALL BE DEEMED TO:

(A) OBLIGATE THE STATE TO MAKE ANY PAYMENTS OR IMPOSE ANY TAXES TO SATISFY THE DEBT SERVICE OBLIGATIONS OF THE COUNTY,

(B) RESTRICT ANY RIGHT OF THE STATE TO AMEND, MODIFY, REPEAL OR OTHERWISE ALTER (I) SECTION FIFTY-FOUR OF THE STATE FINANCE LAW OR ANY OTHER PROVISION RELATING TO STATE AID, OR (II) STATUTES IMPOSING OR RELATING TO TAXES OR FEES, OR APPROPRIATIONS RELATING THERETO, OR

(C) CREATE A DEBT OF THE STATE WITHIN THE MEANING OF ANY CONSTITUTIONAL OR STATUTORY PROVISIONS. THE COUNTY SHALL NOT INCLUDE IN ANY RESOLUTION, CONTRACT OR AGREEMENT WITH HOLDERS OF SUCH BONDS, NOTES OR OTHER OBLIGATIONS ANY PROVISION WHICH PROVIDES THAT AN EVENT OF DEFAULT OCCURS AS A RESULT OF THE STATE EXERCISING ITS RIGHTS DESCRIBED IN CLAUSE (B) OF THIS SUBPARAGRAPH.

(2) ANY PROVISION WITH RESPECT TO STATE AID SHALL BE DEEMED EXECUTORY ONLY TO THE EXTENT OF MONEYS AVAILABLE, AND NO LIABILITY SHALL BE INCURRED BY THE STATE BEYOND THE MONEYS AVAILABLE FOR THAT PURPOSE, AND ANY SUCH PAYMENT BY THE STATE COMPTROLLER OF STATE AID SHALL BE SUBJECT TO ANNUAL APPROPRIATION OF STATE AID BY THE STATE LEGISLATURE.

(H) IN THE EVENT THAT THE COUNTY SHALL FAIL TO COMPLY WITH ANY PROVISION OF THIS SECTION, AND SUCH NON-COMPLIANCE SHALL CONTINUE FOR A PERIOD OF THIRTY DAYS, THE STATE COMPTROLLER ACTING ALONE, OR A DULY

APPOINTED REPRESENTATIVE OF THE HOLDERS OF AT LEAST TWENTY-FIVE PER CENTUM IN AGGREGATE PRINCIPAL AMOUNT OF (I) ANY SERIES OF DEFICIT BONDS OR DEFICIT NOTES, (II) ANY SERIES OF BONDS ISSUED TO REFUND SUCH DEFICIT BONDS OF DEFICIT NOTES, OR (III) ANY OTHER SERIES OF NOTES OR BONDS ISSUED BY THE COUNTY DURING THE EFFECTIVE PERIOD OF THIS ARTICLE, BY INSTRUMENT OR INSTRUMENTS FILED IN THE OFFICE OF THE CLERK OF ROCKLAND COUNTY AND PROVED OR ACKNOWLEDGED IN THE SAME MANNER AS A DEED TO BE RECORDED, MAY BRING AN ACTION OR COMMENCE A PROCEEDING IN ACCORDANCE WITH THE CIVIL PRACTICE LAW AND RULES TO REQUIRE THE COUNTY TO CARRY OUT ANY OF ITS OBLIGATIONS UNDER THIS ARTICLE OR ENJOIN ANY ACTS OR THINGS WHICH MAY BE UNLAWFUL OR IN VIOLATION OF THE OBLIGATIONS IMPOSED ON THE COUNTY UNDER THIS ARTICLE. IN ADDITION, THE DULY APPOINTED REPRESENTATIVE OF THE BONDHOLDERS OF ANY SUCH SERIES OF NOTES OR BONDS MAY BRING AN ACTION OR COMMENCE A PROCEEDING IN ACCORDANCE WITH THE CIVIL PRACTICE LAW AND RULES TO ENFORCE THE RIGHTS OF THE HOLDERS OF SUCH SERIES OF NOTES OR BONDS. THE SUPREME COURT IN THE COUNTY OF ROCKLAND SHALL HAVE JURISDICTION OF ANY ACTION OR PROCEEDING BY THE STATE COMPTROLLER OR THE REPRESENTATIVE OF SUCH BONDHOLDERS.

(I) THE PROVISIONS OF THIS SECTION SHALL BE IN FULL EFFECT UNTIL THE FULL REPAYMENT OF ALL DEBT ASSOCIATED WITH THE ISSUANCE OF DEFICIENCY BONDS AUTHORIZED BY THIS SECTION.

S 971-F. COMPTROLLER OVERSIGHT. UPON THE EXPIRATION OF THE TASK FORCE, THE COUNTY IS REQUIRED TO:

(A) FOR EACH FISCAL YEAR AFTER THE EXPIRATION OF THE TASK FORCE, THE COUNTY EXECUTIVE SHALL MONITOR BUDGETS OF THE COUNTY AND, FOR EACH BUDGET, PREPARE A QUARTERLY REPORT OF SUMMARIZED BUDGET DATA DEPICTING OVERALL TRENDS OF ACTUAL REVENUES AND BUDGET EXPENDITURES FOR THE ENTIRE BUDGET RATHER THAN INDIVIDUAL LINE ITEMS. SUCH REPORTS SHALL COMPARE REVENUE ESTIMATES AND APPROPRIATIONS AS SET FORTH IN SUCH BUDGET WITH THE ACTUAL REVENUES AND EXPENDITURES MADE TO DATE. ALL QUARTERLY REPORTS SHALL BE ACCOMPANIED BY A RECOMMENDATION BY THE COUNTY EXECUTIVE SETTING FORTH ANY REMEDIAL ACTION NECESSARY TO RESOLVE ANY UNFAVORABLE BUDGET VARIANCE INCLUDING THE OVERESTIMATION OF REVENUES AND THE UNDERESTIMATION OF APPROPRIATIONS, AND SHALL BE COMPLETED WITHIN THIRTY DAYS OF THE END OF EACH QUARTER. THE COUNTY EXECUTIVE SHALL ALSO PREPARE, AS PART OF SUCH REPORT, A QUARTERLY TRIAL BALANCE OF GENERAL LEDGER ACCOUNTS. THE ABOVE QUARTERLY BUDGETARY REPORTS AND QUARTERLY TRIAL BALANCES SHALL BE PREPARED IN ACCORDANCE WITH APPLICABLE ACCOUNTING PRINCIPLES INCORPORATED IN THE UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED BY THE STATE COMPTROLLER. THESE REPORTS SHALL BE SUBMITTED TO THE COUNTY LEGISLATURE, THE STATE DIRECTOR OF THE BUDGET, THE STATE COMPTROLLER, THE CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE, AND THE CHAIR OF THE SENATE FINANCE COMMITTEE.

(B) FOR EACH FISCAL YEAR AFTER THE EXPIRATION OF THE TASK FORCE, THE COUNTY EXECUTIVE SHALL SUBMIT THE PROPOSED BUDGET FOR THE NEXT SUCCEEDING FISCAL YEAR TO THE STATE COMPTROLLER NO LATER THAN THIRTY DAYS BEFORE THE DATE SCHEDULED FOR THE COUNTY LEGISLATURE'S VOTE ON THE ADOPTION OF THE FINAL BUDGET OR THE LAST DATE ON WHICH THE BUDGET MAY BE FINALLY ADOPTED, WHICHEVER IS SOONER. THE STATE COMPTROLLER SHALL EXAMINE SUCH PROPOSED BUDGET AND MAKE SUCH RECOMMENDATIONS AS DEEMED APPROPRIATE THEREON TO THE COUNTY PRIOR TO THE ADOPTION OF THE BUDGET, BUT NO LATER THAN TEN DAYS BEFORE THE DATE SCHEDULED FOR THE COUNTY LEGISLATURE'S VOTE ON THE ADOPTION OF THE FINAL BUDGET OR THE LAST DATE ON WHICH THE BUDGET MUST BE ADOPTED, WHICHEVER IS SOONER. THE COUNTY LEGISLATURE, NO LATER THAN FIVE DAYS PRIOR TO THE ADOPTION OF THE BUDGET, SHALL REVIEW ANY SUCH RECOMMENDATIONS AND MAKE ADJUSTMENTS TO THE

PROPOSED BUDGET CONSISTENT WITH ANY RECOMMENDATIONS MADE BY THE STATE COMPTROLLER.

(C) FOR EACH FISCAL YEAR AFTER THE EXPIRATION OF THE TASK FORCE, THE COUNTY EXECUTIVE SHALL PREPARE, ALONG WITH THE PROPOSED BUDGET FOR THE NEXT SUCCEEDING FISCAL YEAR, A THREE-YEAR FINANCIAL PLAN COVERING THE NEXT SUCCEEDING FISCAL YEAR AND THE TWO FISCAL YEARS THEREAFTER. THE FINANCIAL PLAN SHALL, AT A MINIMUM, CONTAIN PROJECTED EMPLOYMENT LEVELS, PROJECTED ANNUAL EXPENDITURES FOR PERSONAL SERVICE, FRINGE BENEFITS, NON-PERSONAL SERVICES AND DEBIT SERVICE; APPROPRIATE RESERVE FUND AMOUNTS; ESTIMATED ANNUAL REVENUES INCLUDING PROJECTION OF PROPERTY TAX RATES, THE VALUE OF THE TAXABLE REAL PROPERTY AND RESULTING TAX LEVY, ANNUAL GROWTH IN SALES TAX AND NON-PROPERTY TAX REVENUES; AND THE PROPOSED USE OF ONE-TIME REVENUE SOURCES. THE FINANCIAL PLAN SHALL ALSO IDENTIFY ACTIONS NECESSARY TO ACHIEVE AND MAINTAIN LONG-TERM FISCAL STABILITY, INCLUDING, BUT NOT LIMITED TO, IMPROVED MANAGEMENT PRACTICES, INITIATIVES TO MINIMIZE OR REDUCE OPERATING EXPENSES, POTENTIAL SHARED SERVICES AGREEMENTS WITH OTHER MUNICIPALITIES AND OTHER BUDGETARY ACTIONS THAT REDUCES THE ACCUMULATED DEFICIT. WITHIN THIRTY DAYS FOLLOWING THE ADOPTION BY THE COUNTY LEGISLATURE OF THE BUDGET FOR THE NEXT SUCCEEDING FISCAL YEAR AND UPON THE COMPLETION OF EACH QUARTERLY BUDGET REPORT PURSUANT TO SECTION NINE HUNDRED SEVENTY-ONE-F OF THIS ARTICLE, THE COUNTY EXECUTIVE SHALL UPDATE THE FINANCIAL PLAN CONSISTENT WITH SUCH ADOPTED BUDGET OR SUCH QUARTERLY BUDGET REPORT. COPIES OF THE FINANCIAL PLAN AND ANY UPDATE SHALL BE PROVIDED TO THE COUNTY LEGISLATURE, THE STATE DIRECTOR OF THE BUDGET, THE STATE COMPTROLLER, THE CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE, AND THE CHAIR OF THE SENATE FINANCE COMMITTEE.

(D) FOR EACH FISCAL YEAR AFTER THE EXPIRATION OF THE TASK FORCE, THE CHIEF FISCAL OFFICER SHALL NOTIFY THE STATE COMPTROLLER AT LEAST FIFTEEN DAYS PRIOR TO THE ISSUANCE OF ANY BONDS OR NOTES OR ENTERING INTO ANY INSTALLMENT PURCHASE CONTRACT, AND THE STATE COMPTROLLER MAY REVIEW AND MAKE RECOMMENDATIONS REGARDING THE AFFORDABILITY TO THE COUNTY OF ANY SUCH PROPOSED ISSUANCE OR CONTRACT.

S 971-G. TERMINATION. THE PROVISIONS OF THIS ARTICLE SHALL EXPIRE AFTER FULL REPAYMENT OF ALL DEBT ASSOCIATED WITH THE ISSUANCE OF DEFICIT BONDS AUTHORIZED BY THIS ARTICLE.

S 971-H. CONSTRUCTION. (A) THE PROVISIONS OF THIS ARTICLE SHALL BE LIBERALLY CONSTRUED TO ASSIST THE EFFECTUATION OF THE PUBLIC PURPOSES FURTHERED HEREBY.

(B) IF ANY CLAUSE, SENTENCE, PARAGRAPH, SECTION OR PART OF THIS ARTICLE SHALL BE ADJUDGED 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, PARAGRAPH, SECTION OR PART INVOLVED IN THE CONTROVERSY IN WHICH SUCH JUDGMENT SHALL HAVE BEEN RENDERED.

S 2. This act shall take effect immediately and shall expire and be deemed repealed when repayment of all debt associated with the issuance of deficit bonds authorized by section one of this act shall be complete. The chairperson of the Rockland county deficit reduction task force shall notify the legislative bill drafting commission of the date of the termination of such task force in order that the commission may maintain an accurate and timely effective database of the official text of the laws of the state of New York in furtherance of effecting the provisions of section 44 of the legislative law and section 70-b of the public officers law.